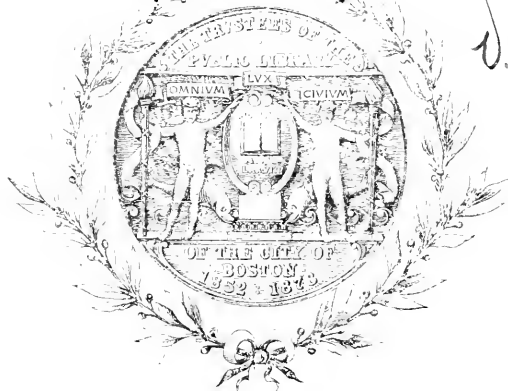




No. 9331.273<sup>a</sup> 1/5

v. 3



GIVEN BY





# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

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## HEARINGS

BEFORE A

### SPECIAL SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

EIGHTIETH CONGRESS

SECOND SESSION

PURSUANT TO

## H. Res. 111

(80th Congress)

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# CONTENTS

## LIST OF WITNESSES

	Page
Benjamin, Maurice, counsel for motion-picture companies and Association of Motion Picture Producers, Inc., Los Angeles, Calif.....	1691-1699
Bodle, George E., Hollywood, Calif., attorney for Herbert K. Sorrell.....	1870, 1872, 1911-1916, 1924-1925, 1934-1935, 1938-1941, 1948-1949, 1950-1972, 1974-1976, 1990-2018, 2024-2030, 2032-2048, 2051-2057, 2083-2091, 2096-2100, 2104-2111, 2116-2121, 2132.
Brewer, Roy M., international representative, IATSE, Los Angeles, Calif..	1746-1816, 2116-2119, 2346, 2365-2367, 2371-2375, 2420-2427, 2432-2434
Casey, Pat, former chairman of labor committee of Motion Picture Producers Association, New York, N. Y.....	1559-1576, 1586-1600
Cobb, Zach Lamar, Los Angeles, Calif., attorney for Studio Carpenters Local No. 946.....	2162-2239
Doherty, William C., vice president, American Federation of Labor....	2133-2157
Hinst, Paul, member of local 946, Brotherhood of Carpenters and Joiners of America, Los Angeles, Calif.....	1683-1691
Hutcheson, William L., general president, United Brotherhood of Carpenters and Joiners of America, Indianapolis, Ind.....	1577-1585
Levy, Matthew M., attorney for IATSE, New York, N. Y.....	1514-1558, 1605-1626, 1701-1746, 1816-1833, 2344-2365, 2367-2371, 2400-2408, 2420, 2427-2432.
Lindelof, Lawrence P., president, Brotherhood of Painters, Paperhangers and Decorators of America, Lafayette, Ind.....	1600-1605
Mulkey, George A., international representative, International Brotherhood of Electrical Workers, San Francisco, Calif.....	1627-1678
Robinson, John R., Compton, Calif, former president, District Council No. 4, Maritime Federation of the Pacific.....	2375-2398, 2408-2419, 2443-2445
Sorrell, Herbert K., president, Conference of Studio Unions; business representative, Moving Picture Painters Local No. 644.....	1837-1955, 1972-1990, 1994-1995, 1998-2001, 2004, 2012-2013, 2017-2024, 2030-2038, 2048-2053, 2056-2081, 2091-2096, 2100-2104, 2111-2115, 2121-2132.
Walsh, Richard F., president, International Alliance of Theatrical Stage Employees, New York, N. Y.....	1678-1683, 2434-2441
Zorn, Burton A., New York, N. Y., counsel for the motion-picture producers.....	2241-2344, 2399-2400

## INDEX

Advertisements in Variety, by Walt Disney, to his employees on strike, and their reply.....	1913-1914
Affidavit of (or excerpts from)—	
Bien, Paul W.....	2338
Coffey, John L.....	2338
Fadiman, William J.....	2338
Glover, Walter.....	2340
Henshaw, William J.....	2332
Jones, Raymond E.....	2334
Karp, Jacob H.....	2333
Kraushaar, Corrine.....	2335
Maehl, August A.....	2334

	Page
Affidavit of (or excerpts from)—Continued	
Pinkham, George W.-----	2333
Richards, Georjean-----	2336
Ritchie, Robert-----	2333
Rosen, Arthur-----	2332
Vance, Luis-----	2335
Warner, Helen-----	2335
Wheelwright, Ralph F.-----	2337
Zimmerman, Rex L., relative to how M-G-M bought up entire Culver City police force (article from Hollywood Sun)-----	2159-2161
A. F. of L. executive council, minutes (or excerpts from minutes) of meet- ing of—	
April 21-25, 1947, at Washington, D. C.-----	2146-2149
April 30-May 8, 1945, at Washington, D. C.-----	2362
August 6-14, 1945, at Chicago, Ill.-----	2362-2364
August 15, 1946, at Chicago, Ill.-----	2139-2146
August 16, 1946, at Chicago, Ill.-----	2148
May 15-22, 1946, Washington, D. C.-----	2136-2139
October 15-24, 1945, at Cincinnati, Ohio-----	2364
A. F. of L. three-man committee:	
Report of, after investigation of Hollywood disputes (Cobb ex- hibit H)-----	2193-2194
Testimony of machinists' representatives before, excerpts from-----	2149, 2150-2151, 2152
Agreement between carpenters and major producing companies, effective July 2, 1946, known as the treaty of Beverly Hills (Cobb exhibit D)---	2186-2188
Agreement between grips' local 80 and carpenters' local 946 relative to dis- tribution of work, effective November 13, 1945 (Cobb exhibit G)-----	2192
Agreement between producers and IATSE, effective August 15, 1947. (Cobb exhibit Q)-----	2198-2200
Agreement between unions and Independent Motion Picture Producers Association, effective June 29, 1946 (Cobb exhibit E)-----	2189-2190
Agreement between unions and major companies relative to closed shop (Cobb exhibit C)-----	2186
Agreement of February 5, 1925, between U. B. of C. and J. of A. and IATSE relative to distribution of work (excerpt from Cobb exhibit H)---	1592
Agreement of January 15, 1948, for jurisdictional settlement between local 40, IBEW, and local 695, IATSE-----	1632-1634
Agreement of July 9, 1921, between U. B. of C. and J. of A. and IATSE rela- tive to distribution of work (Cobb exhibit A)-----	2184
Agreements not indexed above, <i>see</i> Contract, or under name of organi- zation.	
American-Soviet Friendship, Congress of, excerpts from reports of-----	1606, 1924-1925
Application of IATSE to NLRB for certification as bargaining agent (Cobb exhibit P)-----	2198
Articles or editorials in magazines or newspapers, or excerpts from:	
Chicago Tribune-----	2105
Commonweal-----	1968, 1969, 1971
Daily People's World-----	1619, 1620, 1621, 1623, 1832-1833, 1963, 1964, 2026
Flashes (official publication of film technicians)-----	1764, 1765, 1766
Hollywood Citizen-News-----	1622, 1916
Hollywood Reporter-----	2350
Hollywood Sun-----	2025, 2026, 2159-2161
Los Angeles Daily News-----	1621, 1959-1961, 2105, 2351
Los Angeles Herald-Express-----	1993-1994, 2105
Los Angeles Times-----	1933, 1994, 2323-2331
Picket Line (circular publication issued by the Conference of Studio Unions)-----	1624, 1625, 2344-2345
Tidings (official paper of the archdiocese of Los Angeles)-----	1971-1972, 2304
Variety-----	1911-1912, 1913, 1914, 1996-1997, 2000-2018, 2027-2029, 2092, 2347-2350, 2352, 2433
Attendance at school, church, and the movies, data on-----	1586
Award of NLRB arbitrator in case involving major motion-picture pro- ducers and screen set designers, etc-----	2040-2047



	Page
Basic studio agreement between unions and major companies, effective November 26, 1926 (Cobb exhibit B).....	2184-2186
Benjamin, Maurice, statement and testimony of.....	1691-1699
Bodle, George E., statement of and testimony of.....	1870, 1872, 1911-1916, 1924-1925, 1934-1935, 1938-1941, 1948-1949, 1959- 1972, 1974-1976, 1990-2018, 2024-2030, 2032-2048, 2051-2057, 2083- 2091, 2096-2100, 2104-2111, 2116-2121, 2132.
Boren, Charles, telegram to Burton A. Zorn showing contractual history between producers and painters and set decorators.....	2308-2310
Brewer, Roy M.:	
Statement and testimony of.....	1746-1816, 2346, 2365-2367, 2371-2375, 2420-2427, 2432-2434
Testimony at Los Angeles hearings, excerpts from.....	2116-2119
Broadened scope of hearing, statement relative to, by—	
Kearns, Hon. Carroll D., chairman of the special subcommittee.....	1537
Landis, Hon. Gerald W., acting chairman of the House Committee on Education and Labor.....	1537
Browne, George E., president, IATSE, excerpts from report of, to 1940 IATSE convention.....	2029-2030
Bylaws of Cinema Lodge 1185, IAM, excerpt from article XI, section 3.....	1513
California Assembly Committee on Governmental Efficiency and Economy, excerpts from report of the.....	1710, 1711, 1713, 1714, 1716-1717, 1718
Carpenters local 946. (See Motion Picture Studio Carpenters, etc.)	
Casey, Pat, statement and testimony of.....	1559-1576, 1586-1600
Central Labor Council of Los Angeles, ultimatum of April 18, 1946, from group of A. F. of L. unions to.....	1720
Charges filed before National Labor Relations Board on behalf of individual members of carpenters' local 946 against major motion-picture producers and IATSE.....	2165-2183
Dismissal of above charges, excerpts from.....	2201, 2202
Cincinnati agreement, excerpt from.....	2174
Cinema Lodge 1185, IAM, excerpt from article XI, section 3, bylaws of.....	1513
Clarification of December decision (Cobb exhibit I).....	2194-2195
Closed-shop agreement between unions and major producing companies, effective January 2, 1936 (Cobb exhibit C).....	2186
Cobb, Zach Lamar:	
Charges filed before National Labor Relations Board on behalf of individual members of carpenters' local 946 against major motion-picture producers and IATSE.....	2165-2183
Dismissal of above charges, excerpts from.....	2201, 2202
Exhibit A—Agreement of July 9, 1921, between U. B. of C. and J. of A. and IATSE relative to distribution of work.....	2184
Exhibit B—Original basic studio agreement and rules of procedure between unions and major companies, effective November 29, 1926.....	2184-2186
Exhibit C—Closed-shop agreement between unions and major companies, effective January 2, 1936.....	2186
Exhibit D—Interim agreement between carpenters and major companies, effective July 2, 1946, known as the treaty of Beverly Hills.....	2186-2188
Exhibit E—Interim agreement between unions and Independent Motion Picture Producers Association, effective June 29, 1946.....	2189-2190
Exhibit F—Letter to all former studio employees from Richard F. Walsh, international president, IATSE, relative to their returning to work.....	2190-2192
Exhibit G—Agreement between grips' local 80 and carpenters' local 946 relative to distribution of work, effective November 13, 1945.....	2192
Exhibit H—Report of A. F. of L. three-man committee after investigation of Hollywood disputes.....	2193-2194
Exhibit I—Clarification of December decision.....	2194-2195
Exhibit J—Letter to Richard F. Walsh from William Green relative to clarification.....	2195
Exhibit K—Emergency working card issued by IATSE local 468 to Elzyn Snow.....	2195-2196
Exhibit L—Letter to Richard F. Walsh from William Green, transmitting copy of clarification.....	2196

	Page
Cobb, Zach Lamar—Continued	
Charges filed before NLRB, etc.—Continued	
Exhibit M—Letter to Association of Motion Picture Producers from Richard F. Walsh, transmitting copy of clarification.....	2196
Exhibit N—Letter to all Hollywood IATSE locals and members from Richard F. Walsh relative to anticipated lock-out.....	2197
Exhibit O—Letter to members of grips' local 80 from James L. Noblitt, recording secretary, IATSE, relative to cessation of service to independent studios.....	2197
Exhibit P—Application of IATSE to NLRB for certification as bargaining agent.....	2198
Exhibit Q—Agreement between producers and IATSE, effective August 15, 1947.....	2198-2200
Statement and testimony of.....	2162-2239
Committee appointed by Archbishop Cantwell of Los Angeles, excerpt from report of the.....	1971-1972
Committee on Governmental Efficiency and Economy, California Assembly, excerpts from report of the.....	1710, 1711, 1713, 1714, 1716-1717, 1718
Communist affiliations of Herbert K. Sorrell, information from files of House Committee on Un-American Activities relative to... 2360-2361, 2365-2370	
Communist-controlled organizations referred to in report of Fact-Finding Committee on Un-American Activities in California. ( <i>See</i> Fact-Finding Committee, etc.)	
Conference of Studio Unions:	
Dossier of action taken by, on matters promoted or opposed by the Communist Party, from August 12, 1942, to September 5, 1946, excerpt from.....	1621-1622
Message to studio workers issued in February 1946 by group of A. F. of L. unions relative to strike called by.....	1718-1719
Proposed plan for settlement of jurisdictional disputes submitted by, to Pat Casey, excerpts from.....	2006
Congress of American-Soviet Friendship, excerpts from reports of... 1606, 1924-1925	
Contract (1942) between Society of Motion Picture Interior Decorators, etc., and producers, excerpts from.....	2033
Contracts not indexed above, <i>see</i> Agreements, or under name of organization.	
Contractual history between producers and painters and set decorators, telegram from Charles Boren to Burton A. Zorn showing.....	2308-2310
Data on attendance at school, church, and the movies.....	1586
Definition of "strike," from Public Law 101 of 1947.....	2304
Dismissal of charges filed before NLRB on behalf of—	
A group of individuals against IATSE, IAM, and other unions, excerpts from.....	2265
Individual members of carpenters' local 946 against major motion-picture producers and IATSE, excerpts from.....	2201, 2202
Disney, Walt ( <i>see also</i> Walt Disney Productions):	
Advertisements in <i>Variety</i> , to his employees on strike, and their reply.....	1913-1914
Testimony before Congressional Committee on Un-American Activities, in October 1947, excerpts from.....	1722-1724, 1743-1744
Doherty, William C., statement and testimony of.....	2133-2157
Dossier of action taken by Conference of Studio Unions on matters promoted or opposed by the Communist Party, from August 12, 1942, to September 5, 1946, excerpt from.....	1621-1622
Dunne, Father George H., of Loyola University:	
Article in <i>Commonweal</i> .....	1968, 1969-1971
Testimony at hearings in Los Angeles, excerpt from.....	1964-1968
Editorials or articles in magazines or newspapers, or excerpts from. ( <i>See</i> Articles or editorials, etc.)	
Emergency working card issued by IATSE local 468 to Elzsyn Snow (Cobb exhibit K).....	2195-2196
Excerpts from magazine or newspaper articles or editorials. ( <i>See</i> Articles or editorials, etc.)	
Excerpts from minutes of meetings. ( <i>See</i> Minutes of, etc.; <i>also</i> under name of organizations.)	
Excerpts from testimony of witnesses at earlier hearings. ( <i>See</i> under name of witness.)	

Excerpts not indexed above, *see* under principal classification.

Exhibits. (*See* Cobb.)

Fact-Finding Committee on Un-American Activities in California :	
Communist-controlled organizations referred to in report :	Page
American Youth for Democracy-----	1556
Labor's Non-Partisan League-----	1551
League of American Writers-----	1626
Motion Picture Democratic Committee-----	1549
National Federation for Constitutional Liberties, Southern California Branch-----	1553, 1555
United American Spanish Aid Committee-----	1555
Excerpts from report of the-----	1549-1557
Testimony of Howard Rushmore before the, excerpts from-----	1625-1626
Federal Bureau of Investigation, report from the, relative to signatures of Herbert K. Sorrell-----	2280
Freed, Emil, Communist Party candidate for Congress from Fifteenth Congressional District of California, record of-----	1552
Grips' local 80, agreement with carpenters' local 946 relative to distribution of work, effective November 13, 1945 (Cobb exhibit G)-----	2192
Harris, John, excerpt from testimony of, before Committee on Un-American Activities in California-----	2407
Hinst, Paul, statement and testimony of-----	1683-1691
Honor certificate issued to John R. Robinson by Marine Engineers Beneficial Association-----	2381
How M-G-M Bought Up Entire Culver City Police Force (article from Hollywood Sun and affidavit of Rex L. Zimmerman, former police officer)-----	2159-2161
Hutcheson, William L., statement and testimony of-----	1577-1585
Hynes, Capt. William F., excerpts from testimony of, before Committee on Un-American Activities in California-----	2400-2404
Independent motion-picture companies, list of-----	2171-2172
IBEW, local 40, jurisdictional agreement with IATSE local 695, effective January 15, 1948-----	1632-1634
Independent Motion Picture Producers Association, interim agreement with unions, effective June 29, 1946 (Cobb exhibit E)-----	2189-2190
Informational Bulletin No. 1, issued by IATSE, excerpt from-----	1558
Information from files of House Committee on Un-American Activities relative to Communist affiliations of Herbert K. Sorrell-----	2360-2361, 2365-2370
Instructions to department heads, excerpts from-----	2178
Intercity telephone conference. ( <i>See</i> Telephone conference, etc.)	
Interim agreement between carpenters and major producing companies, effective July 2, 1946, known as the treaty of Beverly Hills (Cobb exhibit D)-----	2186-2188
Interim agreement between unions and Independent Motion Picture Producers Association, effective June 29, 1946 (Cobb exhibit E)-----	2189-2190
Intermediate report of NLRB in hearing involving producers and Lodge 1185, IAM, excerpts from-----	2083-2090
International Alliance of Theatrical Stage Employees, etc.:	
Agreement of February 5, 1925, with U. B. of C. and J. of A. relative to distribution of work (excerpt from Cobb exhibit H)-----	1592
Agreement with producers, effective August 15, 1947 (Cobb exhibit Q)-----	2198-2200
Application to NLRB for certification as bargaining agent (Cobb exhibit P)-----	2198
Charges filed before National Labor Relations Board against, on behalf of individual members of carpenters' local 946-----	2165-2183
Dismissal of charges, excerpts from-----	2201, 2202
Informational Bulletin No. 1, excerpt from-----	1558
Jurisdictional settlement agreement of January 15, 1948, with local 40, IBEW-----	1632-1634
Letter to members of local 80 from James L. Noblitt, recording secretary, relative to cessation of service at independent studios (Cobb exhibit O)-----	2197
Report of President George E. Browne to 1940 IATSE convention, excerpts from-----	2029-2030
Resolution presented to 1940 convention-----	1870
Statement of general executive board to 1945 convention-----	2352-2355

	Page
Jurisdictional agreement of January 15, 1948, between local 40, IBEW, and local 695, IATSE.....	1632-1634
Kearns, Hon. Carroll D., chairman of the special subcommittee, statement relative to—	
Broadened scope of hearing.....	1537
Reason for additional hearings in Washington, excerpts from.....	1515, 1518
Resumption of hearings.....	2241
Kibre, Jeff, report of, to—	
CIO officials, excerpts from.....	1750, 1751, 1752, 1753
Goldblatt, Louis, secretary of the State CIO, excerpts from.....	1756, 1757, 1766
Reed, Bob, of Actors Equity, excerpts from.....	1754, 1755, 1756
Landis, Hon. Gerald W., acting chairman of the House Committee on Education and Labor, statement relative to broadened scope of hearing..	1537
Levy, Matthew M., statement and testimony of.....	1514-1558, 1605-1626, 1701-1746, 1816-1833, 2344-2365, 2367-2371, 2400-2408, 2420, 2427-2432.
Lindelof, Lawrence P., statement and testimony of.....	1600-1605
List of independent motion-picture companies.....	2171-2172
List of major motion-picture production companies.....	2170-2171
Letters and telegrams to—	
Actors who passed through picket lines, from Pomona Valley Central Labor Council, excerpt from.....	2347
All former studio employees, from Richard F. Walsh (Cobb exhibit F).....	2190-2192
All Hollywood IATSE locals and members, from Richard F. Walsh (Cobb exhibit N).....	2197
Association of Motion Picture Producers, from Richard F. Walsh (Cobb exhibit M).....	2196
Bioff, William, personal representative of IATSE International President George E. Browne, from George E. Browne and other international officers.....	2029-2030
Casey, Pat, from William L. Hutcheson.....	1520-1521
Cobb, Zach Lamar, from—	
NLRB regional director at Los Angeles, Calif.....	2201, 2202
Thomas, Earl E., secretary, Los Angeles County District Council of Carpenters.....	1837
Davis, William H., chairman, NLRB, from Herbert K. Sorrell.....	2039
Denham, Robert N., general counsel, NLRB, from Zach Lamar Cobb.....	2203-2204
Ellsworth, Ted, from Roy M. Brewer.....	2103-2104
Green, Gene L., Director, Division of Disputes, Tenth Regional War Labor Board, from Herbert K. Sorrell.....	2037
Green, William, president, American Federation of Labor, from—	
Duffy, Frank, general secretary, U. B. of C. and J. of A.....	2146
Lindelof, Lawrence P.....	1939-1941
Nelson, Donald M., president, Society of Motion Picture Producers.....	2101-2102
Shea, Thomas J., assistant international president, IATSE.....	1533
Walsh, Richard F.....	1524-1527, 1528-1531
Hartley, Hon. Fred A., Jr., from—	
Tenney, Senator Jack D., of California Legislature.....	1542, 1544
Walsh, Richard F.....	1540, 1702
Hudson, Roy, trade-union secretary of the Communist Party in New York, from Mac Weiss, acting State assistant secretary of the Communist Party in Ohio, excerpts from.....	1758
Hutcheson, William L., from Felix H. Knight.....	2135
Johnston, Eric, president, Motion Picture Association of America, from William L. Hutcheson.....	1523
Kearns, Hon. Carroll D., chairman of the special subcommittee, from—	
Benjamin, Maurice B.....	2161
Bruno, Dominic L., assistant technical director, Eagle-Lion Studio.....	2421
Ellsworth, Ted, business representative, Motion Picture Costumers Local No. 705, IATSE.....	1835-1836
Independent Make-up Artists and Hair Stylists Guild.....	1958
Levy, Matthew M., or excerpts from.....	134, 1535, 1545, 1546, 1547, 1548, 1549, 1709, 1829-1832

## Letters and telegrams to—Continued

	Page
Kearns, Hon. Carroll D., chairman, from—Continued	
Lessing, Gunther R., vice president and general counsel, Walt Disney Productions	2114
Membership of Local 63-A	1958
Screen Publicists Guild, Local 1489, and Mr. Brewer's reply to Guild	1958
Tenney, Senator Jack B., of California Legislature	2223
Walsh, Richard F.	1957
Knight, Felix H., vice president, A. F. of L.; chairman, three-man committee, from William L. Hutcheson	2135
Komaroff, Michael, representing a group of individuals, from Howard F. LeBaron, regional director, NLRB	2265
Lambert, Walter, State trade-union director and Communist Party official in San Francisco, Calif., from—	
Hudson, Roy	1758-1759
Kibre, Jeff, excerpts from	1759, 1760
Landis, Hon. Gerald W., from undisclosed writer, excerpts from	2121, 2123
Lessing, Gunther, vice president and general counsel, Walt Disney Productions, from Herbert K. Sorrell, excerpt from	2019
Levy, Matthew M., from Michael G. Luddy, counsel for IATSE	2400
Lindelof, Lawrence P., from—	
Green, William	1938
Sorrell, Herbert K.	2038
Local Union 644 of the Brotherhood of Painters, from major motion-picture producers	2291
Loew's, Inc., from Stewart Meacham, LRB regional director, Los Angeles, Calif.	2267
McCann, Irving G., general counsel to the committee, from L. P. Lindelof, enclosing correspondence with Thomas Ranford	1836
Member of grips' local 80, IATSE, from James L. Noblitt, recording secretary (Cobb exhibit O)	2197
Motion-picture producers, from Pat Casey	2290-2291
Mussa, Ed, business representative, screen set designers' local 1421, from William H. Davis	2039
Nelson, Donald, president, Society of Motion Picture Producers, from the Conference of Studio Unions	2102
Owens, Hon. Thomas L., from John R. Robinson	2375
Pestana & Esterman, from Robert N. Denham, NLRB general counsel	2267
Pomona Valley Central Labor Council, from William Green	2347
Screen Publicists Guild, from Roy M. Brewer	1959
Society of Motion Picture Art Directors, etc., from members of CSU, etc.	2092
Sorrell, Herbert K., from—	
Brown, George T., of National Labor Relations Board	2037
Casey, Pat	2285, 2286
Green, Gene L.	2036, 2038, 2039
Mangold, Vernon K., recording secretary, painters' local 644	1888
Nelson, Donald	2102
Preston, Lewis B.	2103
Tongue, Thomas H., NLRB arbitrator in dispute	2040
Weitzman, Bernard, of National War Labor Board	2037
Thomas, Hon. J. Parnell, chairman of the House Committee on Un-American Activities, from Roy M. Brewer, international representative of IATSE	1618
Tindall, Roy, business manager, local 40, IBEW, from Felix H. Knight	1629
Walsh, Richard F., from—	
Green, William	1523, 1527, 1532, 1816, 2195, 2196
Hartley, Hon. Fred A., Jr.	1541, 1702
Kearns, Hon. Carroll D., excerpts from, stating reason for additional hearings	1515
Zorn, Burton A., from Charles Boren, showing contractual history between producers and painters and set decorators	2308-2310
Machinists' representatives' testimony before three-man A. F. of L. committee, excerpts from	2149, 2150-2151, 2152

	Page
Magazine or newspaper articles or editorials, or excerpts from. (See Articles or editorials, etc.)	
Major motion-picture producers, charges filed before National Labor Relations Board against, on behalf of individual members of carpenters' local 946-----	2165-2183
Dismissal of above charges, excerpts from-----	2201, 2202
Major motion-picture production companies, list of-----	2170-2171
Manifesto of the World Labor Conference, excerpt from-----	1622
Message to studio workers issued in February 1946 by group of A. F. of L. unions relative to strike called by CSU-----	1718-1719
Meetings, minutes of. (See Minutes of, etc.; also under name of organizations.)	
Meyer, Fred, studio executive, Twentieth Century-Fox Film Corp., excerpts from testimony at Los Angeles hearing-----	2106
Minutes, excerpts from. (See under name of organization.)	
Minutes of meeting of—	
Labor relations managers, on—	
February 21, 1945, with unit managers' committee-----	2313-2314
February 27, 1945, with business agents of locals 44, 80, and 728, and Carl Cooper-----	2315-2318
February 28, 1945, with "Cappy" DuVal-----	2318-2319
March 5, 1945-----	2319
March 6, 1945-----	2320-2321
Producers' labor committee on—	
February 15, 1945-----	2313
July 2, 1946, with union representatives (treaty of Beverly Hills)-----	2187-2188
September 12, 1946, excerpts from-----	2074, 2076
Studio executives and labor relations managers, March 12, 1945-----	2321
Motion Picture Studio Carpenters' Local 946:	
Agreement with grips' local 80 relative to distribution of work, effective November 13, 1945 (Cobb exhibit G)-----	2192
Agreement with major producing companies, effective July 2, 1946, known as the treaty of Beverly Hills (Cobb exhibit D)-----	2186-2188
Charges filed before National Labor Relations Board on behalf of individual members against major motion-picture producers and IATSE-----	2165-2183
Dismissal of above charges, excerpts from-----	2201, 2202
Moving Picture Painters Union, Local No. 644, minutes of—	
Regular meeting of—	
May 19, 1941, excerpts from-----	1879
November 17, 1947, excerpt from-----	1990
Special meeting of—	
October 26, 1947, excerpt from-----	1976
September 21, 1947-----	1974-1975
Mulkey, George A., statement and testimony-----	1627-1678
National Labor Relations Board:	
Application of IATSE to, for certification as bargaining agent (Cobb exhibit P)-----	2198
Award of arbitrator in case involving major motion-picture producers and screen-set designers, etc-----	2040-2047
Charges filed before, on behalf of individual members of carpenters' local 946 against major motion-picture producers and IATSE--	2165-2183
Dismissal of above charges, excerpts from-----	2201, 2202
Intermediate report in hearing involving producers and Lodge 1185, IAM, excerpts from-----	2083-2090
Report of regional director on challenge of ballots cast in screen-set designers' election of May 7, 1945, excerpts from-----	2053-2055, 2056-2057
Newspaper or magazine articles or editorials, or excerpts from. (See Articles or editorials, etc.)	
Original basic studio agreement and rules of procedure between unions and major companies, effective Nov. 26, 1926 (Cobb exhibit B)-----	2184-2186
Press release issued by Walt Disney Productions, denying charges made by Herb Sorrell-----	2114-2115
Producers' 1942 contract with Society of Motion Picture Interior Decorators, etc., excerpts from-----	2033

Proposed plan for settlement of jurisdictional disputes, submitted by CSU to Pat Casey, excerpts from.....	Page 2096
Public Law 101 of 1947, definition of "strike," from.....	2304
Recommendations of Reverends Delvin and Coogan relative to settlement of strike, excerpts from Tidings.....	2304
Record of Emil Freed, Communist Party candidate for Congress from Fifteenth Congressional District of California.....	1552
Report of three-man A. F. of L. committee after investigation of Hollywood disputes (Cobb exhibit H).....	2193-2194
Reports, or excerpts from. ( <i>See</i> name of organization or individual.)	
Resolution adopted January 4, 1945, by Tenth Regional War Labor Board...	2039
Resolution No. 60, adopted by carpenters' convention, April 22, 1946, and excerpts from transcript of convention discussion thereon....	1822, 1823-1827
Resolution presented to 1940 IATSE convention.....	1870
Robinson, John R.:	
Honor certificate issued to, by Marine Engineers Beneficial Association.....	2381
Statement and testimony of.....	2375-2398, 2408-2419, 2443-2445
Rules of procedure under motion-picture agreement of November 26, 1926.....	2185-2186
Rushmore, Howard, excerpt from testimony of, before Committee on Un-American Activities in California.....	1625-1626
Sellers, Clark, excerpts from testimony of, before Joint Fact-Finding Committee on Un-American Activities in California.....	1607-1608, 1612-1615
Society of Motion Picture Interior Decorators, etc., excerpts from 1942 contract with producers.....	2033
Sorrell, Herbert K.:	
Information from files of House Committee on Un-American Activities relative to Communist affiliation of.....	2360-2361, 2365-2370
Report from Federal Bureau of Investigation relative to signatures of.....	2280
Statement and testimony of.....	1837-1955, 1972-1990, 1994-1995, 1998-2001, 2004, 2012-2013, 2017-2024, 2030-2038, 2048-2053, 2056-2081, 2091-2096, 2100-2104, 2111-2115, 2121-2132
Sponsors of People's World annual drive, partial list of.....	1623
Statement of—	
General executive board to 1945 IATSE convention.....	2352-2355
Kearns, Hon. Carroll D., chairman of the special subcommittee, relative to—	
Broadened scope of hearing.....	1537
Reason for additional hearings in Washington, excerpts from.....	1515, 1518
Resumption of hearings.....	2241
Landis, Hon. Gerald W., relative to broadened scope of hearing.....	1537
“Strike,” definition of, from Public Law 101 of 1947.....	2304
Studio Carpenters Local 946. ( <i>See</i> Motion Picture Studio Carpenters Local 946.)	
Telegrams. ( <i>See</i> Letters and telegrams, etc.)	
Telegram to Burton A. Zorn from Charles Boren showing contractual history between producers and painters and set decorators.....	2308-2310
Telephone conference between arbitrators and representatives of CSU and Screen Actors' Guild, excerpt from transcript of.....	1529-1530
Testimony of witnesses at earlier hearings, excerpts from. ( <i>See</i> under name of witness.)	
Transcript of intercity telephone conference. ( <i>See</i> Telephone conference, etc.)	
Treaty of Beverly Hills, interim agreement between carpenters and major producing companies, effective July 2, 1946, known as the (Cobb Exhibit D).....	2186-2188
Ultimatum of April 18, 1946, from group of A. F. of L. unions to Central Labor Council of Los Angeles.....	1720
Un-American Activities in California, Committee on. ( <i>See</i> Fact-Finding Committee, etc.)	

United Brotherhood of Carpenters and Joiners of America :	
Agreement of February 5, 1925, between local 1692 and IATSE local 37, excerpt from-----	Page 1592
Agreement of July 9, 1921, with IATSE relative to distribution of work (Cobb Exhibit A)-----	2184
Resolution No. 60, adopted at convention, April 22, 1946, and excerpt from transcript of convention discussion thereon-----	1822, 1823-1824
Walsh, Richard F., statement and testimony of-----	1678-1683, 2434-2441
Walt Disney Productions, press release issued by, denying charges made by Herb Sorrell-----	2114-2115
World Labor Conference, excerpt from manifesto of-----	1622
Zorn, Burton A. :	
Statement and testimony of-----	2241-2344, 2399-2400
Telegram from Charles Boren showing contractual history between producers and painters and set decorators-----	2308-2310



# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

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WEDNESDAY, FEBRUARY 25, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, before Carroll D. Kearns, chairman of the special subcommittee.

Mr. KEARNS. The committee will be in order.

Mr. McCANN. Mr. Chairman, at this time may I place in the record something which was requested the other day?

Mr. KEARNS. Yes, proceed.

Mr. McCANN. The other day it was requested of Mr. Brown, the international president of the International Association of Machinists, that he should submit for the record the bylaws of Cinema Lodge 1185 with reference to the requirements that members of the union could not pass through a picket line. I am now reading from article XI, section 3 of the bylaws of Cinema Lodge 1185:

Any member of Cinema Lodge 1185 found guilty of not complying with the desires of the majority of the lodge of conduct unbecoming a member of this lodge, of double-shifting, of scabbing, of violating a bona fide A. F. of L. picket line, or of attempting to represent the lodge without permission or sanction, may be punished by either reprimand, fine, or expulsion. Fines in excess of \$50 must be approved by the executive council of the grand lodge, as per article K, section 7, of the constitution for local lodges.

Now, Mr. Chairman, I would like to receive in evidence for reference purposes only, the constitution of the Grand Lodge of International Machinists. There are two volumes. One is amended by referendum vote July 1934, and the other is revised by the committee on law, as recommended by the Twenty-first Convention of the International Association of Machinists held in the city of New York, October 29 to November 7, 1945.

May these be accepted, Mr. Chairman?

Mr. KEARNS. No objection.

(The documents above referred to were filed with the committee.)

Mr. McCANN. Now, Mr. Chairman, at this time I would like to ask if the industry representative who is present, Mr. Clark, has ready for submission to the committee the minutes of the industry producers' committee from February 15 to the end of March 1945?

Mr. BENJAMIN. Mr. Chairman, those minutes have been sent for. They have not yet arrived.

Mr. McCANN. I would like to reaffirm the request to Mr. Benjamin and to the industry, and reaffirm the request made yesterday by

IATSE's counsel, Mr. Levy, and request Mr. Hutcheson to submit to the committee the record of the convention of the carpenters which followed the meeting in Miami. We will return that to Mr. Hutcheson after going over it and receiving in evidence such excerpts for the record as refer to the resolution which you submitted to the August meeting of the executive council.

Mr. HUTCHESON. Mr. Chairman, in reply to that I will see that there is a copy sent to the committee from our office. I do not have it with me.

Mr. McCANN. I understand that, sir.

Mr. KEARNS. Mr. Counsel, we have always been granted any information from both the labor organizations and the industry, so we know it will be here.

Mr. McCANN. I just wanted to get that in the record that we are proceeding in anticipation of the receipt of these documents.

Mr. KEARNS. Is that all you have on that?

Mr. McCANN. That is all I have, sir.

Mr. KEARNS. At this time, I would like to call Attorney Matthew Levy to the stand.

Mr. McCANN. Mr. Chairman, may I make a comment, if you do not mind? Mr. Hutcheson is leaving at 1 o'clock. He is very anxious to hear Mr. Casey, if it is possible, before he has to take the train.

Mr. KEARNS. Yes, we will do what we can on that itinerary.

Mr. Levy, I believe you have been sworn?

Mr. LEVY. I think I have been sworn.

Mr. KEARNS. By the way, you are testifying at your own request; is that correct?

Mr. LEVY. At the request of the IATSE.

Mr. KEARNS. I might state at this time, inasmuch as Mr. Levy has requested time to place information in the record, if counsel or any of the other groups here wish to be heard also they will have the same courtesy extended to them. If they do not wish to make any statement for the record, if they will be sworn when requesting that they submit a brief, that also will be submitted for the record. We have no idea of discrimination here.

#### TESTIMONY OF MATTHEW M. LEVY, ATTORNEY FOR IATSE—Recalled

Mr. OWENS. Might I say, Mr. Chairman, if they are submitting a brief, then it would only be in answer to things they have heard here and they would not be raising new matter.

Mr. KEARNS. It is understood it would pertain to the Hollywood jurisdictional strife, and something that has been submitted in controversy to the committee.

Mr. Levy, you may proceed.

Mr. LEVY. I am special counsel for the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada in the Hollywood jurisdictional dispute.

I have had close professional contact with the situation from its inception in the early part of 1945, or the latter part of 1944.

I have been requested by the organization which I represent to make the following statement:

By letter dated January 26, 1948, the chairman of this subcommittee, Hon. Carroll D. Kearns, wrote President Richard F. Walsh of the IATSE, inviting him to appear at these hearings in Washington. One sentence of that letter reads as follows, and I quote:

The reason for this additional hearing is that an examination of the record and of the testimony heretofore received by my committee indicates that the committee of three vice presidents of the American Federation of Labor was deceived by some of those who appeared before them.

In the opening statement made by the chairman of this subcommittee, Congressman Kearns, appears the following statement:

It appears from the testimony that the most recent of the jurisdictional strikes in Hollywood beginning in September 1946, might have been the result of a deception which was perpetrated upon the three vice presidents of the American Federation of Labor who were appointed by order of their executive council in October 1946, to make a final determination with respect to the jurisdictional rights of certain unions whose members were employed in the Hollywood studios.

Then the opening statement of the learned chairman of the subcommittee states:

I am sure you gentlemen understand the gravity of my proposed findings. You will be given an opportunity to present any evidence which you may have to dissuade me from making such a report to the Congress.

On behalf of the IATSE, I want to express our appreciation to the subcommittee for giving us this opportunity at the hearings in Washington, with respect to that item in Congressman Kearns' letter and in Congressman Kearns' opening statement. There is another item in that statement which I shall come to later.

I do not want to repeat the statements that were made by International President Walsh when he testified with respect to the 1925, the so-called 1926 agreement. While no names were mentioned in Congressman Kearns' letter and no names were mentioned in Congressman Kearns' opening statement with respect to deception, the questions presented by Counsel McCann during the hearings in Washington indicated that it was at least the assumption of the general counsel of this committee that it was Mr. Walsh or someone on behalf of the IATSE who, to use the language heretofore indicated, perpetrated the deception.

It is for that reason I have been requested by the IATSE to proceed in response to that.

I think it would be important to point out at this time that any inference that the committee was deceived is not a statement made by any member of the committee at any time, either before the executive council of the American Federation of Labor, or under oath before this committee.

The statement made by the member of the executive council committee of three did not claim that the committee was deceived about anything. On page 1665 of the August 18, 1947, minutes, Mr. Doherty testified that he did not know that the February 5, 1925, agreement was repudiated by the carpenters' international, and that he did not find that out, as was intimated in some of the questions, months later, but he found that out, to use his language on page 1665 of the minutes of August 18, 1947:

Shortly following the issuance of the decision.

I think it would be material to read into the record portions of the minutes of the hearings before the three-man committee in Hollywood, of the testimony presented by the carpenters themselves with respect to this 1925 so-called 1926 agreement. I am giving it to you, sirs, verbatim.

On pages 31 to 32 of the carpenters' minutes of the hearings of the three-man committee in Hollywood, Mr. Cambiano, the general representative of the United Brotherhood of Carpenters and Joiners of America, together with his colleagues, were present before the three-man committee. Mr. Cambiano testified as follows, and I quote:

The only change that I know of which took place since 1921—there is no other agreement approved by the two internationals. There was a time here when one of our carpenters' locals was taken up when local 946 came into being. A local group here got together with certain IA people to work out some agreement, which never was submitted to and never had been approved by our general office.

Then again Mr. Cambiano stated:

I base my whole case here around the 1921 agreement between the American Federation of Labor and the IATSE. When you read that you will find that I have predicated our whole case around that.

On page 43, Mr. Cambiano testified:

The only thing which may develop is that Walsh may take the position, if we don't arrive at a satisfactory settlement, that they will want to build the sets.

I read that, sirs, because of the fact that it shows it was the contention of the carpenters before the three-man committee that it was the 1921 agreement, not the 1925-26 agreement which had effect and that the committee knew what the position of the carpenters was before they rendered their decision on the 26th of December of 1945.

I read it also because of the fact that it is made clear, in the position taken by Mr. Walsh in his testimony taken before the three-man committee—and I refer to page 6 of Mr. Walsh's testimony, in which he presented the 1919 agreement, the 1921 agreement, and the 1925-26 agreement.

Mr. Walsh testified on page 7:

That is signed by the local unions out here and signed by our local out here also. This is the agreement that we worked under from 1926 until we went on strike in 1933.

So, first, not only the committee not claim deception itself; secondly, both contending sides presented before the committee their respective positions and the committee decided in favor of one side or the other, and came to a conclusion on the basis of conflicting testimony, and the testimony was not conflicting, as a matter of fact.

Therefore, the statement which was made, and the questions which were asked indicating there was any attempted or actual deception on the part of anybody on behalf of the IATSE, are statements that should be withdrawn.

I think I should also point out to the committee here something that was referred to, I believe, in one phase of the questions that were presented by Congressman Owens, that Mr. Zach Lamar Cobb, who represents the carpenters, in a sworn complaint involving this Hollywood jurisdictional strike, stated in paragraph 15 as follows:

Beginning in 1921 and continuing until the present time, representatives of defendant carpenters' union and representatives of the defendant IATSE, have

engaged in a series of negotiations between themselves and with defendant motion-picture companies, and have entered into arbitration before other representatives of the American Federation of Labor with the view of settling existing disputes and controversies over the relative services to be rendered to defendant motion-picture companies by members of said respective unions. Said negotiations and arbitrations have resulted in a series of agreements, decisions and awards constituting a fair and practical division of motion-picture employment between the members of said unions as is set forth in detail hereinafter.

Then in the next paragraph of that complaint, paragraph 16, the agreement of July 9, 1921, is set forth.

The next paragraph, paragraph 17, the agreement in question, February 5, 1925, is set forth.

Then in paragraph 18 it is stated, and I quote :

In March 1936, defendant William L. Hutcheson, president of defendant carpenters' union, and George Brown, president of defendant IATSE, ratified the aforesaid agreement of February 5, 1925, as the basis for settlement of controversies between the respective unions over the allocation of work to be performed by members thereof for defendant motion-picture companies.

At pages 30 to 31 of the minutes of the hearing before the three-man committee—

MR. KEARNS. You are speaking of the A. F. of L. committee now?

MR. LEVY. That is correct. Mr. Doherty points out that on July 1, 1928—he points this out to the carpenters—the constitution of the IATSE was filed with the American Federation of Labor showing “stage employees”, which was construed as granting jurisdiction over “stage carpenters, property men, stage electricians, and all other stage employees” to the IATSE.

Mr. Doherty pointed out to Mr. Cambiano, Mr. Skelton, and the other representatives of the carpenters' organization on page 31, that that was the IA basis for claiming property men and stage carpenters.

I think in passing I ought to mention here that far from indicating that the committee was deceived, Mr. Doherty stated at page 1665 of the minutes of August 18, 1947, before this congressional subcommittee that while he learned Mr. Hutcheson claimed that the 1925-26 agreement had been repudiated by the carpenters, nevertheless, “that did not alter our opinion” with respect to the decision that they were making. That certainly is a far cry from indicating any deception.

I think I should point out here, too, that the so-called clarification which was issued in August 1946 and was the basis on which or the spark which caused the second large strike—the fourth in point of time in recent years—was not issued by the three-man committee or by the A. F. of L. executive council's direction, on any claim of fraud or deceit whatsoever.

MR. KEARNS. Mr. Levy, for the record, when you mention the term “committee” will you state whether it was a congressional committee or the A. F. of L. committee?

MR. LEVY. Yes, sir. I referred just then to the so-called clarification of August 16, 1946, issued by the American Federation of Labor committee of three vice presidents of the executive council.

MR. KEARNS. Thank you.

MR. LEVY. I think it also would be important to point out here that in its decision or award of December 26, 1945, the A. F. of L. committee of three did not indicate that it assumed anything about the 1926 agreement being in force or not being in force, because it

states, at page 14 of the orange or yellow-covered pamphlet which we have used as the basis for our testimony here:

The committee rules that the division-of-work agreement entered into \* \* \* on February 5, 1925, and known as the 1926 agreement, be placed in full force and effect immediately.

I think Mr. Walsh pointed out yesterday that with respect to one of the organizations involved in this internecine labor strife the plumbers' organization, the agreement which was put into effect immediately was not even signed by anybody. It was not even in effect. As a matter of fact it was being negotiated currently.

If you will look at the plumbers' directive you will see the committee said that this was a fair division of work, even though the parties had not yet agreed to it.

I think I should point out here also that at page 206 of the minutes of February 18, 1948, 3 or 4 days ago, in which the minutes of the Miami meeting of the executive council of the American Federation of Labor are quoted, it is stated that Mr. Hutcheson—

contended that the agreement of February 1925 provided that it must be approved by the presidents of the two internationals.

I have a photostatic copy of that agreement of February 5, 1925, before me, and there is no such provision whatever in that agreement, that that agreement must be approved by the internationals in 1925 or '26.

Finally with respect to that item I want to say that Mr. Hutcheson testified as follows: That when the agreement was sent to the office of the carpenters he refused to approve it, and yet Mr. Cambiano, on pages 31 and 32, before the A. F. of L. committee of three testified:

The agreement was never submitted to the general office of the carpenters.

Now there was another statement made in the opening statement by the Honorable Carroll D. Kearns, the learned chairman of this subcommittee, which I want to read and which I want to take up next:

A careful analysis of the testimony heretofore received indicates that the jurisdictional strike in September of 1946, which has continued to the present time in the Hollywood studios, is probably the result of collusion between the producers and the IATSE. Therefore, gentlemen, unless you have evidence to the contrary to present to my subcommittee it is my intention to make a finding of fact that the present labor dispute in Hollywood is the result of a lock-out by the employers after having conspired with certain officials of the IATSE to create incidents which would make it impossible for the members of those unions affiliated with the Conference of Studio Unions to continue to work in the studios.

Then Mr. Kearns, putting the onus and the burden upon us to prove our innocence, states:

I am sure you gentlemen understand the gravity of my proposed finding. You will be given an opportunity to present any evidence which you may have to dissuade me from making such a report to Congress.

Again on behalf of the IATSE I want to express our appreciation to the honorable chairman of this subcommittee for the privilege of presenting our proof in that regard.

At the outset I want to say—and I have had occasion I think, although my office and residence are in New York City, to have visited Hollywood six or seven times since the jurisdictional strife started there in recent years after the end of October of 1944. I have spent months there.

On behalf of the IATSE I want to say there has been and there is no collusion or conspiracy between the IATSE and the producers, or any of them, and that if there is a conspiracy in this jurisdictional situation the conspiracy is on the other foot. I want to present, in response to the permission granted me by the subcommittee, some items in support of that situation.

You will recollect that the strike in March of 1945 was claimed to have resulted from the fact that there were some 50, 60, or 70 set decorators whom the producers refused to negotiate with, insofar as they had become affiliates of the painters' organization connected with the Conference of Studio Unions. It was said that that was the reason for the strike.

It has always been the position of the IATSE—that was one of the first things Mr. Walsh and I discovered when we went out to Hollywood—that as a matter of fact that was merely the spark which set this strike off and that the reasons for the strike, the basic reasons, were something entirely different.

Let me mention one of them at this point. Here I quote from the minutes of the carpenters before the American Federation of Labor executive council committee at pages 7 to 8 on December 6, 1945. Mr. Cambiano testified:

I have instructed our representative, Jim Skelton, here, not to resort to any stoppage of work, strikes or otherwise—

This was before the March 1945 strike—  
until I had an opportunity to come in.

Parenthetically I want to say, come in not for the set decorators, but come in for carpenters before the set decorators strike in March 1945.

But it got so bad that it became necessary for me to communicate with the labor-relations department of the studios here through our office that we have here under the six basic trades.

They in turn would notify the producers that the carpenters were going to insist upon their just work.

I want to emphasize the expression "just work," meaning the work to which they claim they are justly entitled. That to my mind—and I parenthesize this—is a euphemism in order to effectuate a desire to get work which someone else has under the jurisdictional arrangements among the parties.

I have that among the records here on file with you. I am bringing this out to show that this thing has just been going along step by step, and it so happened that when this turmoil of the painters took place it was through my recommendation that I was preparing for a strike vote—

in the carpenters—

to be honest with you, and when the painters' strike took place why of course it just was made to order for us and I instructed local 946 not to go through the picket line.

That is not my statement, sir. That is the statement of the carpenters' general representative.

Several attempts were made afterwards to settle with the carpenters, meaning Mr. Walsh and Mr. Hutcheson.

We met here several times with Mr. Walsh and we met back East. The carpenters could have made a deal, at least they said so, if we would have agreed to go back to work.

This was during wartime.

When I say we could have made a deal, I know that certain concessions were in the offing. Maybe we couldn't have gotten all that we wanted, but at least they said they were willing to make a deal if we were willing to return to work. Well, knowing the picture industry and knowing the background and knowing what the IA had in mind, namely, the entire motion-picture industry, I personally felt that it was about high time to clean the thing up once and for all times.

What Mr. Cambiano said, when he said that, was that if it were necessary in order to obtain the jurisdiction which the carpenters felt the IA had had and were operating under, to go out on strike himself or to utilize the painters-set decorators strike as made to order for him, he was going to do it, wartime or no wartime, because there was a manpower shortage there and they felt they could close the studios. If they closed the studios during the war as the result of the manpower shortage then they would be in a position to dictate the terms upon which they were going to come back.

I think I should point out to you, sir—

Mr. LANDIS. Your organization respects the picket line but this happened to be in wartime: is that the point?

Mr. LEVY. Our organization respects a picket line which is determined to be a valid picket line on the basis of our organization's responsibility. Let me explain to you in a moment what I mean by that. With my knowledge of the labor movement and the legal phases of it, I think I can give you an answer.

Organization A is out on strike. Organization B also works in the shop. Now before Organization A can expect Organization B not to cross the picket line, unless there was some arrangement between them, Organization A has to do several things. In the first place, Organization A must get the approval of its own international head. In the second place, if it is in a city where there is a central labor union or a central labor council, the central labor union or central labor council must approve the establishment of that picket line. The reason for that is obvious.

In a trade such as the motion-picture industry when there are scores of crafts working under contract those crafts should not be placed in the position of violating either their contracts or their no-strike pledge on any subterfuge of refusing to recognize the picket line, unless at the outset they have an opportunity of discussing the nature of that picket line and the reason for it within the councils of organized labor.

I say to you, sir, that the IATSE will recognize a legitimate picket line as determined by that organization, but it does not consider a picket line established to squeeze the IATSE out of the studios on a jurisdictional strike, as a legitimate picket line.

On February 19, 1945, Mr. William L. Hutcheson, the general president of the United Brotherhood of Carpenters and Joiners of America wrote to Mr. Pat Casey a letter which I think is illuminating and ought to be presented to you now in full. It is short but to the point.

In support of the proposition that the strike in March 1945 was not even a bona fide set decorators' strike, but was, to use Mr. Cambiano's language, made to order for the carpenters:

DEAR PAT: This will acknowledge receipt of your communication of February 9.



I note with particular interest what you say in reference to the controversy over the set dressers who have affiliated with the interior decorators. Our mutual friend Herb Sorrell called me on the telephone some weeks ago in reference to the matter and asked me to contact Bill Green, which I did, but as you state there was nothing Bill could do in reference to the matter. Following that Cambiano and Skelton, representing our organization, were informed that if the decorators went on strike our members were to recognize the picket line. You, Pat, know as well as I that for some time there has been a contention over prop making—

meaning that the IATSE was doing the prop making and the carpenters wanted it. It had nothing to do with decorators or set dressing—

and we, representing the brotherhood, have contended that the making of props was work that should be done by our members, and the thing has dragged along for a considerable length of time and I know of no reason why there should not be a final solution to the matter arrived at.

I will come back to that in a moment, but I want to quote it here in view of the contention made by the carpenters that it was the 1921 agreement that should take effect, and not the 1925-26 agreement, Mr. Hutcheson has made this interesting statement, and I quote it verbatim :

As far as going back to the understanding which you quote as having been entered into in 1921 is concerned, the time for that in my opinion has long since passed. I would suggest that you not deduct anything from the wages due our members—

Mr. Casey had stated that if your members don't work we will deduct wages—

because if you do and they resent it by taking a vacation I shall not interfere in the matter.

This was during wartime when there was a manpower shortage.

Sincerely yours,

WILLIAM L. HUTCHESON,  
*General President.*

Now I have before me a printed letter dated February 6, 1945, issued by Studio Carpenters Local Union, No. 946 in Los Angeles, Calif., signed by J. W. Vamp, recording secretary, of Mr. Hutcheson's local out there. From this letter, which I should like to have incorporated in the record, it will appear that in February of 1945 the carpenters were preparing for the strike which they felt was going to take place sometime in the early part of 1945 in the studio situation in Hollywood.

I asked a question through Mr. McCann, who was courteous enough to ask the question of Mr. Hutcheson: What financial support did Mr. Hutcheson or his organization give to the painters' strike in 1945?

Mr. Hutcheson stated it was none of the gentleman's business, and probably it isn't my personal business. But I should suppose that it is the business of any tribunal which is making an investigation of the causes of the Hollywood jurisdictional strife. I leave that to the committee.

One other factor to indicate that the 1945 strike was not a set decorators' recognition strike, although that was the ostensible reason for it, was that Mr. Walsh, to my personal knowledge, made a definite agreement that the set decorators' situation could be resolved by an election before the proper tribunal, the National Labor Relations Board. That agreement was made in March of 1945.

So Mr. Walsh agreed that he would abide by the final determination of the National Labor Relations Board. That did not take the situation out of the fact that the carpenters, the painters, and all the other crafts were banded together in cooperation with the Conference of Studio Unions for the purpose of taking the jurisdiction they felt they could capture by closing the studios. Mr. Walsh's agreement to abide by the tribunals of our Nation was ineffective.

The record will show that Mr. Sorrell, the leader on the ground of the strike in Hollywood, made promises that before they would go back to work he would get for the carpenters' organization the jurisdiction which the carpenters claimed they were entitled to take from the IATSE.

Mr. OWENS. Where is that statement?

Mr. LEVY. I have that here and I will present it. I say the record will show that. We collected the statements made by Mr. Sorrell as published in their own publication and in the quotes of the trade journals in Hollywood at the time. They are being collected and are being presented to this committee.

I think Mr. Walsh testified in Los Angeles about the conferences that he had with all the international presidents, telling them, "Go back to work because our people want to work in the studios. Their jobs depend upon it."

It was found out he could not persuade Mr. Hutcheson to get the people to go back to work unless Mr. Hutcheson got the jurisdiction which he wanted and which he stated to be all work on wood, wood substitutes, and woodworking machinery.

Now this was merely respecting a bona fide American Federation of Labor picket line because the set decorators went out on strike, not for wages, not for hours, not for working conditions, but for jurisdiction—it was not a matter for Mr. Hutcheson or for the general president of the carpenters' brotherhood to say, "Before I will let you go back to work I will insist upon getting all the jurisdiction which I have claimed I am entitled to from 1881."

So I say to you that in addition to what has been stated I have here a photostatic copy of the demand for the jurisdictional work presented by carpenters' local 946, at or about the time of the 1944 or 1945 strike, which indicates what the jurisdictional demands were that the carpenters wanted.

My point is, gentlemen, that there was in my opinion a definite conspiracy between the carpenters' organization and the Conference of Studio Unions in order to freeze out the IATSE of jurisdiction in the Hollywood studios because it was felt that with a manpower shortage during the war they would be able to keep the studios closed, either through the picket line, through manpower shortage, through mass violence or anything else.

Mr. OWENS. Weren't they a part of the same organization?

Mr. LEVY. No, sir.

Mr. OWENS. Weren't they all joined together in one group, the Conference of Studio Unions?

Mr. LEVY. At that time the carpenters were not in the Conference of Studio Unions.

Mr. OWENS. The carpenters were not?

Mr. LEVY. No, sir; not in March of 1945. They came in later, officially.

Now, much has been said about the clarification, and I think nothing has been said about the interpretation of the clarification.

Mr. LANDIS. Did you get through with the collusion part of it?

Mr. LEVY. I think I have, sir, except that I want to present those clippings of statements that I said Mr. Sorrell made with respect to the promises that he made that I will not have our people go back to the studios until the carpenters' "beefs," as he expressed it, are satisfied.

There is one other factor I will come to later, but I want to get into the clarification now, because I think it is very material to have a complete picture of this situation before your committee?

Reference has been made to a letter written by Mr. Hutcheson, general president of the United Brotherhood of Carpenters and Joiners of America, on August 18, 1946.

Mr. OWENS. Is that the one to Mr. Johnston?

Mr. LEVY. Yes, sir; I think it ought to be read:

Mr. ERIC JOHNSTON,  
*Washington, D. C.*

DEAR MR. JOHNSTON: I herewith enclose with this communication a copy of interpretation—

parenthetically I may say that later it was called the clarification, so as not to confuse it with a later interpretation of the clarification of the decision —

I herewith enclose with this communication a copy of interpretation made by the committee that was appointed by the president of the American Federation of Labor to investigate the Hollywood situation and make report thereon. You will note by this interpretation that they definitely give to our members jurisdiction over construction work on all studio sets.

Furthermore, you will note that they specifically refer to the Brotherhood of Carpenters having jurisdiction over all carpenter work.

Underlining "all carpenter work."

This was accepted by the executive council and there will be sent, either through the secretary's office, or the president's office of the federation, a copy of this communication to all producers and to the trades employed in the studios.

I trust that the producers will accept this interpretation, as well as future interpretations, and see that same is observed.

With kindest regards, I am,

Very truly yours,

WILLIAM L. HUTCHESON.

Mr. OWENS. What is the date of that letter?

Mr. LEVY. August 18, 1946.

Mr. OWENS. That was 2 days after the—

Mr. LEVY. Clarification was issued.

Mr. Green, however, president of the American Federation of Labor, on August 27, 1946, was the date when Mr. Green sent the so-called clarification to Mr. Walsh. I want to read that letter:

AMERICAN FEDERATION OF LABOR,  
*Washington, D. C., August 27, 1946.*

Mr. RICHARD F. WALSH,

*President, International Alliance of Theatrical State Employes—*

and so forth.

DEAR SIR AND BROTHER: I enclose copy of a statement of clarification prepared by Vice Presidents Knight, Birthright, and Doherty, of the American Federation of Labor, who rendered a decision in the jurisdictional disputes in the motion-picture studios in Hollywood, Calif., dated December 26, 1945. Said

statement is self-explanatory and is transmitted to you as a matter of information. It is sent you by direction of the executive council of the American Federation of Labor.

Fraternally yours,

WILLIAM GREEN,  
*President, American Federation of Labor.*

I think, Congressman Landis and Congressman Owens—I am not sure whether Congressman Kearns is familiar with it—I think we ought to read Mr. Walsh's response, because I think that indicates quite clearly the official position of the IATSE. In view of the charge of collusion, I think this gives an answer.

MR. OWENS. How did Mr. Green happen to enter into the picture?

MR. LEVY. I assume that Mr. Green, as president of the executive council of the American Federation of Labor, having directed the three-man committee to make what he called a clarification, but what was in effect a probable reversal of its earlier decision, decided to send the communications.

Apparently it was felt when Mr. Hutcheson sent the communication on August 18, that that was not enough. Therefore, 9 days later, Mr. Green sent the communication. But he had no jurisdiction in the premises, as I shall point out in Mr. Walsh's letter:

SEPTEMBER 19, 1946.

MR. WILLIAM GREEN,

*President, American Federation of Labor,  
Washington, D. C.*

DEAR SIR AND BROTHER: Receipt is hereby acknowledged of your letter of August 27, in which you enclose a paper described as "a statement of clarification" prepared by Brothers Knight, Birthright, and Doherty who, in December 1945, constituted a committee of the executive council of the American Federation of Labor and rendered a decision which was final and binding in the jurisdictional disputes then existing in the motion-picture studios in Hollywood, Calif.

It is difficult to resist the pressing temptation to discard restraint in expressing my opinion of this document, and the circumstances that brought it about.

By the terms of the very directive of the executive council of the American Federation of Labor, which created the committee at Cincinnati, it was expressly provided that such committee shall "investigate and determine within 30 days all jurisdictional questions still involved." The committee itself was keenly aware of this expressed time limitation placed upon its authority to act. On numerous occasions during the course of the hearings which were conducted in Hollywood, the committee members alluded to the fact that under the directive its decision had to be rendered within a period of 30 days. In the minutes of the seventh session, when the IATSE appeared, Chairman Knight stated at page 8, "The committee has come out here and we have 30 days to make an investigation and determination and decision."

Again, at page 9, when I inquired whether the parties would be afforded an opportunity to rebut the case presented by the other sides, Chairman Knight responded, "We don't anticipate any rebuttals because it cannot be done in 30 days."

Later, when I urged upon the committee that more than one representative from the IATSE would be necessary for a proper explanation and physical demonstration of the work being performed by members of our organization on the occasion of the inspection visit to the studios, I was emphatically reminded by Chairman Knight, "Time is valuable in this case under our directive."

The committee's determination by the very terms of the directive became its final and binding decision. No continuing authority was vested in the committee or in its members, collectively or individually, and when the decision was filed its powers and functions ended.

The present so-called clarification therefore constitutes an attempt by a committee no longer possessed of power or authority to change its official decision and as such it is a complete nullity.

The executive council itself at the January 1946 meeting in Miami which I attended pursuant to invitation, declined to modify or clarify the committee's

decision and affirmed it in all respects, recognizing that the committee's decision was final and binding.

At Cincinnati, in October 1945, all of the parties agreed to accept the decision of the committee as final and binding and part of that agreement was the specific time limitation upon the committee's authority. The committee rendered its decision within the time limit specified, to wit, on December 26, 1945. Notwithstanding the fact that the decision was, in many important aspects, unfavorable to the organization which I have the honor to represent, we abided by its terms to the letter and to our detriment.

On the other hand, the United Brotherhood of Carpenters, in violation of their solemn agreement, flaunted the directive in the decision, and by disruptive tactics and insidious devices sought to bring about its reversal.

Through the persistent efforts and pressure of Brother William L. Hutcheson, the president of the carpenters, three individual members of the executive council, *functus officio* as a committee, were prevailed upon to arrogate to themselves the authority to reverse a final decision under the subterfuge of a purported clarification.

Significantly enough, Brother Hutcheson is a member of the executive council of the American Federation of Labor and its first vice president, and as such is in a dominant position to influence the council's actions and undertakings. When Brother Hutcheson defied the American Federation of Labor and refused to abide by the decision, the council supinely did nothing. Nevertheless, up to now we have been content to make no mention of this undue advantage accorded the carpenters' union in this matter, but certainly we cannot be expected to refrain from voicing vigorous complaint when it appears that the three individuals involved formally constituting an official committee, have so obviously surrendered to pressure, even to the point of assuming to act in the absence of any power or authority to do so.

In this connection, I think it is important to call attention to the brazen tenor of the communication which Brother Hutcheson sent to Mr. Eric Johnston representing the employers, in which he requests the producers to comply with "this interpretation and all future interpretations."

In agreeing to abide by the Cincinnati directive of the executive council, the IATSE did not surrender to the council or any committee the power to decide its jurisdiction in the studios for all future time.

The irregularity tainting this recent action of the defunct committee is further emphasized by the fact that it undertook to render the so-called clarification without serving in advance any notice on this international union of its intention so to act, or offering us the right of a hearing in connection therewith. No copies of the report filed by organizer Daniel V. Flanagan under date of August 9, 1946, or of the brief submitted by the carpenters' union referred to in the offending document was ever served upon the IATSE. We were not notified or requested to appear before the August 1946 session of the executive council in Chicago. In consequence, not only is the clarification void and illegal in its inception because of the complete lack of power in these three individuals to act in the premises, but it is illegal as well because of the failure to offer my organization a fair and reasonable opportunity to present its case.

Moreover, the clarification itself is basically false and unsound, and obviously arrived at through a process of reasoning which was calculated to bring about a foregone, and evidently, an imposed conclusion. It is a gross distortion of every-day language to define the word "erection" as meaning assemblage. The words "erection" and "assemblage" each have well-defined meanings and they are in no way synonymous.

According to Funk & Wagnall's New Standard Dictionary, "erection" means the act or process of building or construction, as a house or other structure. On the other hand "assemblage" means the act of fitting together, as part of a machine, union of parts, assembling. Hence, it appears that the word "erection" is a broader term embracing all of the multiple aspects of the making, constructing, assembling, and setting-up of objects or structures. The ordinary reasonable man so understands the term.

The whole tenor and import of the committee's decision of December 26, 1945, is destroyed and rendered useless and impractical by the narrow and erroneous interpretation which has now been placed on the word "erection." The December 26, 1945, decision which incorporated the 1926 agreement between the carpenters and the IA, provided that the IA shall have jurisdiction over "the erection of sets on stages, except as provided in section 1."

Section 1 provided that the United Brotherhood of Carpenters and Joiners of America should have jurisdiction over all trim and millwork on sets and stages. Unquestionably, if all that was allocated to the IA was the assemblage of sets, there would have been no necessity whatever to except from its scope of activity trim and millwork on sets and stages. Trim and millwork are not involved in assemblage, but they are involved in erection.

It is apparent from the decision of December 26, 1945, that it was the over-all purpose and intent of the committee to allocate to the carpenters the carpentry work on permanent constructions, such as buildings and studios, and to a limited extent only on temporary structures such as sets on stages.

The limited jurisdiction assigned to the carpenters with respect to sets is that of performing the trim and millwork thereon and the construction of exterior sets.

Jurisdiction over the making of miniature sets, the making of props, the erection or making of sets on stages with the exception of trim and millwork and the wrecking of all sets, whether exterior or interior, and the erection of platforms for lamp operators or cameramen on stages was assigned to the IA.

If any ambiguity was involved in that decision—and we say emphatically that there was none—it cannot be resolved by the gross distortion of commonly understood language which the defunct committee has now indulged in, language which moreover was not even that of the committee itself, but employed by the parties themselves and embodied by them in their 1926 agreement.

For the sake of harmony and a peaceable relationship between the parties in the motion-picture studios, the IA entered into the 1926 agreement setting forth the respective jurisdictions of the carpenters' union and of the IA. The IA in that agreement made important concessions to the carpenters' union by agreeing to relinquish some of the jurisdiction which it had traditionally held both in fact and under prior agreements.

The jurisdiction relinquished, however, went not one iota further than to give to the carpenters' union the right to construct exterior sets and to perform trim and millwork on interior sets.

This entire matter was discussed at length by me and others at the hearings before the committee, so there is no excuse or possible claim that the committee misunderstood.

Mr. KEARNS. Which committee?

Mr. LEVY. The committee of three of the American Federation of Labor.

The unwarranted, illegal and futile interpretation placed upon the December 26, 1945, decision by these individuals constitutes an intolerable encroachment upon the rightful jurisdiction of the IA.

Organization of the workers throughout the entire moving-picture industry is directly attributable to the indomitable efforts exerted and at considerable expense incurred by the IA. We have been the spearhead of the opposition against the concerted and repeated attempts of communists and CIO organizers to capture the industry away from the American Federation of Labor. If the so-called clarification were enforced, it would seriously weaken and undermine the established effectiveness and strength of the IATSE. Neither the unions nor the producers can possibly live in harmony under this purported clarification.

Instead of maintaining peace where disputes have been rampant, it would rekindle the dying fires and muddy the formerly troubled waters in Hollywood and thus lay this entire field wide open to the unholy conspiracy to cripple the American Federation of Labor in the studios.

After I attended the meeting of the executive council in Chicago in August 1945, you gave your assurance that a committee would be appointed to investigate the subversive activities threatening in the Hollywood studios, but to date no action on that has been taken by you. Instead, the council's actions have given sustenance, confidence, and courage to those elements in the studios which have thrived on internal controversy.

On behalf of the IATSE, I vigorously protest this recent action of the executive council and of the three individuals who, unlike their subscription to the original decision, do not even sign their objectionable statement as a committee. They signed it as individuals.

Because of the circumstances bringing it about, this action reflects discreditably upon the American Federation of Labor as a whole. It is a complete nullity and shall be ignored by us as will any future gratuitous interpretations

which have for their purpose the deprivation of the established and recognized jurisdiction of the IATSE under the December 26, 1945, directive.

We shall expect the producers, the executive council, the labor organizations, and all other parties to comply fully with the December 26, 1945, decision, as originally rendered. That was their agreement in Cincinnati and they must live up to their word. The carpenters no more than the alliance should be permitted to eat their cake and have it, too.

In conclusion, let me say that it was of course recognized by me that the Cincinnati directive was a startling and unusual procedure in the American Federation of Labor, but the IA agreed to abide by that directive, to show our sincere desire to establish prompt and permanent peace in Hollywood, and in the justifiable expectation that when the executive council directed that the committee's decision, to be made within 30 days, was to be "final and binding," the executive council meant exactly what it said, and that at least the executive council itself would abide by its own agreement.

Now, however, an attempt is being made, nearly eight months later, to modify the decision, and that attempt is not even honestly and directly made by way of specific amendment, but is being made dishonestly and indirectly by way of a so-called interpretation or clarification.

I regret to say that that attempt has made a mockery of the directive, and has shown to me that the novel procedure adopted by the executive council in Cincinnati for adjusting this jurisdictional dispute has proven to be an utter failure, and primarily, if not solely, because the council itself seems to be ready to ignore or violate its own determination.

Fraternally yours,

RICHARD F. WALSH,  
*International President.*

MR. OWENS. I am constrained to say, after hearing the words "functus officio" in there, and hearing the clarity and logic of that statement, that I would certainly have thought it was done by a very clever lawyer, a fine lawyer, if I had not heard the gentleman testify and realize that it was his own language.

MR. LEVY. I want to say this. I think it is fair to say both for Mr. Walsh and for his counsel, that the ideas, many of the phrases, if not most of them, were Mr. Walsh's. The legal terminology I will have to take responsibility for.

But do not get the impression that Mr. Walsh has not got a mind or manner of expression of his own. He certainly has.

MR. OWENS. I realize that. The "functus officio" in there—

MR. LEVY. Was not Mr. Walsh's. I would suppose that should have closed it up, but on April 18, 1947—and this comes to this committee for the first time—another letter is received by Mr. Walsh—

MR. OWENS. Just a moment. Did Mr. Green reply to that?

MR. LEVY. No, sir, except that he acknowledged receipt of it.

On April 28, 1947, William Green, president of the American Federation of Labor, wrote to Mr. Walsh again as follows:

The executive council at its meeting held here in Washington, beginning April 21, 1947, gave special consideration to reports that a large degree of confusion and uncertainty had arisen in the minds of many directly interested in the Hollywood jurisdictional dispute, as to the scope and meaning of the clarification made by Vice Presidents Knight, Birthright and Doherty of their previous decision in the dispute, which I sent you under date of August 27, 1946.

I am, therefore, submitting to you the executive council's clear, definite, and simple interpretation of the clarification referred to. The interpretation is as follows:

"Jurisdiction over the assembling of sets on stages was awarded to the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada; jurisdiction over the construction of sets was awarded to the United Brotherhood of Carpenters and Joiners of America."

By direction of the executive council I am calling upon all organizations interested and affected to comply with this interpretation of the clarification of the decision rendered by Vice Presidents Knight, Birthright and Doherty. This communication is sent you by direction of the Executive Council of the American Federation of Labor.

Fraternally yours,

WILLIAM GREEN,  
*President, American Federation of Labor.*

Mr. OWENS. That was dated when?

Mr. LEVY. April 28, 1947. Neither Mr. Walsh nor the IA were invited to be present when this additional future interpretation was undertaken. Apparently it was felt by the executive council, with Mr. William L. Hutcheson a member of it, that perhaps the clarification of August 1947, maybe in view of the point which Congressman Owens indicated, that the committee in its clarification said you must live up to the original directive, was not adequate for the purposes which they had indicated.

So they wanted to make it an interpretation upon a clarification upon a decision upon a directive.

On June 25, 1947—I hate to impose this on you, but I think you have to know the facts—Mr. Walsh wrote in response to that most recent interpretation. This has not been presented to this committee before:

DEAR PRESIDENT GREEN: I am impelled to condemn as completely invalid and wholly unconscionable the executive council's recent so-called interpretation of the purported August 16, 1946, clarification of the decision rendered on December 26, 1945, by the Executive Council Committee of the American Federation of Labor on the Hollywood Jurisdictional Controversy.

As stated to you in my letter of September 19, 1946, the so-called clarification was itself a complete nullity. I pointed out at that time at great length the reasons why that was so and I need not repeat them now other than to state that to date they have received no refutation and in truth have been vindicated by circumstances thereafter appearing.

Incidentally I might add that my letter of September 19, 1946, apparently received no official recognition from the executive council for I have had no word with respect to it, aside from your letter of September 26, 1946, simply acknowledging its receipt.

The chain of subsequent events in reference to the alleged clarification is of considerable interest and reveals with striking clarity the duplicity which has surrounded and stigmatized the purported document.

Let me remind you that under letter of November 1, 1946, my office wrote you asking for a photostatic copy of the original "Statement of clarification." On November 6, 1946, you responded by telegram as follows:

"Regret we do not have original of statement of clarification made by Vice Presidents Knight, Birthright and Doherty. Only have copy of statement on file in my office."

Pursuing the matter further, a telegram was sent to you on November 7, 1946, inquiring "Who has and where is the original signed clarification dated August 16, 1946? Please wire immediately." You did not wire your response to the foregoing telegram but telephoned my office and in my absence spoke to Thomas J. Shea, assistant international president of our organization and advised him, much to our surprise, that the supposed clarification was not signed at all by the members of the committee.

As you can readily appreciate this was an amazing circumstance. The Communist-led carpenters and painters conference of studio unions in March, 1945, had precipitated a costly jurisdictional strike in the Hollywood studios of 7 months' duration which was terminated only by virtue of the directive of the executive council, plus the appointment of a committee to resolve the controversy, whose decision would be final and binding.

The executive council itself at the January 1946 meeting in Miami recognizing that it had no jurisdiction in the premises, declined to modify or clarify the committee's decision, and affirmed it in all respects, although even at that time the



pressure exerted by the carpenters' union to procure a change in the decision was most intensive and commonly known.

Notwithstanding the vital importance of the matter it is disclosed by you and after inquiry only that the purported clarification did not ever bear the signatures of the members of the committee who were supposed to have rendered it. Frankly, I wondered why, but not until later did the explanation reveal itself.

The now existing jurisdictional strike of the Conference of Studio Unions already in its eighth month was, as you know, called because of the dispute which flared up over the effect of the clarification. On October 25, 1946, in the midst of this strike a three-way telephone conversation was held among officials of the conference of studio unions, two of the members of the executive council committee, the third member having been in Europe at the time, and the representatives of the Screen Actors Guild acting as an intermediary for the purpose of obtaining from the committee members themselves their statement as to the circumstances respecting the clarification. Our organization was not a participant in that telephone conversation.

In this conversation a startling truth was disclosed. The clarification that was circulated among the interested parties and which gave rise to the current jurisdictional strike was never in fact rendered by the committee. The document actually issued by the committee was different in at least one vital respect, but somewhere along the line it appears to have been altered without the knowledge or consent of the members of the committee.

The present jurisdictional strike against us arose when the carpenters union declared "hot" all interior sets which were being constructed by the IATSE, although the December 1945 decision expressly recognized the 1926 agreement between our organizations and stated that the erection of such sets was within the jurisdiction of the IATSE.

The carpenters union in making such declaration relied upon the clarification which, as circulated, contained language to the effect that the word "erection" was construed to mean assemblage and that the committee recognizes the jurisdiction over construction work on such sets as coming within the purview of the United Brotherhood of Carpenters and Joiners of America's jurisdiction.

If legal and authentic the clarification would have constituted a reversal of the December 1945 decision in that respect. However, according to the statements of the two committee members, such language nowhere appeared in the document which they had actually prepared and they had at all times intended that the construction of interior sets belonged to the IATSE and in truth had reiterated and reaffirmed that specific jurisdiction on August 16, 1946.

The telephone conversation was recorded by a court stenographer, and I report only a portion of it to you.

"Mr. Arnold"—

Arnold is the actor—

"The court reporter is here too. All right, now, Mr. Knight and Mr. Birthright, when we met you you told us that your original decision stood, is that right?"

"Mr. KNIGHT. That's right.

"Mr. ARNOLD. And you are still of the same mind?"

"Mr. KNIGHT. That's right.

"Mr. ARNOLD. And regardless of the clarification your original decision will stick?"

"Mr. KNIGHT. That's right.

\* \* \* \* \*

"Mr. REAGAN. May I ask you this? Maybe you won't want to answer it, but may I ask you this: Mr. Hutcheson said in Chicago that you gentlemen wrote two clarifications before he would accept one. He said in one clarification you mentioned the 1926 agreement and he wouldn't go for that. Is that right?"

"Mr. BIRTHRIGHT. It is in the 1936 original terms—voice became inaudible to reporter—"

"Mr. REAGAN. Again I want to ask you one last thing, Mr. Knight and Mr. Birthright. You have been very patient and very nice.

"Mr. SORRELL. Don't turn it off yet, we have more questions.

"Mr. TINSDALE. I have some questions to ask, too.

"Mr. REAGAN. I am not going to turn it off. I want to ask this one more question. You say he did not like the agreement from the first. Now what I am trying to get at is: Was there any word or was there any idea that your decision of December should be changed rather than clarified?"

"Mr. BIRTHRIGHT. No.

"Mr. REAGAN. In other words, was there some misunderstanding of the meaning on the part of the carpenters or did they want it changed because they knew what it meant and didn't like it?

"Mr. BIRTHRIGHT. They didn't like it, of course, but they recognized the so-called 1926 agreement.

"Mr. TINSDALE. Mr. Birthright, this is Tinsdale again. I am sorry to keep interrupting and coming back to the same item but in this copy of August 16, 1946, memorandum which we have received here, there is one paragraph which starts as follows: 'Jurisdiction over erection of sets on stages was awarded to the IATSE.' Is that paragraph in the memorandum you have before you?

"Mr. BIRTHRIGHT. No. How does it read following that line?

"Mr. TINSDALE. Well, Mr. Birthright, in this same memorandum you have this: The word 'erection' is construed to mean assemblage of such sets on stages and locations.'

"Mr. BIRTHRIGHT. Well, we don't have that here.

"Mr. TINSDALE. Your memorandum of August 16, 1946, does not read that way?

"Mr. BIRTHRIGHT. No. Where did it come from?

"Mr. TINSDALE. There is no question about it, Mr. Birthright, but that this memorandum of August 16 directs the parties to comply, but at the same time in the purported copy of the August 16 memorandum which has been received here on the coast it has the following language in it, and I want to say here that contrary to Mr. Murphy"—Mr. Murphy is the actor—"we are very much interested in the language of the actual memorandum because it is only from the language that we have anything on which to act. Going back to the language which is in your purported copy of your August 16, 1946, memorandum 'The word "erection" is construed to mean the assemblage of such sets on stages or locations. It is to be clearly understood that the committee recognizes that jurisdiction over construction work on such sets as coming within the purview of the United Brotherhood of Carpenters and Joiners' jurisdiction.'

"Now I don't think there has been any question in anyone's mind here that since January 26, 1946, the erection of sets—I say again erection—was the jurisdiction of the IA, but there has been question as to the meaning of the term 'erection' and we were given to understand in your memorandum of August 16, 1946, that you defined the term erection as follow: 'To mean assemblage of such sets on stages or locations' and that there was a distinction between erection and construction and that you defined erection as meaning assemblage, and that you went on to say it was clearly understood that the committee recognized jurisdiction over construction work on such sets as coming within the purview of the United Brotherhood of Carpenters and Joiners.

"The only question here is where construction work stops or what is erection and what is construction work. Is it generally understood that construction should be performed by carpenters and erection as you have defined it, to be assemblage, the work of the IA? Do I make myself clear?

"Mr. BIRTHRIGHT. Yes, you make yourself clear, but I don't know where you got that.

"Mr. TINSDALE. That language is not in your memorandum of August 16, 1946?

"Mr. BIRTHRIGHT. No.

"Mr. KELLY. Just explain to me if you can: Do you mean by erection of sets for the IA that any set built on a stage should be built and constructed by the IA?

"Mr. BIRTHRIGHT. As the directive is understood, yes.

"Mr. KELLY. In other words, any building on a stage outside of millwork and trim work goes to the IATSE?

"Mr. BIRTHRIGHT. Yes."

This is not in the letter. I want to say that thereafter a telegram was sent at the solicitation of somebody in Hollywood, by either Mr. Birthright or by the other member of the committee, Mr. Knight, to the effect that they did not have the right clarification before him when they had this telephone conversation. I merely add that to indicate the confusion was confounding, when you try to change a formal, final, and binding decision.

Then to continue Mr. Walsh's letter:

It appears beyond the shadow of a doubt from the above, as well as from the entire telephone conversation, a printed copy of which is enclosed herewith, that the clarification which was publicized as the August 16, 1946, statement of the committee was utterly spurious. The damage resulting thereby was colossal. Loss of wages to strikers was fabulous. The industry in which our members earn their livelihood appreciably harmed; the organized labor movement generally discredited; our own organization subjected to substantial expense and all because of a bogus clarification.

On January 20, 1947, I wrote Mr. George Meany, secretary-treasurer of the American Federation of Labor, asking him for the certified transcript of of the minutes of the meetings held in August 1946 by the committee of the executive council, and by the executive council itself respecting the Hollywood studio jurisdictional dispute.

I informed him it was necessary for me to have such transcripts in connection with certain litigation then pending against our organization, in which the alleged clarification was sought to be used to our detriment.

In response I received a communication dated February 6, 1947, from Mr. Meany, in which he advised me that he had been instructed by the executive council "to take this matter up with Judge Padway, attorney for the American Federation of Labor, before furnishing any transcripts." In all frankness I was at a complete loss to understand why such procedure should be necessary. I should have imagined that as a matter of common fairness the IATSE, as an affiliate of the American Federation of Labor, would have an absolute right to obtain a transcript of the minutes of any meeting of the council and of any committee thereof pertaining to matters so directly affecting or concerning our organization.

I may say in passing that, of course, Mr. Hutcheson, as a member of the executive council, has and did have those minutes. They were subsequently presented, at the request of this committee, to this committee, meaning the committee of Congress.

Who gave the executive council jurisdiction to make any interpretation, good or bad, correct or untrue? It has no power in the premises. And what an interpretation. It distorts plain language, completely reverses the decision of the executive council committee of three and purports to interpret a clarification that was never in fact made.

As I stated at the outset, the issuance of the interpretation is fairly appalling. I have no doubt that it was brought about because of the pressure exerted by first vice president Hutcheson who at one and the same time acts as prosecutor, judge, and jury and that it can no more stand investigation than the fictitious clarification of August 1946.

Like the clarification, the interpretation was issued without any notice of any kind whatsoever to me or my organization.

The intrigue, deception, and double dealing which have characterized the various proceedings undertaken after the rendition of the December 1945 decision speak gravely ill of the American Federation of Labor. I have sought vigorously to cooperate in every way, as you well know, in order to promote a prompt, peaceful, and practical solution to the Hollywood studio situation, but, frankly I am beginning to lose my faith in view of what I am compelled to describe as the unfair and undemocratic tactics, the mockery of justice which has pervaded this entire situation.

With what confidence can anyone greet the American Federation of Labor's attempt at conferences leading to arbitration of jurisdictional disputes if Mr. Hutcheson is permitted to ignore and defy all the interested organizations and to practice his secret machinations in the executive council.

On behalf of the IATSE, let me say in conclusion that the executive council's recent interpretation is for the same reasons stated in my letter of September 1946 and others, completely null and void, and shall be ignored by us as will any future gratuitous interpretations or clarifications, or whatever else they may be called, which have for their purpose the deprivation of the established and recognized jurisdiction of the IA under the December 26, 1945, decision.

We lost much by that decision, but we kept our word, and we were man enough to take it on the chin so as to preserve labor peace, but we will not appease by giving up what the decision confirmed as our rightful jurisdiction.

Kind regards.

Fraternally yours,

Mr. KEARNS. Mr. Levy, that letter was addressed to Mr. Green?

Mr. LEVY. Yes.

Mr. KEARNS. Signed by Mr. Walsh?

Mr. LEVY. Yes.

Mr. KEARNS. Did I hear correctly where inference was made to Mr. Green by Mr. Walsh that the strike out there was communistically led?

Mr. LEVY. Yes, sir. Not only the inference, but the specific statement was so made, and we are prepared to present proof in support of it.

Mr. KEARNS. All right.

Mr. OWENS. With respect to Mr. Sorrell, Judge Levy, I note that on August 20, I read here a couple of statements when he was testifying before the committee, speaking of Mr. Doherty, Mr. Knight, and Mr. Birthright, he says, "We think they did a pretty fair job."

He says, "Mr. Doherty told me the directive meant exactly what it said and the clarification did not change the directive."

That would seem to indicate that Mr. Sorrell did testify clearly to just about what you read there.

Mr. LEVY. That's right; that is why the interpretation came out, because they were not satisfied with the clarification.

Now, Mr. Green did reply to that letter, and I think in fairness to Mr. Green that ought to be read.

Mr. KEARNS. We will take a 5-minute recess.

(A short recess.)

Mr. KEARNS. The hearing will come to order.

Mr. Levy, you may proceed.

Mr. LEVY. Thank you.

I shall now read the response made by President Green of the American Federation of Labor to Mr. Walsh's last letter:

AMERICAN FEDERATION OF LABOR,  
Washington, D. C., June 30, 1947.

Mr. RICHARD F. WALSH,

*President, International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, New York 20, N. Y.*

DEAR SIR AND BROTHER: I acknowledge receipt of your letter dated June 25 in which you state that you are compelled to condemn as completely invalid and wholly unconscionable the executive council's so-called interpretation of the purported August 16, 1946, "clarification" of the decision rendered on December 26, 1945, by the executive council committee of the American Federation of Labor on the Hollywood jurisdictional controversy.

Because of your reference to clarifications of the decision rendered by the executive council committee in the jurisdictional dispute which arose at Hollywood, it seems appropriate for me to state that I know from the discussion which took place at meetings of the executive council when the Hollywood situation was discussed, that the members of the council were inspired by a sincere desire to promote a settlement of the jurisdictional controversy at Hollywood and to bring about a termination of the situation there which has prevailed for a long length of time.

The interpretation of the clarification of the executive council committee decision, was sent you by direction of the executive council. The committee which rendered the original decision stated in positive terms that the interpretation of the clarification of their decision was correct. Surely no one knew what the committee's decision meant better than the committee itself. The committee formulated the decision. Each member knew what his decision meant. No one could interpret the decision better than the committee itself. All parties affected and involved in the jurisdictional dispute agreed in advance to abide by the decision of the committee. I presume that meant an honest and sincere interpretation of the meaning of the decision made by the members of the committee who rendered the decision.

The previous letter you refer to, dated September 19, 1946, was read to the executive council. The council did not direct that any reply be made thereto, but each member of the council was acquainted with the letter you sent me.

I will bring your letter dated June 25 to the attention of the members of the executive council immediately. In the event the council directs me to make reply thereto I will proceed to do so.

In the meantime, please accept this communication as an acknowledgement of the receipt of your letter dated June 25.

Fraternally yours,

WILLIAM GREEN,  
*President, American Federation of Labor.*

On July 24, 1947, the IATSE wrote the following letter to Mr. Green:

DEAR PRESIDENT GREEN: Your letter of June 30, 1947, reached this office during the absence of President Walsh, who, as you probably know, has been abroad for some time on union business.

As assistant international president, I should like to make some comments with respect to the statements contained in your letter of June 30, 1947, although I do not think it necessary to enter again into a discussion of the various matters set forth in President Walsh's letters to you of September 19, 1945, and June 25, 1947.

You state in your letter that "the members of the council were inspired by a desire to promote a settlement of the jurisdictional controversy at Hollywood and to bring about a termination of the situation there which has prevailed for a long length of time." If that is so, why were these matters, in which our organization is so vitally interested, taken up by the executive council in our absence and without any notice to us? Why were they considered and judged when Mr. Hutcheson, president of the carpenters union, a vitally interested party, was permitted to participate in the discussions and to influence the deliberations? Why were we denied the minutes of the meetings of the executive council and of the executive council committee of three pertaining to these matters? Finally, how can there be any "sincere desire to promote a settlement of the jurisdictional controversy," when the fact of the matter is that it was only because of the circulation of the false and fictitious "clarification" that the current jurisdictional strike arose? Only when satisfactory answers to these questions are furnished, can anyone justifiably come to the conclusion that the members of the council and the committee were not, in truth, coerced into doing what they did, rather than being inspired by an honest desire to settle the jurisdictional controversy on a just and fair basis.

In any event, and irrespective of whether the council was prompted by sincere motives or otherwise, it is plain that their action was completely illegal and void. The executive council committee of three were bound to render their decision within 30 days. This they did, and any so-called clarification, interpretation, explanation, modification, reversal, or change of mind after that time is a complete nullity. You say that "no one could interpret the decision better than the committee itself." But you overlook the fact that the committee, after the expiration of the 30-day period, was without any legal authority to clarify or interpret its decision, and you also ignore the fact that the decision is plain and unambiguous and requires no interpretation, and furthermore, that it is apparent from the telephone conversation held with members of the committee that they never intended to give to their decision the purported meaning claimed in the so-called clarification and so-called interpretation.

I should like to renew at this time our request of January 20, 1947, to Mr. Meany for certified transcripts of the minutes of the various meetings held by the committee and by the executive council respecting the Hollywood studio jurisdictional dispute. As Mr. Meany was informed previously, and as President Walsh stated in his letter to you of June 25, 1947, these transcripts are necessary because of certain litigation pending against our organization in which the so-called clarification and interpretation are being sought to be used to our detriment. Since our organization is so directly affected and concerned in these matters, I think we are entitled to these transcripts as a matter of course. I should appreciate if you were to give this request your immediate attention.

Kind regards,

Fraternally yours,

THOMAS J. SHEA,  
*Assistant International President.*

Mr. OWENS. Did you write that very fine legal letter for him, Judge?

Mr. LEVY. I would say I participated in its preparation.

Now, here is a letter, Mr. Chairman, which I did write. I wrote this letter to Mr. Kearns on November 28, 1947, at the request of the IATSE and pursuant to the permission given to me by Mr. Kearns in Los Angeles. The letter speaks for itself, and I should like to read it:

HON. CARROLL D. KEARNS,

*Chairman, Subcommittee on the Hollywood Studio Labor Strikes,  
Committee on Education and Labor, House of Representatives,*

*Washington, D. C.*

DEAR CONGRESSMAN KEARNS: On behalf of Mr. Richard F. Walsh, president of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, and Mr. Roy M. Brewer, international representative in Hollywood of that organization, and pursuant to the authorization of the subcommittee, Mr. Michael G. Luddy, of Los Angeles, west coast counsel, and I, as special counsel for the IATSE in the Hollywood labor situation, herewith submit the following statement to be included in the record of the Hollywood hearings in the inquiry conducted by your subcommittee in the matter of the Hollywood studio labor strikes.

I. Normal jurisdictional labor problems existed in the studios for some years, largely as a result of the many unions and of the nature of the work. These normal jurisdictional differences might have been peaceably resolved in ordinary trade-unions channels were it not that the pro-Communist elements in the studios had irritated and magnified the jurisdictional differences into internecine labor explosions. More is involved in the Hollywood labor situation than ordinary jurisdictional differences. No investigation of the jurisdictional strikes in Hollywood from 1944 to date can or will give a complete picture of the situation, without a recognition and study of Communist infiltration and tactics in the Hollywood studio unions.

(a) One Jeff Kibre, as the representative of the Communist Party in Hollywood prior to 1939, planned to form an unemployment conference of various studio unions for the purpose of laying a foundation for an industrial union in opposition in the IATSE, which was and is a bulwark against Communist supremacy in Hollywood, and for the purpose of capturing control of studio labor for the Communist Party. Upon receiving information that it was possible to obtain an election to designate a collective bargaining representative under the National Labor Relations Act, Kibre changed his tactics and organized the United Studio Technicians Guild (USTG), petitioned for an election, obtained an order for such election from the National Labor Relations Board, and endeavored to win control of all studio labor by this method. This plan was thwarted in 1939 when the Communist sponsors behind Kibre were exposed. This exposure showed among other things that Kibre was reporting to Bob Reed, a Communist Party representative in New York, and to Harry Bridges in San Francisco; that one Irwin Henschel was a part of the organization which assisted Kibre; that Henschel was sent to the 1938 convention of the IATSE with instructions from Kibre as to a certain resolution which Communist Party representatives in California wanted passed by that convention; that the acting secretary of the Communist Party of Ohio objected to Henschel's activities, as indicated in correspondence by Roy Hudson, then trade union secretary of the Communist Party and later editor of the Daily Worker in New York; that Henschel's Communist motives and reliability were vouched for; and that Kibre's efforts were directed to establish a Communist faction within the IATSE. This is the same Irwin Henschel who was the leader of the so-called "rank and file movement" of the Sorrell-directed strike of the CSU in 1945.

(b) The same program which Kibre had outlined originally in his reports (that is, before he changed his plan to procure an election under the auspices of the NLRB, and which election he lost in 1939) was used by Sorrell later, and Sorrell was aided by the same Henschel. Many of the same persons who had previously supported Kibre supported Sorrell in the strikes from 1944 to 1947.

(c) Since its organization, the CSU has followed the Communist Party line. The president of the CSU, Herbert K. Sorrell, since 1937, has followed the Communist Party line.

I may say, parenthetically, that early in 1945, when it was thought that Mr. Walsh and Mr. Brewer and the IATSE had stated that Mr. Sorrell was a Communist, that Mr. Sorrell instituted a libel suit against Mr. Walsh and Mr. Brewer and the IATSE, based upon that charge. Instead of bringing that case on to trial, Mr. Sorrell voluntarily had the case dismissed, with prejudice. That is the language of the stipulation which was signed by Mr. Sorrell's counsel and my representative on the west coast.

It has been testified by noted handwriting experts before the California Committee on Un-American Activities that Herbert K. Sorrell (under the name of Herbert K. Stewart) was a member of the Communist Party. One of the purposes of the CSU was to bring certain American Federation of Labor unions into its orbit and to bring those unions into conformity with the Communist Party line.

Mr. LANDIS. Was there any date on that Communist card?

Mr. LEVY. We sent photostats of the exhibits to Mr. Kearns. I think it is 1937.

Mr. LANDIS. I believe that is so, according to the Un-American Activities' records.

Mr. LEVY. Yes.

(d) One of the IATSE's own local unions, Film Technicians Local No. 683, participated in the organization of the CSU in 1941, and participated in formulation of the policies of the CSU along the patterns of the Communist Party, until the latter part of 1944, when Local 683 officially withdrew from the CSU. It was almost immediately after this withdrawal that the open attack began by the CSU against the IATSE.

I want to say here parenthetically that because of the disloyal activities of local No. 683 the International IATSE was forced to recognize its international powers to take control of local 683, this local which had participated with Mr. Sorrell's strikes in 1946.

Mr. KEARNS. All right, from there on we have all the information here, Mr. Levy. This has not been put in the record for this reason:

As I stated before, I did not consider it the charge of my committee and until the chairman of the full committee instructs me otherwise, I cannot put it in or go into this phase of the investigation. The data is all here for him to pass judgment on.

Mr. LEVY. May I just say a word about that?

Mr. KEARNS. Yes.

Mr. LEVY. I would say that those who would understand Hollywood's complicated labor problems must recognize at the outset that there are at work in this conflict two separate and distinct forces, which normally would not be allied together, but which in this particularly instance are joined in a marriage of convenience for the purpose of destroying the dominant position which the IA holds in the motion picture industry.

These forces are, (1) the carpenters' union and the burning ambition of William L. Hutcheson to dominate studio labor; and (2) the subversive drive to bring all Hollywood labor under the influence of the Communist Party and those who would follow the Communist line, which drive centers around the Conference of Studio Unions and Herbert K. Sorrell.

Were these two forces to be successful in eliminating the IA, which the IA does not intend to permit to happen, then an equally bitter con-

flict for supremacy in our opinion would later result between these two forces.

Mr. Hutcheson would not accept dictation from the Communist Party, and if the Conference of Studio Unions ever eliminated the IATSE, Mr. Hutcheson would quickly find out how little real economic strength he has in the studios.

I want to make this clear on behalf of the IA. This congressional committee is charged with the responsibility of investigating the Hollywood labor situation. You can no more investigate the war, the Second World War, without investigating the Stalin-Hitler pact—

Mr. KEARNS. All right. At this point I want to tell you again, Mr. Levy, that I have followed out the orders of the chairman of the full committee, the Honorable Fred A. Hartley, Jr., and until I am instructed to go into the communistic angle of this situation, I will not do it. It is up to him to say whether another committee will be appointed or whether he wishes to turn it over to the Un-American Activities Committee.

I am not in any way slighting you in presenting your testimony, I am only stating the fact of my orders.

Mr. LEVY. Mr. Kearns, I appreciate that, and of course I do abide by your rulings.

Mr. LANDIS. Let me make an inquiry. I notice, according to the testimony you read there that the Communists had taken over this local in your organization. Is that correct?

Mr. LEVY. That is correct, sir.

Mr. LANDIS. Of course, the part that seems to me to be testimony for the Un-American Activities Committee is that part which says this jurisdictional strife was caused by the Conference of Studio Unions and Communist-led strikes. Of course, the testimony given before that committee takes in and jeopardizes the carpenters' union. Mr. Hutcheson testified yesterday that they had in their constitution the fact that they do not allow Communists in their organization.

According to testimony given before the other committee this was a Communist-led strike; they took over your local and they have taken over some of the other locals in the Conference of Studio Unions.

I think this is a pretty vital and important point to bring out. I think before we close the hearing that is the only part left in the controversy, with the exception that, as I understand it, Mr. Hutcheson denied yesterday accepting the '25 agreement, and Mr. Walsh said they accepted the '25 agreement.

If this was a Communist-led strike and some of those unions are trying to clean it up, I think we ought to find out before the close of the hearing, from the chairman, whether we will have one witness from each side to present the case.

That would be my suggestion, that one witness from each side would present their side of that Communist activity. I want to be fair to both sides. I do not want to give one side an opportunity and not the other side.

Mr. KEARNS. Mr. Landis, as ranking member of the committee, I am only too glad to follow out my orders, but if you wish to serve the chairman of the full committee with me about the situation and he orders me or someone else to go into it, I would be very happy to do so.

Mr. LANDIS. That would be my suggestion, to contact Mr. Hartley. I make the suggestion we let each side pick out one man, and let them



present their case on this part of it. There has been testimony that Sorrell was a Communist back in 1937. He might have been one then, but he might not be one now.

It is intimated that the carpenters are Communists out there.

Mr. LEVY. Not by me, sir.

Mr. LANDIS. No; I do not say that, but they are in the Conference of Studio Unions now.

Mr. KEARNS. They are all together.

Mr. LEVY. I said they were all working together, that is right. I made that position very clear on our behalf, each for his own purpose.

Mr. KEARNS. Mr. Landis, I also want you to appreciate the position I am in.

Mr. LANDIS. Yes; I realize the situation.

Mr. KEARNS. I am willing to go along on this matter. At the discretion of the chairman of the full committee, I believe you would like to have that so ordered, is that correct?

Mr. LANDIS. I would like to have him contacted.

Mr. KEARNS. We will stand in recess until 2:30 p. m. this afternoon.

(Whereupon, at 12:10 p.m., a recess was taken until 2:30 p.m. of the same day.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2:30 p. m.)

Mr. KEARNS. I am just merely calling the meeting to order. We will adjourn until the call of the Chair, which should be 15 or 20 minutes.

(A short recess was taken.)

Mr. LANDIS. The committee will come to order.

Since the testimony this morning that was brought out by Judge Levy that the communistic part was an important thing to the solution of this problem and since several statements have been made against the committee and about the committee, not giving a fair deal on both sides, we are going to open up the Communist question. It will be fully discussed on each side. Let the chips fall where they may.

The past proceedings were under the direction of Congressman Kearns of Pennsylvania. The proceedings from here on will be conducted by Congressman Kearns as subcommittee chairman; Congressman Fisher, of Texas; Congressman Wood, of Georgia; Congressman Owens, of Illinois, and myself from Indiana.

Mr. Kearns, you take the chair.

(Mr. Kearns assumed the chair.)

Mr. KEARNS. Mr. Landis, at the request of the chairman of the full committee, Hon. Fred A. Hartley, Jr., with you as acting chairman of the committee, I think it only fair at this time to mention I have kept this communistic angle out of the labor relations situation in the motion picture jurisdictional dispute purposely, because I felt I was not so charged to enter into this phase of the situation.

However, I have just been informed by phone, by Mr. Hartley, and have confirmed it with the acting chairman and ranking member of the committee, the Honorable Mr. Landis, of Indiana, that we shall develop the communistic angle of the jurisdictional dispute.

However, I want it fully understood by all persons involved that this is purely a part, now, of the proceedings and hearings pertaining

to the motion-picture industry labor dispute and in no way is to be considered as any single angle of development. It is purely a part of the over-all picture which will be developed through the testimony we will hear.

So at this point, Mr. Levy, we will go back. The evidence which you presented this morning will be part of the record which will be considered from here on by the committee named by the Honorable Mr. Landis.

The report up to this point of the hearing is still under the direction of myself who was appointed by the chairman of the full committee. The parties will understand how the picture looks from here in.

Mr. McCANN. Mr. Chairman, may I make a suggestion at this point?

Mr. KEARNS. Yes, Mr. Counsel.

Mr. McCANN. I would like Mr. Levy to correct me if I am wrong.

I believe the communistic element first entered into his testimony this morning with the introduction of the letter which you wrote to Chairman Kearns in November; is that not correct, Mr. Levy?

#### TESTIMONY OF MATTHEW M. LEVY—Continued

Mr. LEVY. No, sir.

Mr. McCANN. You had gone into that before?

Mr. LEVY. In Los Angeles we had made request of the learned chairman of the subcommittee to go into that. That is in the record.

In the letter which was written by President Walsh of the IATSE to President Green of the American Federation of Labor on September 19, 1946, the position of the IATSE with respect to the Communist conduct in the studio strike was mentioned.

Then I followed that with a letter which I wrote to Congressman Kearns on November 24, 1947, pursuant to his permission, when the hearings ended suddenly out there, to file a statement.

One other matter came in. Vice President Knight of the American Federation of Labor, the record shows, on page 192 of the minutes of February 18, 1948, of the Miami meeting of the American Federation of Labor said:

There is a bad situation there. He—

meaning Vice President Knight of the American Federation of Labor and the chairman of the committee of three of the executive council of the American Federation of Labor—

stated there is a very bitter feeling in that industry in Hollywood and there are numerous other interests working there, some of them working with those people, not for their benefit but for the ultimate result of their taking over and then we would have other organizations representing these people in Hollywood.

Mr. McCANN. Mr. Chairman, I think that gives to the committee present at least some idea of what references have been made to communism in the testimony before noon. I thought that the communistic element—because I was busy doing things the chairman asked me to do—started with this letter and, if it had started, that I was going to suggest that the letter itself be put in the afternoon session, as I understood that was Mr. Owens' desire.

Mr. OWENS. I was going to say let us consider a reoffer of Mr. Levy's testimony for the record this morning in the record of this afternoon.

Mr. McCANN. I think that is very wise.

Mr. KEARNS. The Chair will rule this way, that we will take the testimony beginning with you this morning, Mr. Levy, for the consideration of the newly appointed committee.

At this time I would like to recognize the Members of Congress sitting here this afternoon.

Beside Mr. Landis, the ranking Member, Mr. Owens, of Illinois and Mr. Gwinn, of New York; Mr. Fisher, of Texas; Mr. Kennedy, of Massachusetts; and Mr. Kelley, of Pennsylvania.

Mr. LANDIS. Mr. Kelley has a guest and I would like him to introduce his guest, if he will.

Mr. KELLEY. My guest, Mr. Chairman, is a member of the English Parliament, Mr. Wallace.

Mr. KEARNS. Mr. Wallace, we welcome you here and are very glad to have you with us, sir.

Mr. LEVY. Shall I proceed, sir?

Mr. KEARNS. Mr. Levy, you will proceed. I think you were reading the letter written to me. You left off with section D. Do you want to continue that?

Mr. LEVY. I do want to continue, but I think I ought to preface the continuance of the reading of that letter with this short statement, in view of the augmented committee. I had not completely finished my response to Mr. McCann's question that I think I ought to put on the record.

Mr. KEARNS. All right, proceed.

Mr. LEVY. Our position, Mr. Kearns, before this honorable committee is that we deeply appreciate the opportunity of presenting to this committee of Congress all of the phases of the matter involved in this jurisdictional dispute which started in the latter part of 1944.

It was our position that those who would understand Hollywood's complicated labor problems must recognize at the outset that there are at work in this conflict two separate and distinct forces which normally would not be allied together but which in this particular instance are joined in a marriage of convenience for the purpose of destroying the dominant position which the IATSE holds in the motion picture industry.

These forces are, (1) the carpenters' union and what our organization feels to be the burning ambition of the carpenters' organization under the leadership of Mr. William L. Hutcheson to dominate studio labor. We do not claim that is a Communist outfit at all.

And (2) the subversive drive to bring all Hollywood labor under the influence of the Communist Party and those who follow the Communist line, which drive centers around the Conference of Studio Unions and Herbert K. Sorrell.

I think I may say in passing that the strike to all intents and purposes is over. I should really speak of this in the past tense rather than in the present tense.

Were these two forces to have been successful in eliminating the IATSE which we consider the one bulwark in studio labor in opposition to the Communist capture of studio labor, then, and equally in our judgment, an equally bitter conflict for supremacy would later result between the Communist groups and the carpenters.

I believe that Mr. Hutcheson would not accept dictation from the Communist Party and if the Conference of Studio Unions ever elimi-

nated the IA I believe that Mr. Hutcheson would quickly find out how little real economic strength the carpenters' organization has in the studio.

Our position was, as I urged upon the committee this morning, that you can no more adequately investigate World War II without studying the Stalin-Hitler pact, than you could investigate the Hollywood jurisdiction of disputes without going into the tieup between Mr. Sorrell of the Conference of Studio Unions, and Hutcheson of the carpenters' organization in this marriage of convenience which I have indicated.

If we are going to make a thorough investigation those two factors must be kept in mind, on the basis of which we can come to a fair conclusion as to the reason for the continued strife.

On March 11, 1947, Mr. Richard F. Walsh, the international president of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada addressed a telegram to the Honorable Fred A. Hartley, chairman of the House Labor Committee. While that telegram is in the record, so far as the hearings with respect to the amendments to the National Labor Relations Act are concerned, it is not in the record of the Washington hearings of this Hollywood jurisdiction dispute, and therefore I should like to be permitted to proceed to read it:

Having taken note of publicity given to the testimony of one Oscar Schatte before your committee I want to urge you to complete the investigation so that all the facts may be ascertained and made known to the public. The one-sided testimony given by Schatte is misleading and prejudicial to the thousands of loyal workers who have refused to surrender to the strong arm and subversive elements in Hollywood with whom Schatte is associated and whom he is trying to defend.

Several hundred members of our organization have been injured or have suffered damage at the hands of goons many of whom have been identified as being associated with the so-called Conference of Studio Unions which, under the leadership of Sorrell, has been conducting this long strike to deprive our organization of jurisdiction in the Hollywood studios.

Schatte shopworn hearsay charge often repeated and never proved, that I or our international union is in any way involved in racketeering practices, or that we are in any way associated with Bioff is absolutely false. I challenge him to submit any proof in support of that charge.

I want to parenthesize by saying that in Hollywood I, on behalf of the organization whom I represent, made the same challenge before this honorable committee, before it was increased in size, because I felt that if there was any racketeering in Hollywood since 1941, November, when Mr. Walsh became the president, I—and I consider myself an honorable member of the bar—would not want to represent that organization. No proof was presented.

I make the same challenge again. [Reading:]

The false charge thus made before your committee as a sounding board is intended to bolster up a dying morale on the part of those who have been duped by Sorrell's false propaganda. The fact is that the present controversy was caused and is being continued solely by the action of Conference of Studio Unions in conducting its vicious jurisdictional strike against us. I am personally proud of the fight which our organization is making against the pro-Communist elements in Hollywood. Their No. 1 goal is to destroy the IATSE, universally recognized as the most effective bulwark against the capture by those disloyal to America of control over the motion picture industry. A complete investigation will show the American people, who are the truly responsible parties in the Hollywood conflict. We will welcome such an investigation and we shall assist in every possible way.

Mr. KEARNS. Mr. Levy, you mentioned that on the west coast you challenged during the hearings the communistic angle. You should have included in your statement that it was ruled out at the discretion of the chairman.

Mr. LEVY. That is exactly what I intend to say now, sir.

Mr. KEARNS. All right.

Mr. LEVY. The chairman took the position, contrary to my request in Los Angeles, that they were not investigating the Communist infiltration in the Hollywood labor situation and that they were not going to go into any racketeering elements in the situation, as if that were a deal or bargain which would satisfy me or my client—

Mr. KEARNS. Now, let's watch the language here. I don't like that word "deal." I had that in another hearing I had once. I said that was not the charge of my committee and don't say that I ignored it because I purposely ruled it out because it was not the charge that I had from the full chairman. I have said that so many times that I do not want it referred to again.

Mr. LEVY. Congressman, I respect you as the chairman of this subcommittee. I am merely repeating what I stated on the record in Los Angeles, that's all. I said, "I don't want any such arrangement; that I believe a thorough investigation of this Hollywood situation would justify naming or requiring going into every feature of it." The IATSE is not ashamed of anything it did since November 1941.

Mr. KEARNS. There were never any insinuations of that, sir. I just ruled it out, as you recall.

Mr. LEVY. That is correct, sir. The insinuations were sought to be made by some of the witnesses, sir, notwithstanding your ruling.

Mr. KEARNS. They were called out of order in a hurry, then.

Mr. LEVY. Mr. Walsh received this communication signed by Fred A. Hartley, Jr., chairman of the Committee on Education and Labor, dated March 24, 1947:

DEAR MR. WALSH. I wish to acknowledge your telegram of March 21. There was another telegram.

At the outset let me assure you that any investigation or hearings held by this committee, as long as I am chairman, will be both impartial and completely fair to everyone concerned. Your wire to me of March 11 was made a part of the official hearings before my committee, and in addition I gave assurances to Hon. Arthur Klein, a member of this committee, that this matter would be thoroughly investigated and that you would be given every opportunity to present whatever testimony you desired.

I had assumed this had been passed on to you. The reason I wired you on March 19 was because I wanted to make certain that anyone who testifies before my committee will not as the result be subjected to intimidations and strong-arm methods. Once again let me assure you this matter will be completely investigated.

I am,

Sincerely yours,

FRED A. HARTLEY, JR.

Mr. McCANN. Now, Mr. Chairman, may I ask the witness whether or not any evidence was submitted to the full committee which was at that time taking testimony on the labor-management bill, with respect to the subject matter referred to?

Mr. LEVY. You mean the Hollywood strike?

Mr. McCANN. No, I ask if you submitted any testimony in reply to Mr. Hartley's message to Mr. Walsh to be included in the record from which you are reading, which was the testimony with respect to

the labor-management bill. I am trying to keep you and your record of the labor-management bill apart from the Hollywood investigation.

Mr. LEVY. That is why I was reading this into the record here, sir. We made no presentation of proof with respect to the labor-management relations committee hearings whatsoever, other than the telegram which Congressman Hartley offered in the record. We were not requested to present any proof to that committee, as I understood it.

Mr. McCANN. But, as I understand Mr. Hartley's message to you, it invited you to offer any testimony which you might have with respect to the subject matter and it would be included in the record; is that not true?

Mr. LEVY. I got the impression from the telegram I read that, insofar as there was to be an investigation of the Hollywood jurisdictional situation, there was where the proof would be presented.

Mr. McCANN. May I call your attention to the fact that there was no committee appointed to go to Hollywood to investigate the Hollywood jurisdictional strike until, I think, July of 1947.

Mr. LEVY. I do not deny that, sir. I did not know it, but I accept your statement as a fact.

Mr. OWENS. Mr. Chairman, the telegram you have referred to, was that dated March 11, 1947, from New York, addressed to Hon. Fred A. Hartley?

Mr. LEVY. Yes, sir. I do not seem to have it here. If you have it, I would like to read it into the record.

Mr. OWENS. There is one here at page 3483 of the official record of last year.

Mr. LEVY. That is the one I just read.

Mr. OWENS. There is also one from a party named Jack B. Tenney, dated March 18.

Mr. LEVY. Yes, I intend to read that, sir.

The learned chairman of this full committee made the following statement:

The CHAIRMAN. As further evidence of the desire of this committee to hear both sides of all controversies presented to this committee the Chair wishes to insert in the record at this point a wire from Richard F. Walsh, international president of the International Alliance of Theatrical Stage Employees, as a reply to the testimony of Mr. Schatte. In the same connection the Chair would also like to insert at this point in the record a wire from Mr. Jack B. Tenney, chairman of the Joint Fact-Finding Committee on Un-American Activities of the California State Legislature. If there is no objection they will be made a part of the record at this point.

Now I want to read to you the telegram to Hon. Fred Hartley from Sacramento, Calif., March 13, 1947:

My attention has been called to the testimony of Oscar Schatte, member of the Conference of Studio Unions, before your committee last Saturday. The Joint Fact-Finding Committee on Un-American Activities of the California State Legislature, of which I am chairman, has thoroughly investigated the Conference of Studio Unions and the Hollywood studio strike situation. On February 19, 1946, we issued a report containing the following paragraph:

"The secret Communist Party affiliation of Herbert K. Sorrell is therefore established beyond a shadow of a reasonable doubt and his activities explained in light of current Communist Party purposes and objectives."

Mr. McCANN. Now, Mr. Chairman, may I raise a point of order?

Mr. KEARNS. No objection.

MR. McCANN. If charges of communism are to be received in the record against anyone here, I ask that those charges shall be personal and given under oath by the parties making such charges and that we shall restrict and refuse to receive documents or communications which are not personal in nature, from the ones who can testify under oath.

MR. KEARNS. The witness is under oath.

MR. McCANN. The witness may be under oath but now he is quoting from someone else who is not under oath before this committee. I believe that with such a grave charge that the person who makes such a charge should be subject to examination by the counsel of this committee and by the members of this committee.

MR. OWENS. Mr. Chairman, while ordinarily I think that point would be a very good point, I believe what Judge Levy is reading now is from the proceedings of the hearings of last year where Mr. Hartley made the statement and put these telegrams right in our record so that they are already public.

MR. KEARNS. Mr. McCann, I believe that is correct, although your observation is well taken. The records being read now by the judge are records of last year.

MR. McCANN. The record received by the committee at that time, Mr. Chairman, the full committee of the House, was a record in which any witness could appear before the committee without being put under oath and without the sanction of an oath, except as to those accused of being Communists, such as Mr. Christoffel. Mr. Christoffel is being tried at this time in district court.

MR. OWENS. He is being tried for perjury.

MR. McCANN. Being tried for perjury. Outside of a few witnesses of that character anyone could come before the committee and make a statement and there was not the sanction of an oath.

MR. LANDIS. Mr. Chairman.

MR. KEARNS. Mr. Landis.

MR. LANDIS. You might mark those items, but I believe every witness who comes here ought to have his say. We could mark those items as to whether they were given under oath or not given under oath.

MR. KEARNS. That is right, sir.

MR. LANDIS. Let's not bar any witness from having his day in court.

MR. BODLE. Mr. Chairman, could I be heard on that?

MR. KEARNS. No, not at this time.

MR. OWENS. May I make one further observation, Mr. Chairman? When a man is testifying as Judge Levy is doing he is taking the responsibility for the testimony he is giving in the record; he is taking the responsibility for the telegrams which are read and for the further proof of those very things he is stating. That is my theory of it.

It is different when we take a telegram in from someone in the West and put it in the record ourselves.

MR. McCANN. Mr. Chairman, I very seriously, and without any thought to block out any testimony here which is right and based upon oath, feel that the statements now being made by counsel are being made purely as hearsay; it is a record of what someone else said, what someone else has done. So far I have not heard one word from this witness which is based upon his personal knowledge and which he can verify or certify to this committee under oath. I refer now to charges with respect to communism.

Mr. KEARNS. Mr. Counsel, the Chair will have to rule this way: Mr. Levy is under oath. What he wishes to tell the committee at this time he is perfectly privileged to do so, and any other witness who comes before us to deny or make countercharges will also be under oath. I think in the long run it will clarify itself, sir.

Mr. McCANN. Mr. Chairman, I yield to the committee chairman but I contend this witness may quote 20 people to the effect that someone is a Communist and we haven't one scintilla of evidence that justifies the committee in making any such affirmation.

Mr. KEARNS. Mr. Counsel, as long as he makes the accusation and puts it in the record he is under oath and assumes that responsibility, does he not?

Mr. McCANN. He assumes the responsibility without legal obligation.

Mr. KEARNS. Well, maybe somebody else will make it legal then.

You understand I am just trying to clear this up.

Mr. LEVY. I understand very well. I want to read two telegrams and then I will proceed to read the letter that I wrote you.

Mr. KEARNS. All right, Judge, go ahead.

Mr. LEVY. Thank you very much. We will have a witness here who will testify. I am presenting the statement on behalf of my client.

I continue reading from Senator Tenney's telegram:

There is no doubt in the minds of the members of the joint fact-finding committee on un-American activities that Herbert K. Sorrell is a member of the Communist Party and presently an important stooge and tool of the Communist Party design for the disruption of American Federation of Labor unions in Hollywood and the establishment of Communist influence and domination in the motion-picture industry.

On February 18, 1946, the subcommittee on law and order of the State assembly, under the leadership of C. Don Field, which has investigated the violence in the 1945 strike, submitted a report containing the following:

"From its investigation the subcommittee concludes that there was a definite and serious break-down of law and order in the county of Los Angeles and particularly in the city of Burbank, in connection with the so-called jurisdictional strike at the motion picture studios in the month of October 1945. Mass picketing and acts of violence in disregard of law and orders of the court, induced and inspired by subversive elements taking advantage of the strike situation were not prevented nor immediately curbed by law-enforcement agencies."

We hope your committee will ascertain all the facts in the current studio situation before taking any action which might unintentionally support these subversive elements active in the studio situation. If I can be of service to you feel free to call upon me.

JACK D. TENNEY.

I have no doubt, sir—although I cannot speak with knowledge—that after these telegrams were sent to the Honorable Fred A. Hartley it was thought there ought to be an investigation of the entire Hollywood jurisdictional strife situation.

Now I proceed to continue to read the letter which I was privileged to write to the Honorable Carroll D. Kearns on November 28, 1947, pursuant to the authorization of the subcommittee in Los Angeles.

Since I have certain exhibits here that ought to be presented and you have the original letter, I would appreciate it if you would let me have the letter and the exhibits. I shall present them in that way.

Mr. KEARNS. All right, sir. [Handing the witness documents.]

Mr. LEVY. Thank you very much.



Mr. KEARNS. You might explain to the full committee now that you have read the letter up a certain point.

Mr. LEVY. In view of the fact that there are other members here, I will read the first two pages again.

Mr. KEARNS. Mr. Reporter, he will read the letter and then you pick it up at section (e), where he left off before.

The REPORTER. Yes, sir.

Mr. LEVY (reading):

NOVEMBER 28, 1947.

HON. CARROLL D. KEARNS,

*Chairman, Subcommittee on the Hollywood Studio Labor Strikes,  
Committee on Education and Labor, House of Representatives,  
Washington, D. C.*

DEAR CONGRESSMAN KEARNS: On behalf of Mr. Richard F. Walsh, president of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, and Mr. Roy M. Brewer, international representative in Hollywood of that organization, and pursuant to the authorization of the subcommittee, Mr. Michael G. Luddy, of Los Angeles, west coast counsel, and I, as special counsel for the IATSE in the Hollywood labor situation, herewith submit the following statement to be included in the record of the Hollywood hearings in the inquiry conducted by your subcommittee in the matter of the Hollywood studio labor strikes:

I. Normal jurisdictional labor problems existed in the studios for some years, largely as a result of the many unions and of the nature of the work. These normal jurisdictional differences might have been peaceably resolved in ordinary trade-union channels were it not that the pro-Communist elements in the studios had irritated and magnified the jurisdictional differences into internecine labor explosions. More is involved in the Hollywood labor situation than ordinary jurisdictional differences. No investigation of the jurisdictional strikes in Hollywood from 1944 to date can or will give a complete picture of the situation, without a recognition and study of Communist infiltration and tactics in the Hollywood studio unions.

(a) One Jeff Kibre, as the representative of the Communist Party in Hollywood prior to 1939, planned to form an unemployment conference of various studio unions for the purpose of laying a foundation for an industrial union in opposition to the IATSE—

Mr. McCANN. Now may I ask at this time: Do you know where Jeff Kibre is?

Mr. LEVY. I do not. I have been informed Mr. Jeff Kibre is now in the northwest part of the United States, recently charged or indicted with the commission of some crime or offense there, and is presently an organizer of a CIO union. That is as far as I can tell on information.

I have no knowledge as to Mr. Jeff Kibre's personal present whereabouts.

Mr. McCANN. Mr. Chairman, at this time, with the first name he has mentioned, I propose as a procedure that as each name is called out and the person is charged with being a Communist, that the chairman of the committee shall ask for the full name and address, and that we notify the persons charged before this committee as Communists, and afford them an opportunity, if they so desire, to appear before the committee to offer any evidence to the contrary.

Mr. KEARNS. So ordered.

Mr. LEVY. Counsel interrupted me in the middle of a sentence, and I would like to complete it.

Mr. LANDIS. Mr. Chairman, I might say I was taking down the names, but if counsel will take down the names and addresses I would appreciate it.

Mr. KEARNS. Yes, and I will instruct the secretary later as to the type of letter we will send each person.

Mr. LEVY. Our statement sets forth that Mr. Kibre planned to form an unemployment conference of various studio unions for the purpose of laying a foundation for an industrial union in opposition to the IATSE—

which was and is a bulwark against Communist supremacy in Hollywood, and for the purpose of capturing control of studio labor for the Communist Party. Upon receiving information that it was possible to obtain an election to designate a collective bargaining representative under the National Labor Relations Act, Kibre changed his tactics and organized the United Studio Technicians Guild (USTG), petitioned for an election, obtained an order for such election from the National Labor Relations Board, and endeavored to win control of all studio labor by this method. This plan was thwarted in 1939 when the Communist sponsors behind Kibre were exposed. This exposure showed, among other things, that Kibre was reporting to Bob Reed—

Parenthetically, I do not know where Bob Reed is. I have never met the gentleman, and I am in no position to give you his address—a Communist Party representative in New York, and to Harry Bridges—

I have never met Mr. Bridges. I don't know where he is. I understand his residence is San Francisco.

Mr. McCANN. I don't think we will have any trouble finding him.

Mr. LEVY. All right—

that one Irwin Henschel was a part of the organization that assisted Kibre—

Mr. Irwin Henschel was a member of the IATSE. I parenthesize this. I met Mr. Henschel in California on one of my trips out there as counsel for the IATSE. My present knowledge of his whereabouts is nil. I understand that he lives in Los Angeles or in that area—

that Henschel was sent to the 1938 convention of the IATSE with instructions from Kibre as to a certain resolution which Communist Party representatives in California wanted passed by that convention; that the acting secretary of the Communist Party of Ohio objected to Henschel's activities, as indicated in correspondence by Roy Hudson, then trade-union secretary of the Communist Party and later editor of the Daily Worker in New York; that Henschel's Communist motives and reliability were vouched for; and that Kibre's efforts were directed to establish a Communist faction within the IATSE. This is the same Irwin Henschel who was the leader of the so-called "rank and file movement" of the Sorrell-directed strike of the CSU in 1945.

Mr. McCANN. Are we to understand that this Henschel, who was a member of the IATSE, transferred his union membership to a union that was connected with the CSU?

Mr. LEVY. No, sir.

Mr. McCANN. Well, would you please explain that?

Mr. LEVY. Yes, sir. You are to understand, sir, that the IATSE had also a number of Communists seeking to undermine the organization of the IATSE in cooperation with their spiritual colleagues who were working in the Conference of Studio Unions.

I do not make the allegation that Mr. Henschel withdrew from the IATSE and went over to the Conference of Studio Unions. I make the allegation that it was his job to work in the IATSE and it was the job of his colleagues to work in the Conference of Studio Unions.

When it was discovered that Mr. Henschel was disloyal to the IATSE and to America, the IATSE, in accordance with law, undertook to expel him from the organization and did so.

(b) The same program which Kibre has outlined originally in his reports (that is, before he changed his plan to procure an election under the auspices

of the NLRB, and which election he lost in 1939) was used by Sorrell later, and Sorrell was aided by the same Henschel. Many of the same persons who had previously supported Kibre supported Sorrell in the strikes from 1944 to 1947.

(c) Since its organization, the CSU has followed the Communist Party line. The president of the CSU, Herbert K. Sorrell—

Mr. McCANN. What date was that—since what?

Mr. LEVY. I said "since its organization." That would be 1941, so far as the CSU is concerned. I will repeat, sir, since its organization, the CSU has followed the Communist Party line. And we have exhibits in support of that position.

Mr. McCANN. Will you state for the record at this time, sir, so that new members of the committee who are sitting in for the first time may know, what unions you are talking about when you say the Conference of Studio Unions. Tell them what major unions are connected with the Conference of Studio Unions?

Mr. LEVY. There have been changes, Mr. McCann, from time to time in the make-up of the Conference of Studio Unions.

It was organized in 1941 with Herbert K. Sorrell as its president. No international union affiliated with the Conference of Studio Unions; only a number of local unions in Hollywood affiliated with the Conference of Studio Unions.

Mr. McCANN. That is what I understand, but would you mind mentioning them?

Mr. LEVY. I can mention some of them from memory. I would rather look over my records and give you a complete list rather than to mention them from memory.

Mr. McCANN. I think the committee should know against whom you are making this statement.

Mr. LEVY. I agree with you. I am not now making any statement with respect to any local union. I am now making a statement with respect to the Conference of Studio Unions. I will be pleased to give you the complete list. All I say is that I do not think I would like to give it to you from memory.

Mr. LANDIS. Let him put the complete list in the record.

Mr. LEVY. I will give it to you before the day is over. I just do not want to take the time now to examine my records.

Mr. KEARNS. All right; that is agreeable.

Mr. LEVY. In order to make it clear, I want to say to you that the carpenters' organization was not in the conference. The carpenters' local in Hollywood was not in the Conference of Studio Unions in 1941 or even during the early part of 1945.

Mr. McCANN. The painters, the machinists, and the IBEW were, were they not?

Mr. LEVY. The local unions of the painters, the local union of the machinists, and the local union of the electricians, I think were.

Mr. McCANN. All right; proceed.

Mr. LEVY. I think there were some others, but I want to give you the complete list.

I pointed out earlier that one of our own local unions, the Studio Technicians, Local 683, of the IATSE, was in the Conference of Studio Unions at its inception in 1941 until the latter part of 1944.

I continue with subparagraph (c):

The president of the CSU, Herbert K. Sorrell, since 1937 has followed the Communist Party line. It has been testified by noted handwriting experts before

the California Committee on Un-American Activities that Herbert K. Sorrell (under the name of Herbert K. Stewart) was a member of the Communist Party. One of the purposes of the CSU was to bring certain American Federation of Labor unions into its orbit and to bring those unions into conformity with the Communist Party line.

(d)—

Mr. McCANN. Mr. Chairman, at that point, if you will excuse me, I think that is a tremendously serious charge; and I hope that we will have positive proof of that fact, rather than a conclusion, because I think that is a most grave charge.

Mr. LEVY. Which fact do you mean, Mr. Counsel?

Mr. McCANN. That from 1937—whatever the last statement was that you read. I think that is a grave charge, and I hope you are going to be able to sustain it.

Mr. LEVY. I think, sir, any statement I make I will be able to present—if you will permit me, and I think you will—exhibits in support of my statement.

Mr. KEARNS. Mr. Counsel, if I may restate here, Mr. Levy is under oath. He is testifying and making these charges. I imagine he is over 21 years of age and knows what he is doing.

Mr. McCANN. I don't doubt that, sir, but a charge of this momentous character is such a sweeping over-all charge, it seems to me we ought to indicate our interest in that charge and a desire to have that point established before our committee. That is my purpose.

Mr. LEVY. I will endeavor through the witnesses which we will present to substantiate any statement which is questioned in the letter that I wrote to the learned chairman of this committee.

Mr. KEARNS. Mr. Landis, of Indiana.

Mr. LANDIS. All the witnesses are going to be under oath.

Mr. KEARNS. That is right.

Mr. LANDIS. I anticipate some serious charges from a great many witnesses here, and I don't think we should take up the time of questioning them on every charge they make.

Mr. McCANN. I did not have that in mind, sir. I was only trying to cover an over-all picture.

Mr. LANDIS. On all sides there will be some serious charges made.

Mr. McCANN. I thought it might clarify things, Mr. Landis, and expedite things if we indicated those statements which were of such a grave character. There are a lot of statements being made that we cannot check on, for example, names of persons accused whose addresses are not given.

Mr. OWENS. I think, Mr. Chairman, as long as a party is testifying we can only err by keeping it out and not by letting it in. We are only going to weigh the testimony that is material to the issue.

Mr. McCANN. Proceed, sir.

Mr. LEVY (reading):

(d) One of the IATSE's own local unions, film technicians local No. 683, participated in the organization of the CSU—

meaning the Conference of Studio Unions—

in 1941, and participated in formulation of the policies of the CSU along the patterns of the Communist Party, until the latter part of 1944, when local 683 officially withdrew from the CSU. It was almost immediately after this withdrawal that the open attack began by the CSU against the IATSE.

(e) The 1946-47 strike was only one of a series of strikes, all of which were a part of the pro-Communist agitation to disrupt labor relations in the Hollywood

studio, to destroy the IATSE as a collective-bargaining representative of the studio unions, and to install in its place a pro-Communist industrial type of union which would, at the appropriate time, join hands with the pro-Communist elements in the studio talent guilds, and especially in the screen writers guild, so as to place the motion picture industry under the domination of the Communists and their pro-Communist friends and sympathizers.

(f) The following documents are annexed hereto in support of the foregoing.

I do not know whether these documents are in order.

Mr. KEARNS. I have looked through them, so I doubt whether they are.

Mr. LEVY. All right, I will try to pick them out.

Following are excerpts from the Senate Journal of February 19, 1946, containing a partial report of the Joint Fact-Finding Committee on Un-American Activities in California, showing the record of Herbert K. Sorrell.

The record of Herbert K. Sorrell, president of Conference of Studio Unions and strike leader in Hollywood strike called March 12, 1945.

Mr. OWENS. You are vouching for that record, of course, Mr. Levy? You are vouching for the correctness of that record?

Mr. LEVY. We vouch for every statement presented in this bulletin.

I want to make clear that I was not present in Hollywood in 1938, up to the present time, so I was not personally present in order to watch all of the activities of the president of the Conference of Studio Unions. This record is based upon documents which came to the attention of Mr. Roy M. Brewer, the international representative of the IATSE in Hollywood, since the early part of 1945.

The following compilation is made from subject's participation in known Communist "front" organizations, and his association with known Communists, and support of the activities of such known Communists.

Subhead, "Motion Picture Democratic Committee Brands Roosevelt a 'War-Monger'."

This organization was a proven Communist-controlled "front." It was set up in the spring of 1938 and went out of existence about 1 year after the signing of the Stalin-Hitler Pact on August 23, 1939.

During the lifetime of the organization it followed the Communist Party line faithfully and when the Communist Party of the United States changed over from the "United Front" or anti-isolation to the "imperialist war" position, to an anti-Roosevelt position and opposition to aid to England, the Motion Picture Democratic Committee did likewise.

The official literature of this organization will show that right up to the time of the Stalin-Hitler pact, it supported Franklin D. Roosevelt and advocated his running for a third term. It will also show that right after the announcement of the Stalin-Hitler pact, when the Communist Party line changed to isolation, it opposed Franklin D. Roosevelt and his foreign policy of aiding the Allies.

Two members of the executive board, Melvyn Douglas and Phillip Dunne, resigned because of the Communist control of the organization.

Mr. Douglas and Mr. Dunne introduced the following proposals to the executive board of the Motion Picture Democratic Committee shortly after Soviet Russia invaded Finland in December 1939, at which time Russia and Germany were in virtual alliance:

"1. The Motion Picture Democratic Committee reaffirms its support of the Roosevelt foreign policy.

"2. It commends the President for his condemnation of Russian aggression and his request that the Finnish war-debt payments be reserved for Finnish use.

"3. The Motion Picture Democratic Committee is in fundamental disagreement with the Communist Party and other organizations and individuals who supported the President until the Russian aggression and have since turned on the administration with attacks.

"4. The Motion Picture Democratic Committee can in no way collaborate with such organizations."

These proposals put as a resolution, were defeated by the executive board by a vote of 19 to 0 (reported in the Communist People's World, March 12, 1940).

Mr. Douglas and Mr. Dunne then resigned from the organization because of its Communist character.

Herbert K. Sorrell was a member of this executive board (official stationery), and continued actively to support the new position of the organization which was in strict conformance with the Communist Party line will be shown hereinafter under the heading of "Patterson Slate," a venture which the Motion Picture Democratic Committee supported.

Other members of the executive board of the Motion Picture Democratic Committee at that time who are now supporting the present strike in the Hollywood studios are Harold Buchman, Al Caya, John Cromwell, Norval Crutcher, John Green, Edward Mussa, Irving Pichel, Gloria Stuart, Frank Tuttle.

One of the last acts of this Motion Picture Democratic Committee and one which showed its Communist character was a meeting held at the Olympic Auditorium in Los Angeles on April 6, 1940, at which this organization was represented. The title of the meeting was according to the Motion Picture Democratic Committee bulletin dated March 26, 1940: "America Declares Peace."

This meeting constituted a violent attack on Franklin D. Roosevelt and the "war-mongers" and was called by the Hollywood Peace Council, afterward to become the American Peace Mobilization, an organization denounced by the Attorney General of the United States as one of the most dangerous Communist organizations ever to be launched in this country.

Persons who were speakers, or present on the platform, who are now supporting the 1945 Conference of Studio Unions' strike in the studios are: Philip N. Connelly, Dalton Trumbo, Frank Tuttle, Ellis E. Patterson, Reuben Borough, Herbert Biberman.

Mr. KEARNS. Those names will all be submitted in the record. Those are my records which he submitted to me that he is now using, or rather, his records which he gave to me.

Mr. LEVY. That is correct.

The Motion Picture Democratic Committee went out of existence during the latter part of the Stalin-Hitler pact, when the Communist Party in the United States was isolationist and antiwar.

When the Communist Party line changed from isolation to prowar because of the attack on Soviet Russia by Hitler, the Motion Picture Democratic Committee was revived under a slightly different name. This time it was called the Hollywood Democratic Committee. This committee, like its predecessor the Motion Picture Democratic Committee, followed the Communist Party line, but this time it was not so apparent because the line now called for all-out support of the war, because of the need for assistance by Soviet Russia.

We now find a very "patriotic" organization hailing Franklin D. Roosevelt as a great commander in chief instead of a war-monger and trickster leading the country into an unpopular war and betraying the country into the net of Wall Street, as the Motion Picture Democratic Committee had claimed when Stalin and Hitler were allies.

Herbert K. Sorrell, now emerges as a member of the executive board of this organization also, whose program is just the reverse of its predecessor where he was also a member of the executive board.

However, the Hollywood Democratic Committee has also now gone out of existence. On May 24, 1945, there was advance notice that the Communist Party line in the United States would again undergo a change. This notice was in the form of a letter from a leading French Communist, Jacques Duclos.

Mr. McCANN. May I stop you just a moment there?

Mr. LEVY. I don't know where Mr. Duclos is. He is probably in Paris.

Mr. McCANN. I was not going to ask you about Mr. Duclos, I was going to ask you what time the Hollywood organization went out of

existence; whether it was before or after March 12, when the '45 strike started.

Mr. LEVY. I will give you the date in just a moment. I have it here in this statement.

Mr. OWENS. Inasmuch as you have been stopped there for a moment, I was quite interested in something you said where you used the word "isolationist" and the antonym of that was "prowar." Does that mean the anti-isolationist is prowar?

Mr. LEVY. No, sir; I am just reading the pamphlet. I am not expressing any personal opinion except reading the pamphlet.

Mr. OWENS. You are vouching for it, of course?

Mr. LEVY. I am vouching for the historical facts stated here, not the terminology of an international or political nature. [Reading.]

This letter was published everywhere in the official Communist press and it constituted a criticism of the past "line" and demanded a change back to the program of Marx and Lenin which had been abandoned during the war.

On June 6, 1945, the Hollywood Democratic Committee became the Hollywood Independent Citizens Committee of the Arts, Sciences and Professions.

The names of those persons of the recently dissolved Hollywood Democratic Committee who are now supporting the present Communist-inspired strike in the Hollywood studios are John Cromwell, Norval Crutcher, John Green, Irving Pichel, Gloria Stuart, Frank Tuttle, E. Y. Harburg, Edward Dmytryk, Ira Gershwin, Rev. Clayton Russell.

All of the above are members of the Executive Board of the Hollywood Democratic Committee (official literature of organization).

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#### LABOR'S NON-PARTISAN LEAGUE

##### YANKS ARE NOT COMING TO FIGHT STALIN-HITLER

This Communist-controlled organization came into existence before the war started. Up until the Stalin-Hitler pact it supported President Roosevelt and the New Deal, supported the United Front against Hitler and was for "collective security" against nazism.

But when the Stalin-Hitler pact was made and the Communist Party changed from anti-Hitlerism to isolation, the Labor's Non-Partisan League changed also, opposed our entry into the war, opposed aid to England and adopted the slogan "The Yanks Are Not Coming."

Herbert K. Sorrell was State president of the organization during this latter period, opposed the third term for President Roosevelt and Sorrell denounced him as leading us into war (People's World, May 2, 1940).

I want to say something about Mr. Sorrell's supporting President Roosevelt. I understand there was one instance when, not following the Communist Party line, he did at that time support the reelection of President Roosevelt, notwithstanding the fact that it was the Communist Party line to oppose him.

Regarding the Communist character of Labor's Non-Partisan League, Vierling Kersey, superintendent of Los Angeles schools, stated through the public press that:

"In 1938, Superintendent Kersey said, he requested an opinion of County Counsel J. H. O'Connor on the right of California Labor's Non-Partisan League to use school facilities as a meeting place under the so-called California Civic Center law \* \* \* O'Connor ruled at that time that the California Labor's Non-Partisan League was affiliated with the Communist Party." (Los Angeles Examiner, September 7, 1944.)

## PATTERSON SLATE

DEMOCRATS OPPOSED TO FRANKLIN D. ROOSEVELT FOR THIRD TERM PREFERRED  
COMMUNIST LINE

In the California primary election held on May 7, 1940, there was placed before the voters a slate of delegates to the National Democratic Convention, at which Franklin D. Roosevelt was nominated for the third term. This slate of delegates was called the Patterson slate; was headed by Ellis D. Patterson, now Congressman from the Sixteenth Congressional District.

This slate of delegates was opposed to the third term for Mr. Roosevelt, opposed aid to England and was strictly isolationist. It followed the Communist Party line; was in sympathy with the aims of that party, as the records of the great majority of the delegates will show. The principal plank in the platform was:

"No men, no arms, no loans to foreign powers. Stop intrigue leading us into war. (Remember 1916—He kept us out of war??? In 1940—We must keep ourselves out of war.)"

Herbert K. Sorrell was one of the candidates on this delegation. Other candidates for membership on this Communist Party line delegation now supporting the Communist-inspired strike in the Hollywood studios were Philip M. Connelly, Carey McWilliams, Reuben Borough, chairman of the ticket, Frank Scully.

## WORKERS ALLIANCE

This organization was listed by the Attorney General of the United States as a completely Communist-controlled organization of the unemployed.

Herbert K. Sorrell was one of the speakers at a mass demonstration of this organization before the Hollywood district SRA headquarters, 245 South Western Avenue, on March 7, 1940.

At this demonstration the first Hollywood local of the Workers Alliance was set up.

Mr. Sorrell spoke as representative of the Motion Picture Democratic Committee, mentioned heretofore.

Other speakers at this demonstration were:

La Rue Mc Cormick, member of the Communist Party State Central Committee.

Emil Freed, Fifteenth Congressional District branch of the Communist Party—

Now on the picket lines in the present strike.

I have Mr. Emil Freed's record before me. I think it would be appropriate to interpolate that since he has been stated to be on the picket lines:

Emil Freed, 930½ South Orange Grove, Los Angeles: In county 35 years; State, 35 years; United States of America, 45 years; education, 16 years; employed as salesman; married.

Description: Male, white, brown hair, brown eyes, 5 feet 4½ inches, 150 pounds, age, 45 years; medium complexion. Born in New York, N. Y., Jewish descent.

Registered as Communist, Los Angeles, Calif., August 27, 1940.

Communist candidate for Congress, August 27, 1940, Fifteenth Congressional District, Los Angeles, Calif.

Organizer of Hollywood section, Communist Party, 1938. Sells and distributes Daily People's World.

Expelled from Local No. 311, International Association of Machinists, A. F. of L., August 27, 1946, for Communist activity.

Arrested at Columbia Studio November 16, 1946, for 166.4PC (disobeying court order), booking No. 98402; Los Angeles 1227-D-52. Sentence: Judge Byron Walters, 1 year in jail, April 18, 1947.

Arrested at Warner Bros. Studio October 10, 1945, Los Angeles County sheriff's office. No action.

Mr. McCANN. Now, Mr. Chairman, in his case, since he has been a candidate of the Communist Party, I will except him from any notification, with your permission, because an avowed candidate is of course one who has taken the position he is a member of the party.



Mr. OWENS. Mr. Chairman, he is probably still in jail if he went to jail in April '47.

Mr. LEVY. I am reading this as of the time this bulletin was prepared. I am not any more interested in Mr. Freed because of the fact, as I said earlier, the strike to all intents and purposes is over. There are merely picket lines there. There is no more mass picketing, no more violence.

So far as we are concerned we are now discussing something which was finished months ago. I have not followed Mr. Freed's career whether he is in or out of jail.

Mr. OWENS. Of course, that may be your theory, Judge Levy, but there are probably hundreds of thousands of people out in Los Angeles that might feel differently than you do.

Mr. LEVY. I live in New York.

Mr. McCANN. Right on that point, Mr. Levy, we received a letter this morning from one of the workers out there who advised me that she is still out as a result of the strike and wants the committee to know that the strike is not over, so far as she is concerned.

Mr. LEVY. All I can say is that if she is a capable employee and she wants to return to work, she does not have to write counsel for this committee, she can apply in accordance with the law and obtain her employment.

Mr. McCANN. She stated that she had done so. I do not know that it is true.

Mr. LEVY. I do not want to get into a debate with you about that, Mr. McCann. That is a different phase of the matter entirely. I am representing the IATSE and I assume you are not representing anybody else here but the committee.

Mr. McCANN. Exactly, but I wanted you to know we are getting communications from people to the contrary, and I wanted to make that note on the record, that is all.

Mr. LEVY. I will be pleased to pay attention to any communications directed to me.

Mr. McCANN. That is what I am doing now.

Mr. LEVY. All right. [Continuing reading:]

Joe Wilson, employee of the Communist People's World.

Dorothy Ray, a Communist representing Labor's Non-Partisan League mentioned heretofore.

Frank Scully, screen writer and supporter of present strike.

(People's World, March 18, 1940, official records of secretary of state of California on McCormick.)

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NATIONAL FEDERATION FOR CONSTITUTIONAL LIBERTIES, SOUTHERN CALIFORNIA  
BRANCH.

The Attorney General of the United States has pronounced this organization to be a Communist front.

On September 28, 1941, a meeting of this organization was held in San Francisco, Calif. Herbert K. Sorrell, in the official announcement of the meeting, appears as one of the sponsors of the organization. This organization has followed every twist and turn in the Communist Party line for years, and it is still in operation.

Others whose name appear on the announcement and who are now actively supporting the present Communist-inspired strike in the

Hollywood studios are Carey McWilliams, national vice chairman; Abraham Isserman, national vice chairman, Charlotta A. Bass, Phillip M. Connelly, E. Y. (Yip) Harburg, Fred Rinaldo, Clore Warne.

#### YANKS ARE NOT COMING

##### TO INDUCE STUDENTS TO "PEACE STRIKE"

A demonstration under the auspices of the above "committee" in cooperation with the American Student Union, a Communist-controlled group, was held at the University of California at Los Angeles, on April 18, 1940. The purpose of the meeting was to induce the students at the college to stage a "peace strike" (this was during the period of the Stalin-Hitler pact).

Herbert K. Sorrell was listed as one of the speakers.

The other speakers were Carey McWilliams—

Now busy on the side of the strikers in the Hollywood studios—

Dr. E. P. Ryland, American Civil Liberties Union. (People's World, April 19, 1940.)

If I haven't said before, I think I should interpolate now that the People's World is the west-coast Communist newspaper.

#### SCHNEIDERMAN-DARCY DEFENSE COMMITTEE

William Schneiderman and Samuel Darcy were two top officials of the Communist Party of the United States in 1940, were up for deportation by the immigration authorities of the United States Government. A committee to defeat their deportation was set up.

Herbert K. Sorrell was a member of this committee.

Known Communists on the committee were Leo Gallagher, chairman of the committee and member of the law firm of Katz, Gallagher & Margolis; Anita Whitney, State chairman of the Communist Party of California; Celeste Strack, executive secretary of the committee; Theodore Dreiser, now deceased, member of the Communist Party.

Other members of this committee now supporting the Communist-inspired strike in the Hollywood studios were Carey McWilliams, Ernest Dawson, Ben Margolis.

In a letter written by the secretary of the committee, dated April 22, 1940, the following paragraph appears on official letterhead of the committee:

The Schneiderman-Darcy Defense Committee, which includes such California Labor leaders as Henry F. McGrath, Roy Donnelly, and Herb Sorrell, and such prominent individuals as Carey McWilliams and Theodore Dreiser, is engaged in rallying public opinion to demand that the Federal authorities drop these two cases immediately.

Mr. McCANN. Do you know who Henry F. McGrath is?

Mr. LEVY. I do not know, sir.

EARL BROWDER

At the sixteenth general assembly of the Brotherhood of Painters, Decorators, and Paperhangers of America, held at Columbus, Ohio, September 23, 1941, 100 officers and delegates signed a petition demanding the immediate release of Earl Browder, head of the Communist Party of the United States, from the Atlanta Penitentiary, where he was serving a term for a felony. The demand was forwarded to President Roosevelt.

Herbert K. Sorrell, who was a delegate from his Hollywood Local 644, signed the petition. (People's World, September 24, 1941.)

## UNITED SPANISH AID COMMITTEE

This Communist-front organization was operating under the above title in July 1941.

It is now known as the Joint Anti-Fascist Refugee Committee, with a branch in Hollywood.

The purpose of the committee was to furnish aid to the Communists who took part in the Spanish civil war in 1936-38.

Herbert K. Sorrell was one of the sponsors of the west-coast branch of the organization.

Others listed as sponsors of the United States Spanish Aid Committee who

Others listed as sponsors of the United American Spanish Aid Committee who are now actively supporting the Communist-inspired strike in the Hollywood studios were Prof. Frank C. Davis (UCLA), Ellis E. Patterson (Congressman), Judge Stanley Moffatt, Carey McWilliams, John Garfield, Dorothy Parker, Irving Pichel, Dr. F. M. Pottenger, Herman Shumlin, Frank Tuttle, John Wexley.

## LEO GALLAGHER TESTIMONIAL

## TO DEFEND THE RIGHTS OF COMMUNIST PARTY

A testimonial banquet in honor of Leo Gallagher, a Communist, of the law firm of Katz, Gallagher & Margolis, was given at the Wilshire Bowl, in Los Angeles, on June 2, 1941.

Gallagher has long been known for his defense of Communists and their case, and this testimonial was given in recognition of his services in this respect. This affair was given on June 2, 1941, when Soviet Russia had not yet been attacked by Hitler; the Communist Party line was still opposed to entry into the war and to any help to the Allies in their fight against Hitler.

Quoting the People's World of June 4, 1941:

"Reminding of the forces trying to inject the United States into the tragic struggle of the imperialist war, Gallagher said: 'In these days it is necessary for all of us to take our place and recognize our responsibility to defend and protect the civil liberties of all wherever they may be attacked. \* \* \* At the present time the windmills of hysteria are directed mainly against the Communist Party and it is our duty then \* \* \* regardless of our political opinions to defend the rights of the Communist Party.'"

Herbert K. Sorrell was one of the sponsors of this testimonial.

Others who sponsored this Communist testimonial, and who are now actively involved in the present Communist-inspired strike in the Hollywood studios, are Augustus Hawkins (assemblyman), Judge Stanley Moffatt, Carey McWilliams, Ernest Dawson, A. Maymudes, Clore Warne, Phillip M. Connelly, Reuben Borough, Charles Katz.

Charles Katz, of the law firm of Katz, Gallagher & Margolis, was toastmaster of the evening.

The following persons gave testimonials to Gallagher:

Anita Whitney, State chairman of the Communist Party; Reuben Borough; Phillip M. Connelly; Judge Stanley Moffatt; Theodore Dreiser, now member of the Communist Party; Sam Ornitz, screen writer and Herbert Biberman, Hollywood director.

## HARRY BRIDGES DEFENSE TO DEFEAT DEPORTATION

In September of 1942, the National Federation for Constitutional Liberties, an organization branded by the Attorney General of the United States as a Communist-controlled front, launched a campaign to defeat the deportation of Harry Bridges on the grounds that he was an alien Communist.

This organization issued an open letter addressed to the President of the United States protesting the deportation proceedings and demanding that they be dropped.

Herbert K. Sorrell was one of the signers of this letter.

Others who signed this letter and who are now actively supporting the present Communist-inspired strike in the Hollywood studios were Dr. Frank C. Davis, University of California at Los Angeles; Carey McWilliams; Ernest Dawson; Abraham Isserman; Dalton Trumbo; Earl Robinson.

LA RUE McCORMICK, COMMUNIST CANDIDATE FOR STATE SENATOR

In the November 1942 election, La Rue McCormick, a known Communist, and an officer of the Communist Party and the Communist Political Association, was a candidate for the office of State Senator of California.

To support the campaign of the Communist, La Rue McCormick, a committee was set up. It was called Democrats for McCormick.

Herbert K. Sorrell was the chairman of this committee.

That is a display advertisement in the Los Angeles Daily News, November 2, 1942.

Others listed as supporting this Communist for office and who are now supporting the Communist-inspired strike in the Hollywood studios were: John Howard Lawson, screen writer; Dalton Trumbo, screen writer; Rev. Clayton Russell; Charlotta Bass; Al S. Waxman.

Others listed in the People's World, Communist publication, of October 31, 1942, as supporters of the McCormick campaign, were: Ellis E. Patterson, Congressman, Sixteenth District; Paul Jarrico, screen writer; Viola Brothers Shore, screen writer; John Bright, screen writer; Lester Cole, screen writer; Leo Gallagher of Katz, Gallagher & Margolis; Richard Collins, screen writer; Jay Gorney, Hollywood song writer; Henry Myers, Hollywood song writer; and A. Maymudes.

From the New York Times, October 18, 1943:

AMERICAN YOUTH FOR DEMOCRACY (FORMERLY THE YOUNG COMMUNIST LEAGUE)

On October 17, 1943, the Young Communist League held its national convention in New York City. At this convention the name was changed from Young Communist League to American Youth for Democracy. This was done for tactical reasons, and was so stated.

From the People's World, December 1, 1944:

On December 1, 1944, the American Youth for Democracy of the Los Angeles area held a meeting and a celebration of the first anniversary of the change of name at the Roosevelt Hotel in Hollywood.

Herbert K. Sorrell was one of the sponsors of this gathering.

Others who sponsored this organization and who are now actively supporting the present Communist-inspired strike in the Hollywood studios were Ellis E. Patterson, Congressman, Sixteenth District; Ned R. Healy, Congressman; Dalton Trumbo; George Bradley; Dr. Frank C. Davis; Dr. Franklin Fearing; Dr. Ernest Caldecott; Augustus C. Hawkins, assemblyman; Judge Stanley Moffatt; Rev. Clayton D. Russell; John Howard Lawson; Edward Dmytryk; Mrs. John Garfield; Thomas Mann; Earl Robinson; Frank Scully; Reuben Borough; Charlotta A. Bass; Ernest Dawson; Peter M. Kahn; Ring Lardner, Jr.; Albert Maltz; A. Maymudes; Samuel Ornitz; Al S. Waxman; Phillip M. Connelly; and Alvin Wilder.

The People's World of December 5, 1944, adds the following to this meeting:

Albert Dekker, assemblyman from Hollywood district, acted as master of ceremonies.

Ellis E. Patterson and Ned R. Healy, Congressman from the Fifteenth and Thirteenth Districts, respectively, were honored guests.

Rueben Borough welcomed the guests and "spoke of the pride of the sponsoring committee in the growth of the AYD in its first year."

Speakers were: Albee Slade, CIO Council; William J. Hill, Carpenters Local 634; Rex Ingram, Negro actor; Barney Ross, former lightweight champion; Rev. J. Raymond Henderson, pastor, Second Baptist Church (colored); Dalton Trumbo, screen writer.

#### PEOPLE'S WORLD PRESS CONFERENCE

The People's World is the Communist publication on the Pacific west coast and is published in San Francisco at 590 Folsom Street.

On August 4, 1943, a "press conference" was held for the benefit of this publication at the First Unitarian Church, 2936 West Eighth Street, Los Angeles, Calif. (Rev. Ernest Caldecott, pastor.)

Now supporting the Communist strike in the studios; see elsewhere herein.

The People's World lays down the Communist Party line and is the political guide for all Communists on the west coast.

Herbert K. Sorrell was one of the sponsors of this conference.

Not only was Sorrell a sponsor in this case, but he has consistently upheld this publication over a period of years as a subscriber and by public statement.

In the People's World dated July 24, 1944, the following statements appear:

"The Daily People's World leads the daily newspaper field in understanding the contribution of labor in Hollywood to America's effort."

"That's the statement of two prominent Hollywood leaders—Screen Writer John Howard Lawson and Herbert Sorrell, president of the Conference of Studio Unions.

"Both Sorrell and Lawson are supporting the current \$75,000 victory expansion drive of the Daily People's World."

Others sponsoring this "conference" mentioned above and who are now actively supporting the present Communist-inspired strike in the Hollywood studios were Augustus Hawkins, assemblyman; John Howard Lawson, screen writer; Leon Gallagher (Katz, Gallagher & Margolis); Rev. Clayton Russell; Carey McWilliams; Charlotta Bass; Ernest Dawson; Al Waxman; Theodore Dreiser; R. Lal Singh.

#### THIRD ANNUAL CONVENTION LOS ANGELES COUNTY COMMUNIST PARTY

APRIL 29, 30 AND MAY 1, 1938—HELD AT 121 WEST EIGHTEENTH STREET, LOS ANGELES, CALIF.

Herbert K. Sorrell has denied that he was ever a member of the Communist Party.

A photostatic copy of the minutes of the above Communist convention shows the following names written on the back page:

William Schneiderman, State secretary of Communist Party, district 13; Don Healy; Hugh Wilkins; Herb Sorrell; Urchel Daniels.

When shown this document at a hearing of the Joint Fact-Finding Committee of the State of California on August 31, 1941, Mr. Sorrell denied, under oath, that he had been a delegate to this Communist convention.

He stated that he had given someone permission, he couldn't remember who, to put his name on some committee and that he thought this might account for his name being on this copy of the minutes of this Communist convention.

Sorrell stated that he had never attended any Communist Party convention, "not knowingly \* \* \* I might have, and not known what it was \* \* \*"

The above fact-finding committee has in its possession a sworn affidavit made by a former Communist Party functionary and a delegate to this Communist convention in which the following appears:

"I recall that Herb Sorrell was doorman at the session I attended, and accepted my credentials; that the membership of the Communist Party was estimated at around 3,000 at that time; that plans were discussed for developing a more efficient political pressure machine, on which subject Paul Cline spoke."

He admitted he had conferred with Jack Moore and Paul Cline, officers of the Communist Party, in the offices of his union, local 644, painters. (Report of the Joint Fact-Finding Committee on Un-American Activities, 1943, page 167.)

Mr. McCANN. Now are you prepared to furnish the name of the man who made the statement that Herb Sorrell was the doorman?

You will recall the other day when we had the very issue before us as to whether or not we could accept affidavits on the question of membership in four different unions, that Mr. Owens stated such material should not be received in the record.

Mr. LEVY. My recollection is that it was not a man, that it was a woman and that her name was Rena Vale. I do not have the record before me but I would like to verify that to make it accurate.

Mr. McCANN. I wish that you would, sir.

Mr. LEVY. I shall do so, sir.

Mr. SORRELL. That is right; that was a woman.

Mr. KEARNS. Just a moment.

Mr. LEVY (reading):

Additional and further activities of this subject will appear in local and national publications at an early date.

No. 1 of a series of personalities in Hollywood. All information was taken from public records, documentary evidence from Federal, State, municipal records; newspaper and magazine clips; available to subject or anyone desiring proof of their authenticity.

Released in American public interest by the International Alliance of Theatrical Stage Employees and Motion Picture Machine Operators, 6636 Hollywood Boulevard, Hollywood 28, California.

Signed: "Official Committee of the IATSE, Roy M. Brewer, international representative."

That, Mr. Chairman, is the first exhibit which I submitted with my letter of November 28. I think it would not be inappropriate for me to ask the indulgence of the committee for a 5-minute recess before I proceed with a continued presentation of my statement.

Mr. McCANN. May we have that document turned over to the court reporter for him to check as he reproduces it and then you can receive it from us?

Mr. LEVY. Definitely.

Mr. KEARNS. Mr. Levy, are you going to keep all of those exhibits and the letter you sent me until you finish your report?

Mr. LEVY. I would be glad to submit them to you or I will be glad to keep them, as you wish. I will assure you if you have them they will be safe and if I have them they will be safe.

Mr. McCANN. I think, Mr. Chairman, after they are read in the record, the letter originally sent to you, with these documents, should be returned to the file because they are exhibits read into the record. We can then refer to them in sending wires out to anyone named.

Mr. LEVY. What the Congressman asked me was whether I should keep them during the recess; isn't that what you indicated?

Mr. KEARNS. Yes, or perhaps tonight you would like to return them to me.

Mr. McCANN. I suggest he keep them in his own possession.

Mr. KEARNS. No objection.

I would like to make this announcement: Tomorrow morning at 10 o'clock we will return to the caucus room downstairs and continue the hearings there tomorrow and Friday.

We will now stand adjourned until 10 a. m. tomorrow morning.

(Whereupon, at 5:10 p. m., the committee adjourned until 10 a. m. the following day, Thursday, February 26, 1948.)

# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

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THURSDAY, FEBRUARY 26, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will please come to order.

I requested Judge Levy last evening to relinquish the stand for a period this morning in order to hear some other witnesses.

At this time I would like to recall Mr. Pat Casey, of Los Angeles, to the stand.

**TESTIMONY OF PAT CASEY, FORMER CHAIRMAN OF THE LABOR  
COMMITTEE OF THE MOTION PICTURE PRODUCERS ASSOCIATION,  
NEW YORK, N. Y.—Recalled**

Mr. McCANN. Will you please state your name, your address, and your telephone number?

Mr. CASEY. Pat Casey, 1600 Broadway, New York City; Circle 5-6001.

Mr. McCANN. State your business or occupation.

Mr. CASEY. Up to July 1 of 1947, for twenty-odd years, I was the chairman of the labor committee for the Motion Picture Producers Association.

Mr. McCANN. What were your duties in that position?

Mr. CASEY. As chairman I had under me certain people who did the leg work, as it were, in the studios. After that when we had meetings I acted as chairman of the meetings for the producers and different international presidents acted as chairmen for the unions.

Mr. McCANN. Are you here under subpoena?

Mr. CASEY. Yes, sir.

Mr. McCANN. Will you tell us in your own language, step by step from the time you became the employee of the studios, the character of the contracts and agreements that were entered into by the studios, and as you develop the matter give the committee the benefit of such knowledge as you may have with respect to the work carried on by the various unions?

Mr. CASEY. In 1926 there was entered into an agreement between the international presidents of several unions and the presidents of the

different motion-picture companies, a paper known as the basic agreement. That paper—I believe legally any attorney would tell you it is not worth the paper it is written on, and perhaps it is not. It just covered what the idea was. It was a paper where you depended upon the signatories to the paper more than you did on any legal language that might be in the paper.

There was nothing in that agreement at any time that had anything to do with any jurisdiction.

Meetings were held and at those meetings the only matters that were brought up or that could be brought up were matters of wages, hours, and conditions. At no time did we ever allow a jurisdictional matter to be brought up at those meetings as we felt those were things that should be settled amongst the unions themselves and with which management had nothing to do.

From 1926, the time when that agreement was entered into, up until the latter part of 1935 or 1936—I am not sure which—we operated in California under an open shop. We made wage conditions with these unions and we paid everybody in the studio the same wage, whether or not he belonged to any of these organizations or whether he was a free lance.

I have heard it said here—and I want to state that it is not so—that the strike was called on wages and hours. That is not so and I am sure the fellow who made the statement was mistaken.

It was a jurisdictional fight between members of the IATSE union known as the soundmen's union and the Brotherhood of Electrical Workers known as the IBEW.

When the original agreement was entered into, of course, nobody thought there was going to be talking pictures. But like every other industry things changed.

About the time that talking pictures came into existence then we had a jurisdictional dispute as to whether or not members of the IATSE local or members of the IBEW would do the work.

That controversy kept going for quite a while.

Finally in 1933 a Mr. Harold Smith, who was the business agent of the IATSE soundmen's local, and Mr. Hurd, who was the business agent of the cameramen's local, took it upon themselves, without any authority from the international of the IATSE, to send out wires and call a strike. Unfortunately the poor fellows working in the studios figured, I presume, that they had some authority because they followed the instructions of the wires from both Smith and Hurd and they went on strike.

Now at that time, gentlemen, I want to have you distinctly understand it was open shop. There were no picket lines put around. The producers had a right to go out on the street and hire anybody that they wanted to. But the carpenters and electricians of the IBEW stepped in and took over such work as was necessary for them to do in order to keep the studios open and, of course, the studios hired whoever they wanted from the outside to fill up the gap.

That went on, as I say, until either the latter part of 1935 or 1936. There had been a change in the officers of IATSE. The men in charge at that time insisted they be allowed to come back under the basic agreement.



Well, that was not decided upon right away; but evidently a little later some situations developed in Chicago and other places which forced us into a meeting.

At that meeting, which was held in New York City and attended by the presidents of the companies and the other international unions who were signatories to the basic agreement, the IATSE came back under the basic agreement.

Shortly after that a local known as No. 37 of the IATSE had some members who started some legal actions in the city of Los Angeles. Those actions went on in the courts for quite a while until it eventually wound up before the National Labor Relations Board, which had come into existence during this time.

At that time an election was held. The election gave the work to the international of the IATSE.

Thereupon the representative of the international IATSE proceeded to divide local 37 into several unions, which he did. That was about the time that any serious jurisdictional question commenced to show itself.

I may say that from that time until now that jurisdiction has been creeping under different conditions and has gotten to be a very serious situation.

Now we go along to 1945.

In 1942, at a meeting in New York between the international representatives and the local unions under their jurisdiction the property men demanded that we make a deal covering the so-called—well, I will call them set dressers; that is the way I know them.

We had had a contract with those set dressers, not as a union but as a society. That was a 5-year contract. That contract provided—at least a certain clause in it did—that if the organization decided to affiliate with any other labor organization the producers had a right to either accept the affiliation as the representative of the society or they had a right to cancel the contract.

Well, both sides commenced to wrangle then. There were some elections held, and the set dressers decided to affiliate with the set designers, who are chartered under the International Brotherhood of Painters.

We were then in a position where we would either have to cancel the contract or accept the change-over from their organization to the set designers.

I prevailed upon them that since the National Labor Relations Board was in existence, to clear the thing once and for all; please go before the National Labor Relations Board; have an election; when that is set aside I will be glad to sit down and deal with you.

Well, you have heard the testimony here. I do not think there is any need of my repeating it that that was started, then it got into the War Labor Board and then the strike happened. There you are as to that situation.

Now we go along. As I say, there are still these jurisdictional things coming up to the point where there got to be stoppages around the studios.

Gentlemen, a studio is a little bit different than any other branch of business. If there were cameras here now and this whole situation, as we sit in this room, was to be a part of a picture and something

developed in the meantime where any part of it was stopped, the whole picture stops. You can't say, "Well, Johnny, you go straighten yours, we'll keep shooting the picture." It can't be done.

And when that picture is stopped, with the terrible expense the producers have, gentlemen, it runs into thousands of dollars a minute, not an hour, but a minute.

We stood that as long as we possibly could. Finally I believe an appeal was made to the American Federation of Labor asking if they would not do something about it.

It developed then they did allow Mr. Johnston to go to Cincinnati to meet with the executive council. You know what happened at that meeting just as well as I do. They appointed a committee to come to California.

From the testimony I have heard here in this room and the room upstairs, the men were given 30 days to make a thorough investigation of the studios and to then allocate the work as they saw fit.

Well, gentlemen, I have been around a long while—perhaps too long—but the fact remains if there is any human being who has never had any experience with any one of those studios out there, and who could go out there and make a thorough investigation and make any decision as to what to do in 3 months, he would be a pretty smart fellow. It might take him a year. That is due to the very fact that no two studios work alike.

In another industry you have the lines where the people go along; one fellow makes the same kind of a wheel for an automobile, he might make the same kind of a cushion or things of that kind. But in our business every picture is a different subject and has to be treated as an individual proposition.

Another feature of the thing is this: The studios are not all built the same. For instance, if you were taking this scene today, this setting would be set up here. For instance, we will take the Warner lot, where they have a tremendous amount of staging. If something had to be retaken on this thing 2 weeks from now on the Warner lot they would not have to take it down. It could stay on this stage because if they had something else to shoot they would pull over to one of the other stages.

But when you go to a place like Paramount that is fenced right in, and where they do not have room to move out and build an extra stage or an extra building of any kind, if the scene were being shot today and you have another scene to be shot tomorrow, this scene must be taken down, as we call struck, and put away; the other scene must be put up so that you can shoot the scene tomorrow. Most of that must be done at night.

Now you go to RKO. There is a fence right between RKO and the property, in the same situation there. Over at Metro they have three big lots, but they still do not have stage room.

Now you move to Twentieth Century-Fox and they have practically what the Warners have.

Another thing, gentlemen, is that we are in a business where the only thing involved in the business is personality, and that goes pretty near from the fellow who sweeps the street to the head of the institution.

The man at Twentieth Century-Fox who is head of the sound department says, "My system is the one; the others are no good." The fellow at Metro will tell you that Fox is no good but his is.

Now that goes for that, it goes for sound; it goes for the laboratory; it goes for construction; it will go for pretty nearly everything. Each one is an individual, and each one thinks that his is the proper one and that the other fellow's is not. They get along, but how they do he does not know.

Now, these men came out there. They made a survey. They had 30 days. You have heard it here a million times.

They met with people, and what happened at those meetings I don't know a thing about. I was never present at any one of them.

The only connection I had was that about 11 o'clock on a Saturday morning I got a telephone call from someone on the committee asking if I would arrange for them to go over to Paramount and see the lot, which I did.

I understand they went over there, and they were there 2 or 3 hours.

They came back and made decisions. Now far be it from me to say what they should have done or what the American Federation of Labor should have done. But the way that looks to me from the testimony I have heard here is that there should be a lot of house cleaning in the American Federation of Labor.

In my early days when Mr. Sam Gompers gave an order, gentlemen, it was an order, and somebody filled it.

But from the testimony I have heard here, from the letters Mr. Walsh has written to Mr. Green, to Mr. Meany, the answers back, and everything else—somebody made the remark here that it was a lemon handed from one back to the other and from the testimony now every day it looks as though that lemon, in my estimation, has gotten to be a watermelon.

Now, this committee gives orders. Bear in mind one thing. The producers were part and parcel of the committee. The producers were the ones that wanted this thing settled. They were the ones that were getting hurt. Yes; the fellow who was out of a job was getting hurt a little bit, but that producer is budgeted to that picture, and when those costs go up 100 percent, which they do in many cases, somebody wants to know why.

So they say, "Our decision is final." They make a decision, and the main thing they say and the main thing I understand all this argument is about is that they said "Set erection belongs to the IATSE."

All right, the directive came to California. Then the argument started, gentlemen, between ourselves, between the unions and between practically everybody, as to what was the definition of "set erection."

We ourselves were divided on it. We brought the attorneys in to have them give us decisions.

We finally decided we would send the committee down to Miami where the American Federation of Labor was having its meeting, or the executive council was having its meeting, and see if they would give us a clarification so that we would know what to do.

We did not care who got the work. It was the same price. We would not save a nickel if this one or that one got it. There was no dispute as to the amount of wages they were to be paid for what they did.

Well, you have seen from the testimony, from the minutes, and everything else, what happened at Miami.

Now, a situation did come out at Miami, according to some of the testimony and some of the minutes, to the effect that someone asked a question. If I remember correctly, it was Mr. Tobin of the teamsters, from Mr. Mannix:

How many men does this involve who are going to lose work that they have been doing?

He was referring to the carpenters. He was told between 300 and 350.

That went along. We could not get anywhere.

I believe that same committee came to Washington and had further meetings with Mr. Green and everybody else for clarification so that they could tell us what was meant when they said the IATSE was to have "set erection." We did not get it.

Then along comes a clarification which says, "Well, set erection means, instead of building, it means assemblage," or words to that effect.

Then there was a clarification made of a decision that had already been rendered. In came the carpenters and said, "Here it is, boys, here is what they say. The same people who told us of their decision, now tell us this, and unless you do so and so we won't work."

They said, "We have a hundred million dollars involved and we want to keep going." I said, "All right, we will go to Mr. Johnston." We said, "Boys, you will never straighten this out. Let's close down and let them all walk the streets, then we will get together. When the pay check is not coming in every Saturday night to that old lady, she'll tell the guy what to do." But they wouldn't do it. Perhaps they could not afford to do it, gentlemen.

We have a very, very serious situation in the motion-picture business. They want to close theaters. If that dough does not come through the little wicket in the box office, and that in turn is sent back to California, there are not going to be any pictures made.

I have been around a long, long while, and I have never seen where these companies have built up any great reserve to fight any such battle. If they had had the money when the boys went into Chicago and closed the theaters, I think at that time they would have closed. They did not have the money. They were in bad shape.

It was not a situation such as where Mr. Henry Ford could say, "Close down tonight." He is the only boss. But here are these companies with bankers, stockholders, and everybody telling them what to do. They are not their own bosses, and they could not at any time close down because if the flow does not come through, if the old water does not come through the pipe, we can't drink.

Gentlemen, when this thing first started out there, there was an agreement of some kind in 1925, but that was a long, long while ago. They went in to make pictures. They had been making them in the East. They then went out west to make pictures.

At that time they did practically what was done in the theater. They built a frame like that panel in that wall there. The carpenter built that frame. Then the grip covered that either with muslin or canvas. Somebody came along and painted it, and they set it right up there.

But as business commenced to get a little better somebody decided, "Oh, we can't do that. We've got to build these things solid." It says in there all of it must be done in the mill. All right; there isn't a mill in California where it could be done, they are not big enough because they have put in sets of pictures which you have probably seen that are pretty big. You have probably seen sets they have put in of the Grand Central Station. I will say, gentlemen, when you walk onto that stage and you saw the replica of Grand Central Station built on that stage you would bet your life you were in the Grand Central Station.

How are you going to build that in a little bit of a mill probably 50 by 100 feet? It could not be done.

So the industry kept coming along. New developments kept coming.

I can remember in the early days when they developed film. The fellow went into a room where it was so dark he couldn't see anything. He felt around; he had to have certain temperatures; he had to have the baths, and everything all right. But today, science has come along and they set it like you would a thermostat for heat in your home. You just press a button.

There are improvements every day on cameras. There are improvements every day on sound. There are improvements on the manufacture of this and that.

Out at Twentieth Century-Fox a grip out there perfected a sort of truck arrangement. He did it himself, out of his own head. That has probably saved a lot of money, but that is his.

I am showing you what was done in 1945. It would be just the same as the construction of a building in 1925. They are certainly not constructing them that way today. If you constructed a building today on this site, you would have air conditioning put in. Every stage in California has air conditioning today.

Mr. OWENS. I cannot help but add, Mr. Casey, when you speak about building, from observation during our recent investigations, I must say that the percentage of change in that is about 10 percent, compared with other things. Someone is responsible for that, holding back those technological improvements.

Mr. CASEY. No question about it. Since you have brought that matter up, let me tell you something.

When the NRA was first formed, we came down here. We had meetings down in the big building that our good friend Mr. Herbert Hoover, a resident of the State of California, had built. He was supposed to be a very fine engineer. In that day he built one of the finest buildings you have in Washington.

The only room he air-conditioned was his own private office. We had meetings there in the summertime when I was in there fighting with several others, and they allowed us to strip down to our undershirts.

So what you say is absolutely so, they have not gone along with it. Probably some day they will, but that is another business. It is not the picture business.

Up until 1937, the latter part of 1936, or up until the time we gave them the closed shop, we had no trouble, no stoppage of any kind, and we have never had a situation where they had a strike, to my

knowledge, in Hollywood—and I think I am right—where it was ever about anything but jurisdiction.

Before the NRA came into existence, there was a time when we were having it pretty tough. We went to the signatories of the basic agreement and told them how tough it was. They gave us a reduction of a dollar a day on the men. But before NRA came into existence conditions were bad. They called a meeting. They said, "We have got to have more work. We have got to have this and that and so and so." And we voluntarily, before any NRA meeting was held, gave the men a 6-hour day instead of an 8-hour day for the same amount of money that they were getting for 8 hours, and that has been in existence ever since.

They did give us an 8-hour day during the war, but we paid time and a half after 6 hours, and it is still in effect.

Now, I am sorry anything like this had to happen. Of course, I have lived with the thing, but since the 1st of July I have been out of the picture. I have served my apprenticeship. We have done a good job because the gates have never been closed. Of course, that is the main thing you have to watch for.

My personal opinion is this, gentlemen, and take it for what it is worth: That had that committee, when they sent in that directive that the work of set erection belonged to the IATSE, if they had said in that line that the set erection belonged to local 80 of the IATSE, which I am informed—I have never seen the contract—was practically what had been agreed to between the carpenters and local 80 of the grips—

Mr. OWENS. Mr. Chairman, may I ask a question at that point.

Mr. KEARNS. Yes, proceed.

Mr. OWENS. Mr. Casey, did the inclusion of the words in there with respect to the 1925 agreement, add anything to the point?

Mr. CASEY. No, sir.

What had happened in 1925 was, as I have told you. But after that, as it progressed, the carpenters built the sets. The laborers took those sets before they were put together from the mill to the stage. The carpenter went over to that stage with a blueprint. He laid out his floor plan. He put up the set. He did the trim and the millwork and things of that kind. From then on the grips took charge.

When that set was to be used again, the grips took it down, took it apart, took whatever could be salvaged and saved, over to the bins, what we call the storehouse.

If it was not to be used again, the laborers came in, knocked it to pieces, took it to the incinerators and burned it up. It was cheaper in those days to burn the stuff up than it was to knock it down, take the nails out, save this piece or that piece, and things of that kind. You could buy the lumber and material cheaper, and it was cheaper to do it that way.

Now, they have worked hand in hand. As I say, no two lots work alike. Sometimes the grips took that work from the carpenter shop over there. But to my knowledge, I have never seen any serious trouble between local 80, which is the grips, and the carpenters.

There were certain things that came along. The grips got out a patented scaffolding of piping instead of a wooden structure. That was theirs. They made it. Everybody used it. The carpenters worked on it. The painters worked on it. Everybody worked on it.

Mr. OWENS. Wouldn't it be presumed, Mr. Casey, that if control were given to the international, or the ones who controlled the various locals or had jurisdiction over them, that they would naturally assign them to the proper group, for instance, like local 80?

Mr. CASEY. Evidently in this thing it was not done.

Mr. OWENS. Well, that would be the natural assumption, wouldn't it?

Mr. CASEY. I would have thought so, but it was not done in this case.

Mr. OWENS. That is all.

Mr. McCANN. What was done?

Mr. CASEY. A new organization was chartered by the IATSE which was called the set erectors. My personal opinion, gentlemen, is that when they set that up they took practically as much work away from their own grips as they did from the carpenters.

Mr. OWENS. That was set up after the directive had been handed down?

Mr. CASEY. Yes, sir. I had never heard the words "set erection." It was never used in any of our contracts, or anything of that kind, until after that.

It was always local 80 or local 44, and they had their work.

Mr. McCANN. A while ago, Mr. Casey, you commented on the fact that the industry was primarily concerned, that the industry was the one who insisted on going to the Cincinnati meeting, that the industry obligated itself to go along. then you stated you were not consulted when the three-man committee came out on any of its decisions. Were any industry representatives consulted at all with respect to the work that was assigned to the different unions?

Mr. CASEY. Not that I know of, except they might have talked with the people at Paramount. I believe that is the only studio they visited.

Mr. McCANN. Was the 1925 agreement that has so frequently been referred to, ever put into effect?

Mr. CASEY. I don't think it was from the fact that that was an agreement between the locals. Subsequently, within a very short while after that agreement had been talked about between those locals, the basic agreement came into effect, to which the IATSE, through Mr. William Canavan, their president, was a signatory.

From 1926 on, everybody worked under the basic agreement.

Mr. OWENS. At the time of that directive they did not seem to go on the theory that the 1925 agreement had been put into effect, they just merely said they were from that time on to work under the 1925 agreement. At least that is the meaning I get out of it.

Mr. CASEY. You get the same meaning I do. I believe that is what they did say in there.

The A. F. of L., gentlemen, gave those three men a job that, my God, no human being in the world could have done in the time they were supposed to do it. It looks from the testimony, and everything else that has been said, that when they got this thing they looked at certain papers. They probably made the decision on those papers. That is the way it looks to me. I might have been hundreds of miles away, but I would not take the job if they gave me a million dollars right on this table today, to go out there and try to straighten out the jurisdiction in those studios, because if I made a decision—and I want to clarify that in a minute—I do not think any one of them would live up to it after a little while.

I am positive if the records were gone into—and I have made this statement before—covering the time the American Federation of Labor has been in existence, and I think it is around 70 or 75 years, I personally do not know of a single jurisdiction ever handed down that both sides lived up to. There may be, but by God, I don't know where they are.

Mr. McCANN. What is your answer as to the way in which this could be settled?

Mr. CASEY. There is only one way this thing could ever be settled. That is, the people who are involved in it getting around a table, giving and taking, and let the poor devils alone who have given up their lives to these studios and have worked there—and there are several of them. Now, the rank and file, the younger fellow in any of these crafts, whether he is a painter, an electrician, or a carpenter, he can get all the work he wants on account of building conditions. But the fellow who has worked for 25 years in one of those departments, who is not a young fellow any more, it is hard for him to go out and climb scaffolds, climb ladders, and do that type of work. They must have been pretty good mechanics, because I do not think any one of them was ever hired for more than 1 day. When you hire a fellow for 1 day and keep him for 25 years, he must have delivered.

I do not have a dollar interest in this thing in any way, shape, or manner, gentlemen. I do not own a dollar's worth of stock in any amusement enterprise, but I certainly would like to see the people get together and in some way put the poor devils back to work who are walking the streets, that have been part and parcel of this industry.

Mr. OWENS. Of course, under an arrangement like that you probably have an awful habit of getting the very best men and the very best out of the men, don't you?

Mr. CASEY. Yes, no question about that.

Mr. OWENS. The word "awful" was just used in jest.

Mr. LANDIS. Mr. Casey, I agree with you they should sit down at the bargaining table. When we wrote the Taft-Hartley law on jurisdictional disputes we did not expect them to strike for very long and leave the employer out, because he had nothing to say about it. We intended to give them a few days, and if they did not settle within a few days, we would let the National Labor Relations Board settle it. Of course I would like to see them settle it first.

Mr. CASEY. Certainly you would. But let me tell you something. I do not want it to appear here that I am the Moses here. I do not think this is out of line. I have talked to some of your committee, but not you gentlemen.

Again I think the Taft-Hartley Act made a little mistake. I think if the Taft-Hartley Act had gone through the way the Congress laid it out you would have less headaches, and it would have been better for everybody.

I believe it is clause 3 in the contract as finally written that deals with jurisdiction. What do you say in there? You practically say that if there is a jurisdictional dispute and they cannot settle it within a day or two, or whatever it is—

Mr. LANDIS. Ten days.

Mr. CASEY. Ten days. They have the right then, to go to the National Relations Board. They go and make an investigation, then



they have a hearing. Then it will be 2 years, gentlemen, before you get a decision.

Now, what is going to happen to the picture that is stopped and is not working? You cannot stop it even for 10 days.

If they had put one clause in there, "while it is before the Board," or "while this is going on there shall be no stoppage of work," gentlemen, you could have gone to the Board, because when the final decision was made, it could not be any different than it was under the present conditions.

MR. OWENS. Well, you are given more time than that, Mr. Landis.

MR. CASEY. Well, you need time to go in and investigate and do something.

MR. OWENS. Yes, but you have time for the conciliation board to come in for practically 60 days, you might say.

MR. CASEY. Yes, naturally. Now, if they made the decision that the other fellow had the right to do the work, pay him.

MR. OWENS. They say the conciliator in the case cannot make a binding order, but he can sit and help them get together.

MR. CASEY. Well, isn't that practically the trouble? We are friends now, talking very friendly. I have had people come to me on the outside and say, "Why doesn't the Department of Labor come in here and settle this thing?" The Department of Labor can do nothing but come in, try and conciliate and give their best efforts to bring people together and get them around the table.

They can't say, "I have heard your story, Mr. Casey, and you are right, and I have heard yours, Mr. Owens, and you are wrong, so I am going to give a decision to Mr. Casey." They cannot do it.

Gentlemen, that I say to you is the trouble with half the bills we have.

I wish that in the Taft-Hartley Act there would have been just that one line in there that "during this investigation work would not be stopped."

MR. LANDIS. That would work on the same principle as if the unions could not decide who was to do the work then let the employer make the selection until it was settled.

MR. CASEY. Until it was decided, that's right. If he made the wrong selection, pay the other fellow. That is the only way you are going to do it, gentlemen.

We have been here now a long while. We are hearing a lot of evidence back and forth. I may be wrong, but as I understand it all that this committee can do is say, "Boys, try and settle. If you don't we will probably have to try and put other legislation into effect that will make you do something." That is practically all you can do, man to man, isn't that true?

MR. OWENS. Well, Mr. Casey, we try to be very careful not to interfere with the internal affairs of the union organization, or with the internal affairs of business.

MR. CASEY. That is right.

MR. OWENS. That is something which concerns them alone, and even though it might hurt the Nation, we should give them a reasonable opportunity to prove they either can or cannot do it, before we take drastic steps, because it would be drastic to interfere with their internal operations.

Mr. CASEY. You will have to do something, or try to do something, won't you ?

Mr. OWENS. Well——

Mr. CASEY. I am not talking about this one case, but any case of this kind. If the parties do not get together and try to settle it in their own home, they you have to step in the door, don't you ?

Mr. OWENS. Well, we made provisions in certain instances where they had as much as 60 days, and even as much as 90 days.

Mr. CASEY. But, Mr. Owens, the work has stopped.

Mr. OWENS. No, that is without the work being stopped. We have provisions in the bill where it can go from 60 to 90 days without the work being stopped.

Mr. CASEY. I don't think so.

Mr. LANDIS. He is talking about the health and safety section.

Mr. OWENS. Yes, but depending upon how serious the situation is, that is, if it affects the health and safety of the Nation.

Mr. CASEY. That is right. As I am trying to explain to you—it was brought out here that I had written a letter to Hutcheson of some kind telling him I was not going to pay his men if they stopped, and I issued that order not to pay them if they stopped.

Mr. OWENS. Now you are going into things that are purely economic and concern money. Where it concerned money, we felt the action for damages should be enough to cover the parties from taking steps which would harm each other.

Maybe if we restrain those parties from filing suits for damages which have to be paid, we will see some changes.

Mr. CASEY. You might.

Mr. LANDIS. A strike where the employer and the labor union is involved, is a different strike from two labor unions where the employer has nothing to do with it.

Mr. CASEY. That is right, you are in the middle.

Mr. LANDIS. In other words, we would like to keep the Government out of it. It is in too many things now, but if they take sides——

Mr. CASEY. You ought to have some redress somewhere.

Mr. LANDIS. No question about it.

Mr. KEARNS. Mr. Casey, you are not an advocate of compulsory arbitration ?

Mr. CASEY. I am not. I am not. These men are over 21 years of age, all of them. My God, all that is needed in any of these things is a little common sense. Now, as to pride, throw it out the window. Who is getting hurt ? The poor devil trying to make a living. That's all.

Mr. LANDIS. I do not want you to accuse anybody, but will you give me what information you can on this: Is there anything in this jurisdictional dispute that has been communistic-inspired ?

Mr. CASEY. I don't think so. My God, I have heard Communist, Communist, Communist. It gets down to where if you do not agree with somebody you are a Communist.

It is true there has been testimony here that back in 1937 when they were fighting—it might have been 1937—but when local 37 was having the fight, that fellow Kibre who was in there, I believe has been proven a Communist. He is now an organizer or head of the fish union down at San Pedro. They have been in trouble. They have been in the Federal court and they have been everywhere.

There is no question but so far as our trouble out there is concerned the fellows in those studios are anxious to work and to get that dough Saturday night. I don't think they have anything to do with any communistic affiliations.

Mr. OWENS. In other words, you don't believe the leaders of the A. F. of L. were hypnotized by anybody?

Mr. CASEY. No, sir.

I was present at Atlantic City when the CIO was formed and the day they broke away from the American Federation of Labor, so I am talking about something I know of. I was there.

Unfortunately the leaders of the A. F. of L. did not think Lewis was going to go through. All the A. F. of L. fellows are my friends. We have never dealt with anybody else. I told them then, "Look out, boys, you are going to be in a little trouble."

Now up to that time the American Federation of Labor could say to an international, "Now, wait a minute. You are wrong. You will have to do so and so or we will throw you out, take your charter away," or something of that kind.

Now, let's step down the line. The international could say to a local, "You are wrong and if you are wrong we are going to come in and take the charter off your walls," which they did in lots of cases.

In those days a charter from that international on the local's wall was just the same as a doctor, dentist, attorney, or anybody else with a diploma. The minute that charter was taken away from them they had nothing.

Today they come in and say, "Well, Willie Jones, we are going to take the charter away." He says, "All right, take it away."

He walks across the street and says, "I'll join the CIO and take the crowd with me." and vice versa.

They have lost the power to compel anybody to do anything, in my opinion.

Mr. OWENS. That is quite a thought.

Mr. KEARNS. Do you have any further questions, Mr. Owens?

Mr. OWENS. Oh, yes; I do.

Mr. KEARNS. Are you through with your testimony, Mr. Casey?

Mr. CASEY. Yes; that is about all I know.

Mr. OWENS. You mentioned before the 1926 agreement.

Mr. CASEY. Yes, sir.

Mr. OWENS. You stated, however, that so far as a written document was concerned, it had no particular meaning; it was just something in the minds of the various parties and you depended upon their integrity as to whether it would be carried out; is that true?

Mr. CASEY. That is correct, sir.

Mr. OWENS. Did you feel there was enough in that agreement, for instance such as a constitution, that could be liberally construed from time to time to take care of the technological changes that were occurring so rapidly?

Mr. CASEY. There was not anything in that agreement, Mr. Owens, covering that situation, but as they were taken we had meetings, got together, and we never had an argument.

Well, something would come along. For instance, they would have certain craft that were not in existence at the time of the original agreement. But as those crafts came along and became part of their organizations we accepted them.

Mr. OWENS. You mentioned there was no jurisdictional question involved in the 1926 set-up.

Mr. CASEY. No, sir; there was not any.

Mr. OWENS. But there appears to have been questions of jurisdiction decided in the so-called 1926 agreement, that was made about the 5th of February 1925; is that true?

Mr. CASEY. There were some divisions of work as to what one or the other was to do. But as I say to you, as business increased and these conditions crept into the industry—which you yourself have referred to—then you had other situations to contend with.

Mr. OWENS. As you went through the thirties after you had the open shop, up to about 1935, you naturally did not have a great deal of difficulty because work was quite scarce, was it not?

Mr. CASEY. Well, it was scarce, but the thing was this: The working-man was willing to work because he was afraid if he said anything or if he kicked over the traces, all you had to do was to go out to the gate and get someone else. In those days, Mr. Owens, there were thousands of fellows hanging around those gates trying to get jobs in the studios.

Mr. OWENS. That is what I mean.

Mr. CASEY. Yes, sir.

Mr. OWENS. In other words, there were quite a number of men available so you did not have that difficulty?

Mr. CASEY. Yes, sir.

Mr. OWENS. But of course at that time we do admit the employers of the Nation were taking quite an advantage because there were a great number of workers.

Mr. CASEY. They weren't in the picture business for the very fact that while we made a wage agreement for the people who were signatories to the basic agreement, any other man in that studio who did not belong to a union and did the same work, he got the same conditions and the same money.

Mr. OWENS. It appears that the first real difficulty that we had with respect to arguments between labor and management was that we started to have a business pick-up in 1937. Then the sitdown strikes and other things occurred.

Mr. CASEY. That's right.

Mr. OWENS. You had some difficulty, too, in 1937, didn't you?

Mr. CASEY. Yes, sir.

Mr. OWENS. Do you recall what the trouble was about in 1937?

Mr. CASEY. In 1937?

Mr. OWENS. Yes. You will remember there was some testimony about a strike that took place in 1937.

Mr. CASEY. You mean in the theaters in Chicago?

Mr. OWENS. No; the machinists mentioned the fact that they would not go through the picket lines.

Mr. CASEY. Oh, yes. In about 1937 the painters withdrew from the basic agreement.

Mr. OWENS. The 1926 basic agreement?

Mr. CASEY. The 1926 basic agreement. They wanted jurisdiction over the make-up people, over the hairdressers and three or four things of that kind that we did not consider belonged in the painters union and we would not agree to that.

They then withdrew from the basic agreement and did start a strike.

MR. OWENS. What time in 1937 did that take place, any time in the spring?

MR. CASEY. Now, MR. OWENS, to the best of my recollection, I think it was along in the fall. I believe it was around August or September, something of that kind.

MR. OWENS. Who headed the painters at that time?

MR. CASEY. Mr. Lindelof was the international president of the painters and Herb Sorrell was the business agent for the local union.

MR. OWENS. Who called the strike?

MR. CASEY. Wait a minute, I am wrong. A man named Charlie Lessing—and I think you will find his signature on the original basic agreement—was brought to California. There were two or three fellows there. I do not recall their names. They came back there and called the strike.

Lessing was around trying to straighten it out and he could not, so he went away.

Then, if I remember correctly, the painters had a meeting and elected Sorrell as their business agent.

MR. OWENS. You mean after the strike was called?

MR. CASEY. Yes, sir.

MR. OWENS. So he was not primarily connected with the strike in the first place?

MR. CASEY. No, sir.

MR. OWENS. Then how long did that strike last?

MR. CASEY. Oh, I think that strike lasted 4 or 5 weeks. The IA came along and furnished us with people and we kept the studios open. Then the IA and the painters got together and straightened it up.

MR. OWENS. The teamsters came through the line?

MR. CASEY. Everybody.

MR. OWENS. Well, the machinists mentioned they would not go through the line and the carpenters did not either, did they?

MR. CASEY. I think they did, Mr. OWENS.

MR. OWENS. I believe the machinists testified they did not go through the lines.

MR. CASEY. They may not have.

MR. OWENS. You recall I was trying to bring out the difference between 1937 and 1945.

MR. CASEY. That is right. I am pretty sure everybody under that basic agreement went through that line and paid no attention to this thing because at the meeting when the painters were demanding the jurisdiction of these people all the rest of the international presidents were there. I don't believe that any one of them—Tobin, Joe Weber, Hutcheson, the electrical workers—I think everyone of them went through the line.

MR. OWENS. Well, the machinists testified that they were trying to organize at that time.

MR. CASEY. But the machinists were never under the basic agreement, Mr. OWENS.

MR. OWENS. That is right.

MR. CASEY. I am only talking now about the crafts that were under the basic agreement. I am positive they all went through the line.

Mr. OWENS. I think the machinists mentioned they were organizing their local at that time and they felt that was a good way to keep their local orderly.

Mr. CASEY. That is right.

Mr. OWENS. So your next real difficulty occurred when after 1937?

Mr. CASEY. 1945.

Mr. OWENS. What about the meeting in 1942 you have mentioned before?

Mr. CASEY. 1942? Oh, that was a meeting in New York where we were meeting with the IATSE crafts, setting up their wage scales and conditions. At that time they were demanding we recognize them as the bargaining agent for the set dressers, which I wouldn't do.

Mr. OWENS. But you had a closed-shop contract with them for about 5 years prior to that time, from about 1936 on, didn't you?

Mr. CASEY. With the IA?

Mr. OWENS. Yes.

Mr. CASEY. Yes, sir.

Mr. OWENS. That expired when, about 1941?

Mr. CASEY. No; that must have been about 1937 or 1938, because we gave them a new one in 1944. We renewed it in 1944 for another period of 5 years.

Mr. OWENS. Then it was right in the middle of the contract when the discussion came up about the—what was it?

Mr. CASEY. The set dressers.

Mr. OWENS. Then you arrived at an agreement with them on that point and incorporated it in your other 5-year agreement, did you?

Mr. CASEY. No, sir; we would not at that time, because I already had a 5-year agreement with the set dressers that had 2 or 3 years to go. I could not make a deal with them.

Mr. OWENS. Then in 1944 when you made the agreement with the IA was it under the same type of work they had done before?

Mr. CASEY. Yes, sir.

Mr. OWENS. Did you incorporate the set dressers into that agreement?

Mr. CASEY. No; because their contract was not even up in 1944.

Mr. OWENS. So you had a strike also in 1944, didn't you?

Mr. CASEY. Well, it might have been the latter part of 1944 or 1945.

Mr. OWENS. I believe it was the latter part of 1944. Who called that strike?

Mr. CASEY. The set designers, 1421, a chartered organization of the painters' union which the set dressers had joined.

Mr. OWENS. That was also during the war, was it not?

Mr. CASEY. Yes, sir.

Mr. OWENS. The next difficulty came in the early part of 1945, did it not?

Mr. CASEY. I think you will find that was the same difficulty. You see, they were going before the Labor Board, the War Board, and putting their hand into it. It was just a ball rolling until they finally got to this strike in the early part of 1945.

Mr. OWENS. Isn't it a fact they did file before the Board and then withdrew the petition?

Mr. CASEY. I have already said, Mr. Owens, but let me remind you, when they came to me and told me they had joined with 1421, which

was the set designers, an affiliate of the painters' union—and in my contract with them this clause was there, either I had a right to accept the affiliation or I had a right to cancel the contract. I did neither.

After they had joined this other thing they came and I suggested they go to the National Labor Relations Board and get it cleaned up once and for all, because at that time the IA was still with me, too.

Mr. OWENS. Who would you say were the two unions primarily responsible for the difficulty at that time?

Mr. CASEY. Well, the entire painters' union and their affiliates. 1421 is a charter just the same as local 80 is a charter under the IATSE.

Mr. OWENS. You mean they were arguing with each other on the very same thing?

Mr. CASEY. Oh, no. The set dressers joined the other draftsmen.

Mr. OWENS. What are they?

Mr. CASEY. Well, they are draftsmen. They call them set designers but they are draftsmen. They had become a part of the set designers union.

Mr. OWENS. And the painters objected to that?

Mr. CASEY. Oh, no; the IATSE objected to that. The IAT took the ground that some of these people, or most of them, had come up from the ranks of property men, which the IA did control, and that under those conditions they should belong to the IA local.

Mr. OWENS. But they were already A. F. of L. people, were they not?

Mr. CASEY. They were not up until the time they joined the set designers; they were a society. They were not affiliated with any union.

Mr. OWENS. They were just independent?

Mr. CASEY. They were just an independent society.

Mr. OWENS. Then when they became affiliated with the designers—

Mr. CASEY. They naturally became A. F. of L.

Mr. OWENS. Then just how did the difficulty arise? Tell me that.

Mr. CASEY. The difficulty started in 1942, when we had a contract with this society, a 5-year contract.

Mr. OWENS. Which was to expire in 1947?

Mr. CASEY. I believe that is the time, sir. Now as I say to you, in this 5-year contract there was this clause, that if they saw fit to affiliate with any other organization—in other words, if they wanted to become a labor union—we had a right to either cancel the contract or to accept the affiliation that they made. Is that clear, Mr. Owens?

Mr. OWENS. Yes. That was in 1942, when you had that contract which was to expire in 1947?

Mr. CASEY. It might have been '42 or '41. Anyway, it was a 5-year contract.

Now before that contract expired in 1942—so I think this other contract must have been 1941—the IA at one of our meetings in New York where we were settling wages and conditions for all of their crafts, demanded recognition of the set designers. My answer was, "No; I have a contract for 5 years with these people. They have not notified me in any way, shape, or manner that they are affiliated with anybody, and I can't do a thing."

That went along. In 1944 the same demand was made when we were meeting with the IA crafts in New York and I had to give them the same answer.

Subsequent to 1944 this organization of set dressers saw fit to affiliate with the set designers who are part and parcel or chartered under the painters' union. They so notified me.

I then had the right under that contract to say, "We do not accept it; we do not recognize it," or we had a right to cancel the contract.

Mr. OWENS. And you did neither?

Mr. CASEY. I did neither, but I did say to them when they came in, "Boy, this is a mix-up. Go down before the National Labor Relations Board; have it cleaned up once and for all and whatever the decision is we will make the deal."

Now is that plain to you?

Mr. OWENS. Yes; up to that point.

Mr. CASEY. Now, they went down and made an application. Immediately when they made the application the IATSE local put in an objection. This was during the war.

At that time I was given to understand that if two A. F. of L. unions came before the National Labor Relations Board they would not attempt to settle it. If it was a case between an A. F. of L. union and a CIO union they would accept it.

When these fellows found out the IA had made this objection I understand they withdrew their application to the National Labor Relations Board and threatened to strike.

Mr. OWENS. The IA threatened to strike or the painters?

Mr. CASEY. No; the painters.

Immediately then a man by the name of Nebbitt—it might have been him or it might have been someone else—who was one of those regional fellows for the War Labor Board at San Francisco, stepped into the picture and said, "Well, boys, if you don't do this, give us a little time. We will take it before the War Labor Board and we will get this thing straightened out."

He thought he could do it within a week. He did take it up with the War Labor Board in Washington. They in turn handed it over to Mr. William Green. Mr. William Green held this lemon for a little while, then handed it back to the War Labor Board.

Mr. OWENS. That was before the strike?

Mr. CASEY. Yes, sir.

Mr. OWENS. In other words, Mr. Green did not take jurisdiction of their own dispute?

Mr. CASEY. No; handed it right back to the War Labor Board.

Mr. KEARNS. Will the gentleman yield at this point?

Mr. OWENS. Yes, Mr. Chairman.

Mr. KEARNS. The gentleman from Indiana, Mr. Hutcheson, is required to leave. I am going to release Mr. Casey at this time. You may come back on immediately after the luncheon period and answer questions that counsel may have for you, after the honorable gentleman, Mr. Owens from Illinois, has finished his questioning, if that is agreeable.

Mr. OWENS. Yes; that is agreeable.

Mr. KEARNS. Mr. Hutcheson, will you step to the witness stand?



**TESTIMONY OF WILLIAM L. HUTCHESON, GENERAL PRESIDENT,  
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF  
AMERICA—Recalled**

Mr. KEARNS. Mr. Hutcheson, proceed to make any statement you wish to make at this time.

Mr. HUTCHESON. Mr. Chairman, I appear before your committee at your request, as you know. I presented the United Brotherhood of Carpenters and Joiners of America's evidence, or what we had to say.

Since that time it has been stated from the witness chair by representatives of the IA that they were desirous of procuring all of the work in the studios. I would like to make the position of the Brotherhood of Carpenters clear that all we desire is the work that belongs to carpenters. We have no desire to get any other work in the studios.

Reference has been made by a representative to the IA to communism. The records will show there has been considerable said in that respect.

I again want to state the position of the brotherhood as I think it has been made clear in reference to Communists.

Now if your committee's further hearings develop that any member of the United Brotherhood of Carpenters and Joiners of America is a Communist, I welcome that evidence so that we may follow up our usual procedure in the brotherhood.

Mr. KEARNS. What is that procedure?

Mr. HUTCHESON. Mr. Chairman, it will show in the record that we do not permit a known Communist to either become a member of the brotherhood or to retain membership if he should get in.

Mr. KEARNS. You kick them out, in other words?

Mr. HUTCHESON. We do.

Mr. OWENS. Well, in the same way you would have no dealings outside of your union, either?

Mr. HUTCHESON. I did not get that clear.

Mr. OWENS. You would not permit your locals to have dealings with known Communists, either?

Mr. HUTCHESON. Not if we know it. In other words, we would not take on as a cooperative to assist us, to gain our end, any known Communist.

Mr. OWENS. That is what I want to bring out.

Mr. KEARNS. You may proceed, Mr. Hutcheson.

Mr. HUTCHESON. Mr. Chairman, that is all I have to say. I have tried to be as helpful to the committee as possible. If you want to ask me any questions before I leave the chair, I would be happy to answer them, but when I am excused I would like to leave.

Mr. LANDIS. The record will show that Judge Levy, speaking for the IA, gave the carpenters a clean bill of health.

Mr. HUTCHESON. Mr. Congressman, I did not get all of that.

Mr. LANDIS. Mr. Levy, the representative of the IA, gave the carpenters a clean bill of health so far as carpenters are concerned, yesterday: is that the way you understood it?

Mr. HUTCHESON. If Mr. Levy is the final court of all resorts, I thank the gentleman for that clean bill of health.

Mr. LANDIS. I said that Judge Levy, when he was on the stand, said there were no Communists in the carpenters' union, so far as he understood it.

Mr. HUTCHESON. I may be wrong—and if I am I would be glad to be corrected—but I understood the inference was in his remarks that I, as general president of the brotherhood, was collaborating to some extent at least with the Communists in order to get control of the studios in California. That is why I just made the statement and I want to make it clear that all we desire in the studios is work that rightfully belongs to our carpenters. We do not want to control the studios in Hollywood by any means. We only want the carpenter work that is done therein.

Mr. OWENS. Mr. Hutcheson, inasmuch as you may be gone from here when this testimony is resumed by Mr. Levy, I am going to try to anticipate from some of the general charges that were made and ask you questions.

He is making the charge that Mr. Sorrell is a Communist. He has made that statement, and that there has been an unholy alliance between his group and the carpenters. That is virtually what he said and what you just mentioned.

Did you have any knowledge of the fact that Mr. Sorrell was or could have been affiliated with the Communist Party in any way?

Mr. HUTCHESON. I have no knowledge of that. I have told Mr. Sorrell to his face that if he were a "Commie" I didn't want to have anything to do with him.

Mr. OWENS. Well, you certainly had knowledge of all these various statements made in the papers read here showing that he participated in meetings of all these various groups, or he was a very busy man. Judging from what has been said about him he must have been everywhere at the same time.

Mr. KEARNS. Will the gentleman yield?

Mr. OWENS. Yes; of course.

Mr. KEARNS. Mr. Sorrell has not had any opportunity to defend that yet. That is just a charge.

Mr. OWENS. Oh, there is no question about it. When I am asking these questions I am not charging anyone. I am just trying to anticipate because you have been placed back on the stand and I understand you want to get away.

Mr. HUTCHESON. Congressman, might I ask you this: Do you believe everything you read in the papers?

Mr. OWENS. It would be too bad if I did, because I have read some things about myself sometimes I knew were not true.

Mr. HUTCHESON. Yes; that's true.

Mr. OWENS. That might happen occasionally; but, for instance, when you see one charge after the other saying a man is a member of this group, he is shown to be a member and he does not disclaim he is a member of a certain organization, and then he joins another group which is known as a pro-Communist group—I am not making these charges, I am only going into the things Mr. Levy said, because Mr. Levy is going to be responsible, with his group, for the charges that were made. We made that clear yesterday.

We have assumed he is going to put in definite proof rather than general charges because we do not like general charges.

Mr. HUTCHESON. Congressman, let me say this in reply to your statement: Far be it from me to influence Mr. Levy to say other than he desires. If I were to believe everything that I have heard and read in the papers about myself I would be ashamed to even look in the mirror.

Mr. OWENS. Well, I haven't seen anything so terrible about you, Mr. Hutcheson. Any remarks about you are always mixed with caution. As Mr. Casey mentioned there, he said there are fine men at the head of the A. F. of L., but they should have a housecleaning.

Mr. HUTCHESON. I was not referring to remarks like Mr. Casey made. I was referring to other things that have been said at various times and printed.

Mr. OWENS. In other words, you do not have any personal knowledge of any affiliation of any kind that Mr. Sorrell or any of his co-workers out there have with the Communists?

Mr. HUTCHESON. I have none other than rumors.

Mr. OWENS. Now we will go to Mr. Casey's remarks, which were very pertinent with respect to jurisdictional issues.

You heard his remarks. I do not have to repeat them to you. What do you think of what he said? Did it carry the germ of truth in it?

Mr. HUTCHESON. Having been associated with Mr. Casey since 1926, on various occasions, when the basic agreement went into effect, I agree with what Mr. Casey said. Didn't you want me to agree with him?

Mr. OWENS. I said a year ago when you testified you were frank and open. I guess that ends my questioning now.

Mr. LANDIS. Do you agree with him on the jurisdictional dispute?

Mr. HUTCHESON. I would have to think that over.

Mr. LANDIS. By jurisdictional dispute, I mean that point where the employer is in the middle. The employer is always in the middle in a jurisdictional dispute. There should be some way to keep those men at work and let the unions get around the bargaining table and settle their own disputes.

Mr. HUTCHESON. Well, that is logical.

Mr. LANDIS. That kind of a strike is quite different from a strike between an employer and a union.

Mr. HUTCHESON. I would not object to that procedure.

Mr. LANDIS. That procedure would probably be better than to let the Government step in and make the decision.

Mr. HUTCHESON. I quite agree with that.

Mr. LANDIS. That is all.

Mr. OWENS. That brings up just one more question, as long as that has been brought out.

How long do you think they ought to have to settle the jurisdictional dispute, Mr. Hutcheson?

Mr. HUTCHESON. Oh, until they finally complete it.

Mr. OWENS. I mean how long; let us be serious now.

Mr. HUTCHESON. A limited time, you mean?

Mr. OWENS. Yes, how limited?

Mr. HUTCHESON. Excuse me, but I do not think I have any definite time in mind.

Mr. OWENS. Mr. Hutcheson, so far as I am concerned and for future consideration of the labor bill, it is probably the most serious question I am going to ask.

Don't you think there should be some limit of time that they should keep men out of work and keep the employer from doing his business?

Mr. HUTCHESON. Congressman, if you have something of that sort in your mind I would be glad to confer with you sometime in the future on that very subject.

Mr. OWENS. I would rather do it right out in the open where everybody can hear it, because I don't hide any of my views. I put them right in labor bills.

Mr. HUTCHESON. Neither do I, when I make up my mind what my views are.

Mr. OWENS. There has been a great deal of talk about compulsory arbitration and even though Mr. Casey said he does not like it—

Mr. HUTCHESON. Neither do I.

Mr. OWENS. We are coming to the point where we are wondering just what is going to be applied if they don't end these jurisdictional disputes.

Mr. HUTCHESON. Congressman, don't go so far afield from our American way of life as to seriously consider compulsory arbitration.

Mr. OWENS. But that brings us back to the question: How long do you think they ought to carry on and keep the employer's work stopped and keep men out of work without settling the jurisdictional dispute?

Mr. HUTCHESON. Mr. Congressman, I can only answer you in this manner: First, as far as the Brotherhood of Carpenters and Joiners are concerned, we would have to continue to carry on our objections to encroachments upon our jurisdiction, no matter how long it lasted.

Now then, if you could find some way—perhaps you could be more persuasive than I—to convince the encroacher that that should not be done, I would welcome that. But how are you going to do it? If you have some plan as to how you are going to do that, I would be glad to consider it.

Mr. OWENS. But it is your own international, your own organization that is involved, Mr. Hutcheson.

Mr. HUTCHESON. Let me ask you this, Mr. Congressman: You are an attorney. Would you sit idly by and let someone come in and say they have a right to take your work as an attorney?

Mr. OWENS. No.

Mr. HUTCHESON. Very well, then. Do you expect members of the Brotherhood of Carpenters who have spent their apprenticeship, or even if they haven't, and have become efficient carpenters, to sit idly by and let someone come in and take their work?

Mr. OWENS. Where lawyers are involved, just as soon as one lawyer does what he should not do, the courts take care of it promptly upon complaint, very promptly, so that is not a comparison at all. They take care of it.

Now, do you in your own organization take care of these jurisdictional disputes, or do you permit them to go on for years, as this has been going on?

Mr. HUTCHESON. We take care of them by still defending our position and our work. That is how we try to take care of them. We could take care of it, and walk out.

In the Hollywood situation, as was testified to by Mr. Casey, we have members who have grown up in that industry, who have worked there as carpenters for 25 years. Should we say to the IA, "All right, take those jobs and our men will have to go elsewhere to find work"?

Mr. OWENS. Mr. Hutcheson—

Mr. HUTCHESON. Will you please tell me your opinion on that?

Mr. OWENS. This is your own organization, your own group of people. You can set up the rules in your own organization which will take care of that once and for all—as you did in this case where you set up the arbitrators, gave them the right to make a final decision, and then refused to abide by the final decision.

I have no question but what my mind has been made up on that point.

Mr. HUTCHESON. Mr. Congressman, I think I made it clear in presenting the evidence I did that we did not accept the findings because they were made on ex parte evidence.

Mr. OWENS. But it is your own organization. We are still back to the same point; your own A. F. of L.

Mr. HUTCHESON. My own organization is only the United Brotherhood of Carpenters and Joiners of America.

Mr. OWENS. Except that you were the ranking member of the A. F. of L. also.

Mr. HUTCHESON. What does that mean?

Mr. OWENS. Well, just like Mr. Landis is ranking member of the Labor Committee in the absence of the chairman, he is the chairman. That places you in control many times, you and Mr. Green and the other vice presidents—well, maybe we better leave that word out.

Mr. KEARNS. Maybe Mr. Green was never absent.

Mr. HUTCHESON. Mr. Chairman, let me try to make it clear to the Congressman. Those of us who constitute the Executive council of the American Federation of Labor have no ranking. We are not in the position of Congressmen who can get in the place of being just a step above somebody else. That does not prevail in the council of the American Federation of Labor.

Mr. OWENS. Why do they call you the first vice president?

Mr. HUTCHESON. I am not. I am just councilman now, a council member, because of the Taft-Hartley law. They took the designation of vice president away from me. They demoted me.

Mr. KEARNS. You lost your jurisdiction?

Mr. OWENS. When these troubles were occurring in 1945 you were the first vice president, were you not?

Mr. HUTCHESON. Right.

Mr. OWENS. So if the president were not there you would be in charge.

Now, just what has your group done in your own organization to end these jurisdictional disputes?

Mr. HUTCHESON. Now, Mr. Congressman, I will go back to when we were vice presidents. It merely meant there were to be 13 vice presidents elected. The first one nominated would be designated as first vice president. It just happened that I was nominated first.

That did not mean I was any better than the man who was nominated thirteenth and became thirteenth vice president. It did not mean I had anything more to say in the council than he. I was just one of the 13.

Mr. OWENS. But you are still in there. Is the thirteenth man in there?

Mr. HUTCHESON. What did you say?

Mr. OWENS. I say you are still in the organization. Is the thirteenth man still in there?

Mr. HUTCHESON. The thirteenth councilman.

Mr. OWENS. I meant the thirteenth vice president; is he still a member of your organization?

Mr. HUTCHESON. Of our organization?

Mr. OWENS. Yes.

Mr. HUTCHESON. No, and never was. I didn't get that point.

Mr. CONGRESSMAN, I would be glad to answer that and not be sarcastic about it. I do not intend to be sarcastic.

I understood you to ask me was the thirteenth councilman or thirteenth vice president a member of our organization, and I said "No."

Mr. OWENS. I mean the A. F. of L. What office did Mr. Lewis occupy?

Mr. HUTCHESON. He was elected thirteenth vice president when he went in there, but he was eleventh when he got out.

Mr. KEARNS. He went up in the world; is that right?

Mr. HUTCHESON. That is right.

Mr. LANDIS. The point I want to make clear was that there is a difference between a strike between an employer and a union, and a strike between two unions where the employer is not involved. I understood you were willing to try to help work out something to stop these disputes and strikes between unions.

Mr. HUTCHESON. That is right, and always has been.

Mr. OWENS. Sure, he is willing, but what are you doing to stop it? That is my question, Mr. Hutcheson. What are you going to do to stop it?

Mr. HUTCHESON. So far, Mr. Congressman, we have defended ourselves. You can look through the records of the Federation, and for 25 years if you can find a resolution in there introduced by the Brotherhood of Carpenters and Joiners of America I will eat it with my breakfast any morning you present it. We just try to go along with the other groups. All we have been doing is defending ourselves. Now, let me say this to you: Oftimes architects have been much to blame for jurisdictional controversies because of them putting in specifications of buildings that certain things would come under certain headings of the specifications.

Now, as illustration—and I do not want to bore you too much—some years ago architects would invariably put in their specifications, bathroom equipment in the plumbing specifications.

Now, since time immemorial, the carpenter in trimming out the building or in preparing the building for trim, would trim out a place for a medicine cabinet to be set in the inset in the wall. In those days medicine cabinets were all made of wood. Along comes an advanced method of doing things, and they bring out metal medicine cabinets.

Now, the method of inserting or setting a metal medicine cabinet is exactly the same as for wood.

We had a contention with the plumbers over that, for the simple reason that when the architect would put it in the plumbing specifications, it was quite natural for the contractor to figure that when he figured his plumbing contract or his bids.

Mr. KEARNS. You claimed that as a wood substitute?

Mr. HUTCHESON. Well, it was in the specifications, so he would do it.

Now, that is where we get into a controversy with the plumbers, but it did not last so long. We entered into an agreement with the plumbers, and we have it today. The plumbers said, "O. K., that's your work, you do it." It is minor, but just the same it is work for a carpenter.

I give that as an illustration. In that case, the architects were to blame for that jurisdictional controversy.

Mr. OWENS. Well, I will not argue with you about that one way or the other. But that still does not answer my question.

Mr. HUTCHESON. Congressman, I am not arguing, I just try to instruct.

Mr. OWENS. I use that word advisedly. You did settle that situation between yourselves?

Mr. HUTCHESON. Yes.

Mr. OWENS. But here we have a situation which has gone on for 3 years and still is not settled.

Mr. HUTCHESON. All right, Mr. Congressman, let me recite to you some more settlements.

For instance, the matter of metal trim. I am not going into that in detail, but I give you credit for knowing what I mean when I say metal trim.

That controversy went on for 19 years between ourselves and the sheet-metal workers. We finally reached an agreement, and I do not mind saying to you now, that if those outside would have kept their hands off, we probably would have reached an agreement long before we did, but after 19 years the sheet-metal workers and ourselves settled the controversy.

Mr. OWENS. And did strikes take place for that 19-year period?

Mr. HUTCHESON. Oh, many times. But I will say this, of course: In the first instance, it came on as a controversy in 1909 in New York City. Judge Gaynor made a finding on that. On the representation of the employers, Judge Gaynor decided that should be carpenters' work, because it took the knowledge and skill of a carpenter to be properly performed, because the metal principle of setting a door jamb, casing it and everything, was just the same as wood.

But notwithstanding that, over a period of 19 years—well, it was not so serious. The contractors would come to me and say, "Here, what's the matter? You are holding up our jobs. We are your friends." I said, "Well, I realize that," but if you if you are going to inconvenience anybody it is usually friends you inconvenience first.

Mr. OWENS. I am just going to ask one more question, or one after it in connection with it.

You heard Mr. Casey make the charge. You heard us talking about building not proceeding in the United States because of jurisdictional strikes.

I ask you this: Do you think that in view of the fact sometimes there are thousands of dollars lost per minute because of a jurisdictional strike, don't you believe—

Mr. HUTCHESON. I don't consider they are lost, they are just waiting. You get them later on.

Mr. OWENS. Assuming it is lost, then, do you see any reason why the unions who fought among themselves and who were responsible for the loss should not be liable for damages for that loss?

Mr. HUTCHESON. Congressman, you should keep this thought in mind: In ordinary times, a carpenter, if he gets 200 days' work in a year, is lucky. So, if he leaves the job and is gone 10 or 20 days, he knows when he goes back he is still going to get that much work during that year, so he has not lost anything.

Mr. OWENS. I am not talking about what the carpenters alone have lost, although I have a great deal of sympathy for many workmen who are put out because of strikes—

Mr. HUTCHESON. Who are you thinking about, now?

Mr. OWENS. Any workman who loses because of a jurisdictional strike that could be settled by the leadership of the organization.

Mr. HUTCHESON. In other words, as a Congressman, are you thinking of the public, what you usually term "the public"?

Mr. OWENS. I must admit that that is true, that I think of the public first.

Mr. HUTCHESON. You do not think the building tradesmen, carpenters and others who are trade-unionists are part of the public?

Mr. OWENS. I just said they are part of the public. I consider the workman who has lost his work a part of the public.

Mr. HUTCHESON. I thought you might be a little biased on that because of the Taft-Hartley law, class legislation.

Mr. OWENS. Don't forget, Mr. Hutcheson, my father was a carpenter and I worked in a machine shop for a long while.

Mr. HUTCHESON. So was Jesus Christ. Jesus Christ was a carpenter, according to the records.

Mr. OWENS. I am not kin to Him. I worked in a machine shop, too, and if you look at my past record you will not find anything in it but my sympathy for the laboring man.

Mr. HUTCHESON. You know, that "mike" kind of deadens your voice to me.

Mr. OWENS. I am doing that because you have been having difficulty hearing me when I stand back here.

Now, let's get right back down to that question again.

Mr. HUTCHESON. Which one?

Mr. OWENS. The jurisdictional question. Have you any idea as to how long it should be before you settle your jurisdictional disputes, and if you don't settle them, don't you think you ought to be liable for damages for losses sustained because of a jurisdictional dispute?

Mr. HUTCHESON. Have you any particular jurisdictional dispute in mind when you ask me that question?

Mr. OWENS. Well, let's take this 3-year-old dispute going on right now.

Mr. HUTCHESON. Where?

Mr. OWENS. In Hollywood.

Mr. HUTCHESON. Oh, that. I don't know. It all depends on when our carpenters can get what rightfully belongs to them and then as far as we are concerned it will be all settled.

Mr. OWENS. We are getting letters and telegrams from hundreds of people saying they are out of work out there because of this trouble.



Mr. HUTCHESON. Members of our organization?

Mr. OWENS. I don't know who they are.

Mr. HUTCHESON. Well—

Mr. OWENS. But I think the key is in your hands. That is all.

Mr. HUTCHESON. Let me answer that, Mr. Chairman. The key may be in my hands in your opinion, but that key, as far as I am concerned, is not going to be turned until we, the members of the United Brotherhood of Carpenters and Joiners of America, get the work to which we are rightfully entitled.

Mr. KEARNS. Mr. Hutcheson, I want to thank you for appearing here as a witness and tell you how much we appreciate it.

However, I want to make one statement to you before you leave. It has been my observation, as I have gone through this situation since last June, and being a member of the American Federation of Labor, I naturally hate to see the wrong reflection placed upon it, because of jurisdictional disputes; knowing of your esteemed standing in the A. F. of L. and knowing as long as you are willing to continue in your present capacity that you no doubt will be continued in that capacity as long as you wish to be; and observing Mr. Walsh in his age and the years he probably has ahead of him in tendering his particular capacity, I imagine you will both be in your present positions a long time.

I want both of you to consider one thing, and that is this: As I understand it, the motion-picture business is the fifth largest industry in the United States. It is my personal opinion, after going through this since last June, that ultimately, no matter who else may intercede or whatever contribution anyone else will make, whether it be Mr. Green, the Congress of the United States—unless there is legislation—or anyone else, that the jurisdictional dispute cannot be settled in Hollywood unless it is settled by two gentlemen by the names of Mr. Hutcheson and Mr. Walsh.

It is my wish, and my prayer, as a matter of fact, that you two gentlemen will eventually—and I like you both, really I do—will be able to sit down some time, discuss the matter, and will be able to render to the industry, in the way of appreciation, what the industry in the way of capital outlay and investment, has given to men who work for a living like we all do, in the way of jobs.

I think you two are not too far apart if some of the underlying problems now existing could be thrown out of the window.

Mr. HUTCHESON. Mr. Chairman, in answer to that, let me say this: I see by the press you are quoted as saying, "Bill Hutcheson could settle that matter in 10 minutes."

Let me say this: I made myself clear a few minutes ago, that all the carpenters want is carpenter work. We don't want all the employees in the studios.

Mr. KEARNS. I understand that.

Mr. HUTCHESON. If I understood correctly, President Walsh of the IA made the statement that they wanted all employees. We do not. When he is ready to concede to us the work that rightfully belongs to us we can settle it in 5 minutes, in 3 minutes.

Mr. KEARNS. I will say in your behalf I know you do not want anything else but carpentry work.

Mr. HUTCHESON. Certainly, that is all we ever wanted.

Mr. KEARNS. Well, I do thank you for coming up. I hope we will not have to call you back again.

Mr. McCANN. Mr. Chairman, before Mr. Casey is called back to the stand, I want to read a memorandum which was prepared at my request by Mr. Harold E. Snide of the General Research Section of the Library of Congress, showing the interest in and probable influence of motion pictures upon the people of the United States.

Mr. KEARNS. Proceed.

Mr. McCANN (reading):

LIBRARY OF CONGRESS  
LEGISLATIVE REFERENCE SERVICE,  
Washington, D. C., January 5, 1948.

#### DATA ON ATTENDANCE AT SCHOOL, CHURCH, MOVIES

The average daily attendance at public schools in the United States was 19,602,772, for 1943-44, the latest year for which figures have been published. Data are published on a daily rather than weekly basis. Presumably an aggregate figure of five times the daily, would be the approximate weekly attendance—viz. 98,013,860.

The average weekly attendance at church services is estimated at 25 percent of the registered membership (72,492,669 in 1945), or 18,123,166.

The average weekly attendance of United States film theaters in 1945 is estimated at 95,000,000. This is the latest year for which statistics are available.

The sources from which this material was gathered are attached to the memorandum, and I now offer it to the court reporter for reproduction in the record.

(The source material is as follows:)

Sources: Statistics of State School Systems, 1943-44, Biennial Survey of Education in the United States, Washington, D. C., United States Office of Education; Yearbook of American Churches, 1945 edition, quoted in World Almanac, 1947, page 743; McCullough, Charles J. (statistician, commission on church attendance), in statistical appendix to Babson, Roger W., How to Increase Church Attendance, New York, Fleming H. Revell Co., 1936, page 150, BV652.G4; Alicote, Jack, editor, Film Daily Year Book, 1946, page 49, PN1933.3.F5.

Mr. OWENS. You mean the point is there is more interest in moving pictures than there is in churches?

Mr. McCANN. I mean that shows the relative importance of the moving-picture industry to the life of our country.

Mr. KEARNS. I see no objection to having that in the record.

Mr. OWENS. Except that I do not see why one church should be picked.

Mr. McCANN. I have schools, churches, and movies as some of the great forces in the life of our country.

Mr. KEARNS. We will stand adjourned until 2 o'clock.

(Whereupon, at 12 noon, a recess was taken until 2 p. m. of the same day.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will please come to order.

Mr. Pat Casey, will you kindly take the stand again.

#### TESTIMONY OF PAT CASEY—Resumed

Mr. KEARNS. I think you were in the midst of answering a question of Congressman Owens when I asked you to leave the stand to permit Mr. Hutcheson to testify.

Do you want to continue with that thought?

Mr. CASEY. I have forgotten now what the question was.

Mr. LANDIS. I think that was answered.

Mr. KEARNS. Do you have any further questions, Mr. Landis?

Mr. LANDIS. I think we have it clear on jurisdictional disputes.

The Taft-Hartley bill, in dealing with jurisdictional disputes, gives the labor unions 10 days to settle it. If they do not settle it, the National Labor Relations Board is supposed to. Of course, that would require some length of time and a lot of litigation.

What I want to ask is this: In case of a jurisdictional dispute, if we let the employer pick out one group to handle it while the unions were continuing negotiations—and of course the men would continue working and there would be no interference in going to and from work—I wonder what you think about that idea?

Mr. CASEY. I think that is the only idea. If the people will stay on the job and work there certainly will not be any picket lines.

Mr. LANDIS. Of course, you cannot make them work.

Mr. CASEY. I know that.

Mr. LANDIS. But give the employer an opportunity to go and designate who he wants to do it.

Mr. CASEY. That is right, and after he goes through all this rigmarole and probably a lot of difficulties, if the employer is wrong let the employer pay the other people.

In other words, if there was a dispute today between the carpenters and the IATSE and the employer says, "Well, IA, you stay on the job." After all the legal matters, if they then decided the carpenters were entitled to that work, the employer should pay the carpenters on top of paying the people who had stayed there and done the work.

Mr. LANDIS. You mean double pay?

Mr. CASEY. Yes, sir; if it is decided that way. The employer has to judge. He is between two fires. He has to pick one of the two.

Mr. LANDIS. Well, that is another angle.

Mr. CASEY. That's right.

Mr. LANDIS. What I was thinking of was, he would select one, say, the millwrights or the carpenters. Perhaps he would select the carpenters to do the work. They would work until the dispute was settled between the labor unions, and then if the dispute was settled the other way, he would have to go back and hire the other group?

Mr. CASEY. That is right.

Mr. KEARNS. Mr. Casey, Mr. Hutcheson made a statement here this morning which I think is quite important. He said the carpenters never wanted anything in the studios except carpentry. As I understand, you have been associated with the motion-picture industry for a great number of years. In your capacity, dealing with labor relations for the producers, would you say that statement was correctly given, so far as the category of work which he was describing is concerned?

Mr. CASEY. The statement he gave was that he wants all the carpenter work. Now, the question is, what is carpenter work? That is the whole milk in the coconut; what is carpenter work and what is IA work—nothing else.

Mr. KEARNS. Another thing I want to reaffirm here is: In your experience, have the carpenters tried to take work out of their jurisdiction, in the history of the industry?

Mr. CASEY. It all depends again, Congressman, as to what their jurisdiction is.

In other words, under the basic agreement and in all of the time I have been trying to handle these labor difficulties, I have never made a decision as to a jurisdiction. I was taught that by a great man a great many years ago, to never get into a jurisdictional dispute.

I think I have testified here, that in all the years of the A. F. of L., I personally do not know of a case, even when an award was made, where anybody lived up to it. That is our situation.

Mr. LANDIS. Mr. Chairman, will you yield?

Mr. KEARNS. Yes, sir.

Mr. LANDIS. The point here is the A. F. of L. should say what that carpenter work is.

Mr. CASEY. That is correct. They probably did make certain decisions. They have been reading them here all the time. One year it is this, and another year it is that, but who lives up to it?

Mr. KEARNS. In other words, the difficulty is in defining the work?

Mr. CASEY. The difficulty is, Congressman, that the power is at the head of the line and nobody has power enough to say "Yes" or "No." That is the trouble.

These three men were sent out there, sent out by a committee of the American Federation of Labor to do a job that they could not have done in the time it was given them to do it. They bring back a decision. The decision, as I understand it, says that whatever they say the first time shall be binding. In a few days somebody says no, that isn't the right thing, "You did not do what you agreed to do." That same executive council that sent these men out to make that first decision turns around and practically commands them to make another decision.

I think that was Mr. Doherty's testimony at the finish, that he belonged to the A. F. of L. and if they said "go and do it," he as a good soldier had to go and do it.

Mr. KEARNS. You think there is too much buck-passing in the high command?

Mr. CASEY. The old lemon, it keeps going right around.

Mr. KEARNS. Mr. Casey, since I have been involved in this investigation since last June, I have met certain individuals who are supposed to be leaders in labor on the west coast, in the industry, from the international standpoint.

An inference was made yesterday of communism in leadership. Of course, from my limited acquaintance with leadership in industry, so far as labor is concerned, Mr. Hutcheson, Mr. Walsh, Mr. Sorrell, Mr. Brown, Mr. Lindelof, and a lot of the men I have met out there who have had direct contact with the situation—and Mr. Sorrell—do you consider that any of these men I have spoken of, in any way, could be considered as being so-called communistically inclined, so far as leading their various groups is concerned?

Mr. CASEY. I would not.

Mr. KEARNS. That is a very important answer. There has been much discussion about a certain Mr. Herbert Sorrell. I want to ask you this one question about Mr. Sorrell before you leave the stand:

You have dealt with him for how long, personally?

Mr. CASEY. I think since about 1937 or 1938, 10 or 11 years.

Mr. KEARNS. Have you found Mr. Sorrell of good integrity and have you considered him personally an honest man?

Mr. CASEY. I have, I have considered him honest in the first place, which covers a multitude of sins.

In the second place, I will take his word for anything he says in a deal. He has never broken it with me.

What he might have done with something else, I know nothing about. As far as I am personally concerned, that is the situation.

Now, I will go further. I have heard of a lot of the CIO fellows being Communists, and I think they probably have proven so.

I think this reference to Conway, who was referred to in the testimony yesterday—he is the head of the Newspaper Guild—probably is correct.

I think Leo Gallagher, a lawyer out there, and who is probably as bright and smart a fellow as the Lord ever put breath into—he does not deny he is a Communist.

But so far as anybody in the A. F. of L. movement that I have ever had business dealings with, I do not know of one that I would say was a Communist.

Mr. KEARNS. Thank you for your frank answer.

Mr. OWENS, before we take questions from other counsel, do you have anything else you wish to ask Mr. Casey?

Mr. OWENS. Yes, I was examining him this morning, do you remember?

Mr. KEARNS. Yes. You may continue.

Mr. OWENS. I believe at about the time we were cut off, I had just reached that strike in 1945.

Mr. CASEY. Yes, sir.

Mr. OWENS. I believe it was in March '45.

Mr. CASEY. I believe so.

Mr. OWENS. I was just asking you how that arose and who brought it about, who went on strike?

Mr. CASEY. I told you that local 1621, which is the set designers' local, affiliated with the painters' union, called the strike.

Mr. OWENS. That was a strike that lasted until the fall of 1945?

Mr. CASEY. Yes, sir.

Mr. OWENS. Who went through the picket lines then, if you recall?

Mr. CASEY. I think the IA people went through the picket lines. There might have been a few that did not, but as a rule, yes. The plasterers went through the picket lines. I think at that strike the IBEW did go through the picket lines.

Mr. OWENS. And the teamsters did also?

Mr. CASEY. The teamsters did, yes, sir.

Mr. OWENS. The carpenters and machinists did not?

Mr. CASEY. No, the carpenters did not, and I do not think the machinists did, either.

Mr. OWENS. I believe there was a letter read here by Mr. Doherty from Mr. Lindelof, which he wrote just a week or two after the directive was handed down, in which he said he congratulated the committee for the work they had done, and the decision they had handed down.

Mr. CASEY. Yes, sir.

Mr. OWENS. Did you have any occasion to talk to Mr. Lindelof about that matter?

Mr. CASEY. No, sir, I did not, but I think Mr. Doherty erred a little bit in his statement when he said that under the directive they had straightened out the trouble with the office workers.

Now, when Mr. Lindelof granted a charter to the office workers as coming under the painters, I objected to Mr. Lindelof for doing it. Mr. Lindelof showed me a copy of a letter he had written to Mr. William Green of the American Federation of Labor to the effect that he was granting these people a charter with a distinct understanding that whenever the American Federation of Labor granted an international for office workers, he would turn these office workers over to the proper international.

Mr. OWENS. And he did that?

Mr. CASEY. And he did that.

Mr. OWENS. So that was not really involved in his action in 1946?

Mr. CASEY. That had nothing to do with it at all.

Mr. OWENS. He was not involved in that at all?

Mr. CASEY. No, sir.

Mr. OWENS. The point I am trying to make is that when they handed down the directive, which of course was in accordance with the powers given to them by the A. F. of L.—I feel I am entitled to make my interpretation of that—

Mr. CASEY. That is right.

Mr. OWENS. Mr. Lindelof then did say he was in accord with it.

Mr. CASEY. That is right. I think the only thing they said in it about the painters was something about frosting windows, or something of that kind. In other words, the painters had practically no jurisdictional dispute.

Mr. OWENS. Did you ask Mr. Lindelof at any time why their group did go off on strike in the fall, in view of the fact that they were in accord with the directive?

Mr. CASEY. I telephoned Mr. Lindelof and begged him to notify his people to go back to work. I did everything possible to keep those people from going out on strike, but they went out.

Mr. OWENS. What did he say to you?

Mr. CASEY. He told me first he did not know anything about it. That was the day it happened. I called him very early in the morning.

Later that day he told me that he had word, and he had O.K.'d the strike.

Mr. OWENS. Didn't you have any conversation with him on the fact that he had given his approval of that directive?

Mr. CASEY. I am speaking now of the time before the directive.

Mr. OWENS. You are talking of the spring in '45?

Mr. CASEY. Yes. You mean after the directive?

Mr. OWENS. Yes.

Mr. CASEY. I have not seen Mr. Lindelof and I do not think I have spoken to him until I saw him in here, since the directive.

Mr. OWENS. Let us go to the fall of '46, then. Where did the difficulty start in the fall of '46?

Mr. CASEY. In '46?

Mr. OWENS. Yes.

Mr. CASEY. Well, in '46, that was after the directive came down and nobody was satisfied with it.

Mr. OWENS. I would not say that was true. Mr. Lindelof wrote to Mr. Doherty saying he approved of it fully.

Mr. CASEY. Perhaps he wrote to Mr. Doherty, but I am telling you the people out there in the studios were all hemming and hawing, and nobody was satisfied. That is the reason, Mr. Owens, that the producers went to Miami to try and get a clarification. They came here to Washington to get a clarification from the Central Labor Council.

Mr. OWENS. The reason they went, Mr. Casey, was because the carpenters objected to what had taken place, is that true?

Mr. CASEY. Yes, sir.

Mr. OWENS. If the carpenters had not objected,—

Mr. CASEY. There would have been no trouble at all. Well, wait a minute. Yes, before the carpenters objected we ourselves could not quite figure out just what was meant by the directive.

Mr. OWENS. You mean you could not figure out what was meant by set erection?

Mr. CASEY. That is right, the erection of sets.

Mr. KEARNS. You mean the labor committee of the producers, or you personally?

Mr. CASEY. No, the labor committee and myself.

Mr. OWENS. Did you raise any question about it as to who was to do the work?

Mr. CASEY. Not until after our people had come back from Washington, I believe. Then we got together amongst ourselves and we interpreted what we thought the directive meant and sent that word out to the studios to operate under the definition we had given.

Mr. OWENS. When did you go to Washington?

Mr. CASEY. I didn't go.

Mr. OWENS. When did the committee go to Washington?

Mr. CASEY. I believe it was the next meeting of the executive council after the one in Miami.

Mr. OWENS. Well, that is beyond what I am still inquiring about. When the directive was handed down, the IATSE was ready to proceed with the work?

Mr. CASEY. That is right.

Mr. OWENS. Mr. Walsh, by his testimony, seems to indicate that while he did not agree with what was taking place, he knew very well what was lost and what work he had to do, is that true?

Mr. CASEY. That is right.

Mr. OWENS. So he was doing that work; the painters were doing their work; the machinists were doing theirs?

Mr. CASEY. Yes, that is right.

Mr. OWENS. It was only the carpenters who objected?

Mr. CASEY. They objected, but they still stayed on the job until the clarification came down.

Mr. OWENS. Now, when they stayed on the job, did the producers raise the point of going to Miami, or did the carpenters?

Mr. CASEY. I did not get that.

Mr. OWENS. Were the producers responsible for the group going to Miami, or were the others?

Mr. CASEY. The producers were responsible for my going to Miami.

Mr. KEARNS. Mr. Walsh testified that he hitch-hiked on account of the transportation situation.

Mr. CASEY. I think he went along with them.

Mr. OWENS. Why did you go to Miami? Why did you interfere in their dispute?

Mr. CASEY. Now, let's try to get this straight. A directive came down. It had in that directive that the erection of sets was to go to the IA. That is correct now, isn't it?

Mr. OWENS. Yes.

Mr. CASEY. The word "erection" we had not used in our business. We had used the putting up or taking down, or things of that kind.

So when the word "erection" came into the field we wanted to know what was meant by the word "erection." The attorneys came in. They looked it up in Webster's and I guess all the law journals, and everything else. One had one opinion and another had another, so it was decided to go back down to Miami and ask the executive council what their interpretation was of that one clause.

Mr. OWENS. Had that been taken up in the agreement back in 1925?

Mr. KEARNS. What agreement is that?

Mr. OWENS. The agreement of February 5, 1925; do you remember?

Mr. CASEY. Yes.

Mr. OWENS. That was referred to in the directive.

Mr. CASEY. Yes.

Mr. OWENS. What was your understanding as to what that said about erection?

I will read it to you. It says:

United Brotherhood of Carpenters and Joiners of America :

The committee rules that the division of work agreement entered into between the United Brotherhood of Carpenters and Joiners of America and the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada on February 5, 1925, and known as the "1926 agreement" be placed in full force and effect immediately.

Division of work by the United Brotherhood of Carpenters and Joiners of America :

Section 1: All trim and millwork on sets and stages.

Section 2: All millwork and carpenter work in connection with studios.

Section 3: All work in carpenter shops.

Section 4: All permanent construction.

Section 5: All construction work on exterior sets.

Division of work by the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada :

Section 6: Miniature sets.

Section 7: Property building.

Section 8: Erection of sets on stages except as provided in section 1.

Section 9: Wrecking all sets, exterior and interior.

Section 10: Erecting platforms for lamp operators and cameramen on stages.

Now, would that give you any assistance?

Mr. CASEY. No, sir; because the first of it there says each one is to help the other and do the best they could, and that is what they did do for years.

Mr. OWENS. Yes, but then it gave the division of work here.

Mr. CASEY. But the argument was what they meant by erection. Was it putting it up? Was it manufacturing it? Was it building it?

Mr. OWENS. What would you say section 8 meant, "Erection of sets on stages"?

Mr. CASEY. That would be to put it up after it had been made in the mill. That would be my interpretation, but I never gave one. You are asking me now and I give it to you now.

Mr. OWENS. But it says "except as provided in section 1."



Mr. CASEY. That is the mill and trim work.

Mr. OWENS. In other words, the carpenters had all mill and trim work on sets and stages?

Mr. CASEY. Correct.

Mr. OWENS. So they would see to have all trim and millwork on the sets and on the stages?

Mr. CASEY. That is right.

Mr. OWENS. Then the others have the erection of sets on stages?

Mr. CASEY. That is right.

Mr. OWENS. Except for the trim and millwork which would be done by the carpenters?

Mr. CASEY. That is right, the erection after the set was built.

Mr. OWENS. Oh, after the trim and millwork was done?

Mr. CASEY. Oh, no. I tried to explain this a moment ago.

Mr. OWENS. Mr. Casey, I am only stating this in plain language.

Mr. CASEY. I understand, but I would like to explain it, if you will let me, please.

There is a panel right behind you. That is part of a set. That might have been built in the mill. In the early days it was.

Now it comes to where they are making a stage set like this, that the mill is not big enough to handle, so this is built on the stage. It is built in sections. The sections then are put together.

Now the trim has to be put on and the molding has to be put on. After the carpenters have built them, then the grips took it and put it together, except for the molding and the trim, as is in there.

Then after that had been photographed, from then on the grips took that and put it away, brought it back if it was used a second time.

Mr. OWENS. Your covered everything except erection. You are talking about assembly work now, you are not talking about erection.

I am not out in the studios, but the difference between assembly and erection is clear to me.

Mr. CASEY. I wish you had been there at the time, to give us the difference, whether it was erection or assembly. Perhaps it would have helped us a great deal.

Mr. OWENS. I really don't see any difficulty.

Mr. CASEY. Well, Mr. Owens, that is the entire difficulty. Mr. Hutcheson claims that the erection of that belongs to his carpenters, the absolute building of it, that is what he claims.

Mr. OWENS. Although his own three men from the A. F. of L. made a finding that the erection was to be done by these other people?

Mr. CASEY. That is correct, they did make that finding. There is no question about that at all.

Mr. OWENS. How did you happen to be guided then in following the directive for the next 10 months, and since that time?

Mr. CASEY. Because as I say they went to Miami, they went to Washington; when they came back everybody was befuddled. We sat down and interpreted it ourselves and set out our own interpretation of the directive and that is what everybody worked under until the clarification came down.

Mr. OWENS. That was after the men said they meant exactly what they said in Miami, the three men?

Mr. CASEY. I believe so. I was not in Miami. All I know is what I have heard here.

Mr. OWENS. But you did say they said that and after they came back you made the interpretation whereby you stood by what this would seem to say right here?

Mr. CASEY. I don't know whether the interpretation we sent out is exactly the same as that or not; it might be. We sent out our own interpretation. I am talking about the producer. He sent out his own interpretation as to what the labor representatives of the producers in the studios thought was the proper thing.

Mr. OWENS. So, you were playing with this interpretation in the fall after the so-called clarification came out and the studios were advised to stand by that interpretation and all subsequent interpretations, which of course would mean that it could be interpreted again ad infinitum from that time on; is that correct?

Mr. CASEY. We didn't interpret it at any subsequent date, we just interpreted it that once.

Mr. OWENS. But I mean that was in the letter to Mr. Johnston, according to the testimony here. There was a letter sent to Mr. Johnston by—

Mr. CASEY. By Hutcheson or somebody.

Mr. OWENS. By Mr. Green, I believe it was.

Mr. CASEY. Hutcheson sent him a letter saying that.

Mr. OWENS. Yes, Hutcheson. He sent this interpretation and subsequent interpretations.

Mr. CASEY. That is correct.

Mr. OWENS. Now after that somebody caused you trouble. Who caused you the trouble?

Mr. CASEY. The carpenters.

Mr. OWENS. They were the ones who would not work?

Mr. CASEY. They came in and gave an ultimatum that unless we followed the clarification of that directive, gave them the building and everything else on the set, they would call them "hot" and would not work on them.

Mr. OWENS. And then when they went out did anybody else go out with them?

Mr. CASEY. Yes. They put a picket line around there then. I think the machinists stayed out. Practically all of the Conference of Studio Unions respected the picket line. I say practically all—some of them did not.

Mr. OWENS. Which ones did not?

Mr. CASEY. Well, I think the publicists did not for awhile; then the office workers did, and then they didn't.

Mr. OWENS. Well, that was a group which had just been newly created the previous year; is that right?

Mr. CASEY. That is right. The publicists were only a year or two old, also.

Mr. OWENS. That is the picket line that has been thrown around there ever since?

Mr. CASEY. Well, it is down now to practically nothing but carpenters.

Mr. OWENS. In other words, it is purely an economic strike?

Mr. CASEY. Right.

Mr. OWENS. Has there been an unfair labor charge in connection with it?

Mr. CASEY. Oh, I believe they have all filed something. I have had nothing to do with it and have kept my hands off entirely.

Mr. OWENS. Insofar as you are concerned this so-called interpretation that was asked for did not come from you at all, it came from somebody else who went to Miami?

Mr. CASEY. That is right.

Mr. OWENS. Did you ask him to go there?

Mr. CASEY. I didn't; no. I was just minding my own business. I was not giving the producers orders what to do. They are all over 21. They have their "dough" in the business, let them decide what to do. I am not making decisions for them.

Mr. OWENS. That is all.

Mr. LANDIS. I would like to ask one more question.

It has been said here in the testimony that there might be collusion between the producers and others.

Mr. CASEY. If there has been any collusion with anybody there has been none with me, and I can only answer for myself.

Mr. KEARNS. Mr. Casey, isn't it true that more or less the interpretation of erection, as it was clarified in the clarification, was the principle that you had invoked during your time as public-relations man there in deciding the jurisdictional work?

Mr. CASEY. I just don't get that, Congressman.

Mr. KEARNS. Wasn't it more or less the clarification that was handed down by the three-man committee after the directive—

Mr. CASEY. Yes.

Mr. KEARNS. The clarification of carpentry, we will say. A lot of people are in the dark here. They don't know millwork business. If they only knew millwork business, what was done in the mill and what a carpenter does, it seems to me the thing would be clear. That is the thing I have contended all along, that they did not have people who understood the business, deciding whose job was whose out there.

Mr. CASEY. That is correct.

Mr. KEARNS. Definitely.

Mr. CASEY. That is correct.

Mr. KEARNS. When they handed down the clarification they more or less followed the line or pattern that you had used as labor-relations man for the producers when you could call signals and say "Go out and do this, this is for the carpenters, or this is for the grips, or this is for the IA," and so on.

Mr. CASEY. Mr. Chairman, I did not call the signals then, but it was along the lines that the two crafts had worked out themselves.

Mr. KEARNS. Voluntarily?

Mr. CASEY. Voluntarily. We never interfered with their jurisdiction in any way, shape, or manner. They made jurisdictions that probably would cost us a lot of money, but they did not have any right to come in and tell the producers what kind of a picture they were going to make or how much money they were going to spend for it. The unions take it upon themselves to run their own business.

Mr. KEARNS. The thing I would like to point out here, which I think is a tremendous matter of decision, is that when the industry, so far as set erection was concerned, outgrew the roof of a small mill 50 by 100, and when they started to build Grand Central Station as a scene

in a movie, they could not build it under the roof of a shed 50 by 100, so they had to go in God's great outdoors and build it out there.

Mr. CASEY. That is correct.

Mr. KEARNS. But the minute they moved outside the roof the work came under a different jurisdiction.

Mr. CASEY. It does, according to the directive.

Mr. KEARNS. And because they could not build it under the roof the work came under a different jurisdiction because they had to build it outside of that little millwork shop.

Mr. CASEY. That is correct.

Mr. KEARNS. That was the whole controversy.

Mr. CASEY. That is the contention today.

Mr. McCANN. Mr. Chairman, there are two questions I would like to ask at this point for clarification.

If I understood you correctly, Mr. Casey, you said that you understood the word "erection" as used in the 1925 agreement to mean exactly what the three-man committee said in their clarification?

Mr. CASEY. That is correct.

Mr. McCANN. I think it was testified by Mr. Kahane and other industry representatives in Hollywood, that that was the practice for Hollywood for 20 years prior to the decision of the three-man committee.

Mr. CASEY. Yes, sir.

Mr. McCANN. Mr. Chairman, may I go on with the lawyers' questions?

Mr. KEARNS. Mr. Landis has a question.

Mr. LANDIS. I just wanted to verify one point. This committee that the A. F. of L. sent out to Hollywood, did you say they only visited one studio?

Mr. CASEY. One studio, that was my understanding.

Mr. LANDIS. Was the studio working at the time?

Mr. CASEY. It was a Saturday afternoon. Saturday is not a very busy day. As I stated earlier in my testimony, they might have been there 3 weeks in that one studio, gone across the fence into another one, and found conditions absolutely different than the one they were investigating because they do not work alike.

Mr. McCANN. May I ask the questions that have been submitted?

Mr. KEARNS. Proceed. State what counsel is asking the questions.

Mr. McCANN. I find I have questions, Mr. Chairman, from Herb Sorrell and from Mr. Wayne of the machinists. The lawyers have not submitted questions yet.

Mr. KEARNS. Is Mr. Sorrell acting as his own counsel?

Mr. McCANN. Acting as his own counsel in submitting these questions.

Mr. KEARNS. I think we better raise a question there. Is there any objection to Mr. Sorrell acting as his own counsel in the absence of his attorney?

Mr. COBB. No objection.

Mr. BENJAMIN. No objection.

Mr. LEVY. It is O. K. with me.

Mr. KEARNS. All right, proceed.

Mr. McCANN. Did the CSU always advocate a plan of arbitration of jurisdictional issues?

Mr. CASEY. I don't know whether they always did, but they presented an arbitrational plan for jurisdictional issues.

Mr. McCANN. Was that in 1944?

Mr. CASEY. I could not say just when it was, but I think probably it was, or early 1945.

Mr. McCANN. Did the producers submit a counterproposal which, although not satisfactory to the CSU, the CSU agreed to accept?

Mr. CASEY. They did.

Mr. McCANN. Did not the producers inform the CSU that no more contracts would be written with any union, without an arbitration clause for the settlement of jurisdictional issues?

Mr. CASEY. I think when they came in one time and were negotiating we told them we were not going to sign any contract with anybody unless there was some clause in the contract that gave us the right to go to arbitration, that we were sick and tired of all this other trouble.

Mr. McCANN. If clauses of this kind had been inserted in all the contracts would it not have been possible to have avoided the 1945 strike?

Mr. CASEY. I think if there had been clauses of that kind in the contracts, or some sort of an arbitration clause in the contracts and the parties had lived up to it, there would not have been any strike.

Mr. McCANN. At the treaty of Beverly Hills did one of the conditions require all unions to include a clause for the settlement of jurisdictional disputes?

Mr. CASEY. Mr. McCann, I think the memorandum that was drawn after the treaty of Beverly Hills would be better evidence than I could give you on that.

Mr. McCANN. That has been received in evidence, has it not?

Mr. CASEY. I think it has.

Mr. McCANN. Is it not a fact that new agreements have been entered into by the producers with the IATSE, the teamsters and others since the Beverly Hills agreement, without the inclusion of a jurisdictional disputes clause?

Mr. CASEY. I know negotiations have taken place, and I know that deals have been made. I have never seen any one of the final contracts and I do not know.

Mr. McCANN. You may not be able to answer some of these and if you cannot I want you just to say so, because these are his questions and I do not know the facts about them.

Mr. CASEY. That is right, sir.

Mr. McCANN. Is it not a fact that no new agreements have been written for unions belonging to the CSU since 1942?

Mr. CASEY. To my knowledge and up to the time that I quit there had been no new contracts issued for the CSU unions. There were negotiations going on, but I do not think there had been any contracts completed.

Mr. McCANN. Is it not a fact that the Conference of Studio Unions proceeded to work under the 1942 agreements until July 2 when the treaty of Beverly Hills was signed by yourself or the producers?

Mr. CASEY. Do I understand that to mean from 1942 up until the Beverly Hills agreement?

Mr. McCANN. Yes, sir. Do you want the question repeated?

Mr. CASEY. No. What was the date of the Beverly Hills agreements?

Mr. McCANN. July 2, 1946.

Mr. CASEY. The interior decorators' troubles were between 1942 and that, is that right?

Mr. McCANN. That is right.

Mr. CASEY. Now, if you will repeat the question I might be able to answer it.

Mr. McCANN. Is it not a fact that the Conference of Studio Unions proceeded to work under the 1942 agreements until July 2, 1946, when the treaty of Beverly Hills was signed by yourself for the producers?

Mr. CASEY. They continued to work under the wages and conditions as per the 1942 agreement, up until that time.

Now, whether or not any of them went out during the latter part of 1944 and early part of 1945, I cannot answer that at the present time.

Mr. McCANN. Is it not a fact that the treaty of Beverly Hills called for this formal signing of agreements with some of the unions belonging to the CSU within 30 days?

Mr. CASEY. Again, the agreement is better evidence than I would give.

Mr. McCANN. Can you state the reason for the violation of the treaty of Beverly Hills and not signing these unions up within the 30-day period?

Mr. CASEY. I cannot.

Mr. McCANN. Can you give the reason for the producers committee and yourself changing your minds about signing agreements not including the arbitrational clause?

Mr. CASEY. I have just testified I don't know whether the clause is in the contracts or not.

Mr. McCANN. Was it your recommendation that these agreements be signed without the clause?

Mr. CASEY. No, sir.

Mr. McCANN. Did the unions belonging to the conference live up to all the obligations of the contracts, or not?

Mr. CASEY. Except if they violated any of them, they did during the interior decorators trouble. All others they lived up to.

Mr. McCANN. What unions or business agents, to be more exact, caused the most jurisdictional trouble within the studios?

Mr. CASEY. '44, of the IATSE and the carpenters.

Mr. McCANN. Other questions by Mr. Sorrell.

Were contracts signed by the producers and the IATSE in 1944?

Mr. CASEY. Yes, sir.

Mr. McCANN. Were contracts signed by the producers and any CSU organization?

Mr. CASEY. When?

Mr. McCANN. 1944.

Mr. CASEY. I don't think there were.

Mr. McCANN. Had there been contracts signed by the unions with the CSU, don't you think the strike could have been avoided?

Mr. CASEY. I can't answer.

Mr. McCANN. Was it not a fact that only unions not having contracts in 1937 went on strike?

Mr. CASEY. In 1937 the painters went on strike and they did not have a contract.

Mr. McCANN. That is as far as you can go with it?

Mr. CASEY. Yes, sir.

Mr. McCANN. Is it not a fact that the CSU allowed you to make decisions on jurisdiction and at all times concurred in your decision that no stoppage of work occurred by CSU members, even though they did not agree with you?

I imagine he refers to the period after 1946.

Mr. CASEY. For a term of 30 days, while all this trouble was going on, I agreed to act as sort of an arbitrator and settle who should have the work until such time as the directive and everything else was straightened away, thinking that it would be done within the 30 days. I did make decisions and both sides lived up to any decision I made during the 30 days. At the end of 30 days, I think they all would have liked to have me keep going, but I was not sucker enough to do it.

Mr. McCANN. Off the record.

(Discussion off the record.)

Mr. LEVY. Do I understand all of these questions were presented to you by Mr. Sorrell?

Mr. McCANN. Yes, sir; by Mr. Sorrell.

The next question:

Did or did not the CSU always live up to their agreements with you?

Mr. CASEY. They did.

Mr. McCANN. Do you believe the president of the CSU or the leadership of the CSU are Communists and cause these disputes over Communist propaganda?

Mr. CASEY. I have already answered that question.

Mr. McCANN. The following questions are asked by Mr. Wayne of the machinists.

Mr. KEARNS. Is Mr. Wayne asking them as his own counsel?

Mr. McCANN. He is, sir. He has no counsel that I know of.

Mr. KEARNS. Is there any objection to Mr. Wayne acting as his own counsel?

Mr. COBB. No objection.

Mr. LEVY. No objection.

Mr. BENJAMIN. No objection.

Mr. KEARNS. Proceed.

Mr. McCANN. How long have you known and dealt with Mr. Sorrell?

Mr. CASEY. I think about 11 years.

Mr. McCANN. These questions have been asked and answered, but I will ask them and he can say he has answered them.

Do you consider that you are familiar with his character?

Mr. CASEY. Yes, sir.

Mr. McCANN. In your opinion, is Mr. Sorrell a Communist?

Mr. CASEY. He is not.

Mr. McCANN. Some more questions from Mr. Wayne.

What was the jurisdiction of the International Association of Machinists under the agreement the producers signed with local 1185 on June 24, 1937?

Mr. CASEY. The agreement should speak for itself. I cannot remember all of the details.

Mr. McCANN. I do not know that that is in the record.

Mr. KEARNS. All you can do is ask the questions.

Mr. McCANN. Did any other international ever have an argeement covering auto mechanics, aside from the one with the IA of M. in 1942?

Mr. CASEY. If my memory serves me right, up to that time I think the machinists had the automotive mechanics.

Mr. McCANN. Any further questions, gentlemen? Counsel?

Mr. KEARNS. Mr. Casey, on behalf of the committee, I not only want to express to you my appreciation for coming to Washington, but for the valuable assistance you have given us throughout this entire testimony. You should feel very happy that you had the tenure of long service with the producers when things were a bit more peaceful, and I think the value of your experience will live long with the industry.

Mr. CASEY. You think I will add a few years to my life by being smart enough to step out when it got as hot as it did?

Mr. KEARNS. That is right, you take the sunshine with you.

Mr. CASEY. Thank you.

Mr. KEARNS. At this time, if Mr. Levy, who still has the chair, will relinquish it to Mr. Lindelof, the international president of the Painters, Paperhangers, and Decorators.

Mr. LEVY. Yes, sir.

Mr. KEARNS. You have already been sworn?

Mr. LINDELOF. Yes, sir.

Mr. KEARNS. I understand you have a statement to make.

Mr. LINDELOF. No, Mr. Chairman, I did not wish to be called, but apparently counsel for the committee probably wanted me to answer some questions.

Mr. McCANN. Mr. Chairman, I did not have that in mind. Mr. Sorrell suggested he was here and that he might want to say something after the testimony of Mr. Levy yesterday. I have no questions, but I just wanted to let him proceed and make any statement he desires to make, after hearing Mr. Levy's statement.

#### TESTIMONY OF LAWRENCE P. LINDELOF, PRESIDENT, BROTHERHOOD OF PAINTERS, PAPERHANGERS, AND DECORATORS OF AMERICA—Recalled

Mr. LINDELOF. I am leaving for Lafayette tomorrow night. I have a board meeting starting on Monday morning, and I have a lot of preparations to make before that meeting.

I would like to stay as long as the hearings are taking place, and if I can come back here, I am going to do so.

While I have the stand, I want to call attention to a statement made in one of the affidavits read by Attorney Levy yesterday afternoon, regarding a petition that was signed at the 1941 convention of the Brotherhood of Painters and Decorators, at Columbus, Ohio. It was a petition, I believe, requesting the President of the United States to grant Browder immunity or permission to remain in this country. I am not familiar with it. I have never seen it and never heard of it until yesterday afternoon.

The point is this: It was stated that delegation officers to that convention signed the petition. I want to correct that, that no officer of the Brotherhood of Painters and Decorators knew anything about



that petition or signed such a petition. I spoke to Mr. Levy and he agrees with me, that the men were officers of local unions, not representing the international. I wanted to have that in the record.

Outside of that, if you have any questions to ask, I would be more than pleased to answer them.

Mr. KEARNS. Do you have any questions?

Mr. LANDIS. I believe you would take the same position as Mr. Hutcheson, that if there is anyone on this committee who designates any of your officers as Communists, you would like to be informed of the names of those officers?

Mr. LINDELOF. Oh, yes, because we have in our constitution the same clause as is contained in the constitution of the Brotherhood of Carpenters and Joiners. And while I heard the indictments against our representatives, or the local representatives at Hollywood, Herb Sorrell, I have always adopted the policy that I want to hear both sides of the story before I make a decision.

During the 19 years I have been president of the Brotherhood of Painters and Decorators, I have found that to be the best policy. I never hear one side of the story, I always hear both sides of the story before I commit myself.

Mr. KEARNS. You and your union, though, have signed the non-Communist affidavit, have you not?

Mr. LINDELOF. Oh, yes, and also the financial certificate.

Mr. KEARNS. Mr. Lindelof, we want to extend to you the invitation of the committee to be with us any time we are holding hearings. If we are in session next week, we will be only too glad to have you.

Mr. LINDELOF. If you are in session when I finish the board meeting, I will be only too glad to come over. This is very interesting.

Mr. McCANN. Mr. Chairman, may I ask a question which neither you, Mr. Sorrell, nor Mr. Landis has asked, and I think it should be asked here.

How long have you known Mr. Sorrell?

Mr. LINDELOF. About 10 or 11 years.

Mr. McCANN. When did you become acquainted with him, I mean in the sense of getting to know him very well, if you would state?

Mr. LINDELOF. I would not be able to say any particular date. I know that after Lessing stepped out of the situation in Hollywood, Herb Sorrell was selected at that time, but it was 2 or 3 years after that that I had personal contact with him.

Mr. McCANN. You have heard through the years that he has been charged with being a Communist?

Mr. LINDELOF. Oh, yes.

Mr. McCANN. You must have talked with him about his personal connections, and so forth?

Mr. LINDELOF. On several occasions.

Mr. McCANN. What is your personal opinion with respect to his Communist membership?

Mr. KEARNS. Mr. Counsel, Mr. Lindelof just stated he reserves the right to hear both sides of the story.

Mr. McCANN. I thought he would want to state that before he left, since he has heard the charge.

Mr. KEARNS. Mr. Counsel, he had that opportunity to say that. If he wants to reserve his comment, that is his privilege as a citizen of the United States.

Mr. McCANN. Of course, I was not trying to crowd him.

Mr. LINDELOF. I do not mind answering that question at all.

Mr. LANDIS. Of course, before that question is answered, I think it ought to be brought out: Is the business agent of the painters selected by the painters' local?

Mr. LINDELOF. He is, yes.

Mr. McCANN. Mr. Chairman, I was not trying to develop something. I thought he had overlooked answering it and might want to answer it.

Mr. LINDELOF. I do not mind answering your question. I would like to commit myself on that particular subject.

I have talked to Herb Sorrell on several particular occasions trying to find out whether he was a Communist, a member of the Communist Party, or communistically inclined.

About 2 years ago, I believe it was, he was accused of being a Communist before the Central Labor Union in Los Angeles. I was very much interested in the outcome of that trial of the central labor union. Up to the present time we have not found the findings of this trial committee of the central labor union.

Mr. KEARNS. They never handed them down, you mean?

Mr. LINDELOF. They never did hand them down and, consequently, after that extensive trial or hearing that was held there, I cannot say that Herb Sorrell was a Communist. He may be a radical, he may have some very progressive ideas, but I could not accuse Herb Sorrell of being a Communist.

We have, during the last 6 months, expelled from our international union about 12 Communists, but we must have the proof that they are Communists.

Mr. LANDIS. When did you say you had done that?

Mr. LINDELOF. During the last year.

Mr. KEARNS. Does that complete your testimony?

Mr. LINDELOF. Yes, sir.

Mr. OWENS. May I ask one question?

Mr. KEARNS. Yes, you may. It may have been asked already.

Mr. OWENS. Perhaps it has, but I wanted to clear up that testimony of Mr. Doherty about your letter to him.

You wrote Mr. Doherty a letter telling him you were well satisfied with that directive and congratulating the committee on its work?

Mr. LINDELOF. Yes, why shouldn't I be? I got more than I asked for. I even got the frosting of the windows, and I don't even know what it is.

Mr. OWENS. They gave you the frosting and the cake?

Mr. LINDELOF. And it probably does not involve 3 days' work a year. But, Mr. Owens, you will notice in that letter I state as far as we are concerned, I was well satisfied.

Mr. OWENS. But you did join a jurisdictional strike later on?

Mr. LINDELOF. No. As I stated on the stand the other day when the carpenters and painters refused to work on the "hot" sets, they were discharged from the studios.

Mr. OWENS. Well, that was "hot" in the opinion of the carpenters.

Mr. LINDELOF. "Hot" in the opinion of the carpenters and the painters.

Mr. OWENS. But you have said you were satisfied with it. It could not very well be "hot" then, could it?

Mr. LINDELOF. Well, again my testimony of the other day, Mr. Owens, was that we had always adopted a policy to go along with any decisions or mandates of the American Federation of Labor and the executive council. When the clarification came out we went along with the clarification.

Mr. OWENS. Even where you have a contract to do work, you refused to cross the picket line and keep your contract?

Mr. LINDELOF. We had no contract.

Mr. OWENS. But you said you always do that.

Mr. KEARNS. He means traditionally.

Mr. LINDELOF. With the American Federation of Labor. We have taken their directives, as long as I can remember.

Mr. OWENS. In other words, even if you had a contract, it would not require, if a jurisdictional strike occurs, you will not go through the picket line to keep your contract?

Mr. LINDELOF. I do not know as I understand your question.

Mr. LANDIS. You mean, you always respect the picket line of an A. F. of L. organization?

Mr. LINDELOF. Oh, yes.

Mr. OWENS. Even if you have a contract with the employer?

Mr. LINDELOF. Oh, yes, because in most of the agreements we insert that. In most of the agreements we have with our employers there is a clause there that it is our right to support other crafts.

Mr. OWENS. Of course, under the present law you could not make such an agreement, could you?

Mr. LINDELOF. Oh, that is true now. That was in the past. We respect the Taft-Hartley Act in every respect. While we do not like it and believe it is a detriment to organized labor, a detriment to the public and so complicated that it is going to cause more confusion and probably more cessation of work eventually than if it was not in effect.

Mr. OWENS. After hearing the testimony here, Mr. Lindelof, I am beginning to like the law more and more all the time.

Mr. LINDELOF. Oh, I believe that. You will make us like it.

Mr. KEARNS. That is the law of the land.

Mr. OWENS. You support each other so well in the picket line on jurisdictional strikes, why can't you take steps to end jurisdictional strife in your ranks?

Mr. LINDELOF. We have always believed in cooperation. We have always believed in sitting down and trying to work out the differences and difficulties with our employers. In our agreements, we have set-ups for the settlement of disputes between employer and employee, not only locally, but nationally.

We have a committee from the Brotherhood of Painters and Decorators International organization that meets with a like committee from the painting and decorating contractors' organization, in order to do away with any difficulties, misunderstandings, and disputes.

Mr. OWENS. Mr. Lindelof, in view of that, tell me this:

Do you feel it is fair to the general public, which includes the employers, which includes the workers and other members of the public, to go out and support a strike between members of your own group as to who is to do work, even in violation of a contract? Do you think that is fair?

Mr. LINDELOF. Neither do I think it is fair for the employer—

Mr. OWENS. What has the employer got to do with that?

Mr. LINDELOF. Wait a minute. The employer is involved in it just as much as the employee.

Mr. OWENS. How?

Mr. LINDELOF. There can't be any dispute unless the employer or the employee cannot get together.

Mr. OWENS. How was a strike between two unions as to who is going to do the work going to have anything to do with the employer?

Mr. LINDELOF. If you put it that way, then we will say that we cannot, under any circumstances, allow one organization to take over the work of another organization. I, at least, would not stand for it.

Mr. OWENS. In other words, in your own group you have a dispute as to who is going to do the work. Instead of settling it between yourselves, one goes out on strike, stops the work of the employer, stops the work of all the workers, keeps the Nation from getting the things that they need while you are having an argument between yourselves. I ask you again, do you think that is fair for the people of this country?

Mr. LINDELOF. That is the reason I proposed 2 years ago a way of settling jurisdictional disputes.

Mr. OWENS. Well, I liked your proposal; I granted you that.

Mr. LINDELOF. And I will say here, that in settlement of those jurisdictional disputes, there would be no cessation of work. One day that may be established, but as one man, I cannot make that set-up. I have to have the assistance of an organization like the American Federation of Labor, and if they will step into the picture and adopt a set-up of that kind, or a system of that kind, then we will get some place.

Mr. KEARNS. You go along with Pat Casey on this?

Mr. LINDELOF. Yes, sir.

Mr. OWENS. Don't you think that the fastest way to stop it is to use your own judgment and keep your own contracts when somebody is just going out on a purely jurisdictional strike, when there is no argument with the employer?

Mr. LINDELOF. Lose my work, lose my work for the membership, and lose my membership besides?

Mr. OWENS. What do you mean, "lose your work"?

Mr. LINDELOF. Certainly I would lose it.

Mr. OWENS. How?

Mr. LINDELOF. Because the other organization would take them all over, like they have now.

Mr. OWENS. What did you say the other organization would do? If you kept your contract with the employer while they were having a jurisdictional strike, who could do anything about that?

Mr. LINDELOF. Why should I not work? I have a right just like the rest of them do, otherwise I am going to be the loser.

Mr. OWENS. Well, I say, if you do it—

Mr. LINDELOF. Well, if I do it then you think everybody else will do it?

Mr. OWENS. You are the leader, aren't you?

Mr. LINDELOF. Yes, I will admit that, but I am not the leader of the carpenters or the electricians or the machinists or the IA, only of my own organization.

Mr. OWENS. The teamsters kept their contract, didn't they?

Mr. LINDELOF. Oh, now you are coming back to the contract. I have no contracts with anybody in the studios.

Mr. OWENS. But you said even if you did have you would still not go through the picket line.

Mr. LINDELOF. Yes; because that is one of the principles of organized labor.

Mr. OWENS. Why didn't the teamsters do that?

Mr. LINDELOF. The teamsters would have to answer for themselves.

Mr. OWENS. You didn't put them out of the A. F. of L., did you?

Mr. LINDELOF. Oh, no; I wouldn't be able to put them out of the A. F. of L.

Mr. OWENS. And while they were doing that they permitted work to go on, permitted the workers to continue, and permitted the employers to do the job and the people to get the benefit of it, didn't they?

Mr. LINDELOF. The teamsters may have gone through the picket line, but we have always had the policy to respect the picket line when it was established by any A. F. of L. organization.

Mr. OWENS. Well, I repeat again, I like the law.

Mr. LINDELOF. Well, I don't blame you.

Mr. LANDIS. Usually, though, they have a central labor union and when one of the crafts are out on strike, they bring it up in the central labor union organization, don't they?

Mr. LINDELOF. Not always. That is done in some instances, but a central labor union could not dictate to a painters' local union, for instance, as to what they should or should not do.

Mr. LANDIS. The point I was trying to make is this: If the carpenters are out on strike, then we call in the painters, bricklayers, and so forth; they take in the situation of the carpenters strike, and probably join them after the central labor union meeting, is that right?

Mr. LINDELOF. Yes; they would probably do that.

Mr. KEARNS. Mr. Lindelof, there is one point I would like to clear up here which is very important. These sets which were supposed to be "hot" and which you refused to work on, you did not refuse to work on them because they were "hot" from a painter's standpoint, you refused to work on them because they were "hot" from a carpenter's standpoint?

Mr. LINDELOF. Yes, sir.

Mr. KEARNS. That is all I wanted to ask. Thank you very much.

#### TESTIMONY OF MATTHEW M. LEVY—Recalled

Mr. KEARNS. Mr. Levy will take the stand, please. You have already been sworn, Mr. Levy.

Mr. LEVY. Yes, sir.

I hope Mr. Lindelof will remain, since he does not have to leave until tomorrow, so that he may have presented to him some of the material which apparently he is unfamiliar with.

Mr. KEARNS. Yes; he stated he wanted to hear both sides of the case.

Mr. LEVY. Continuing to read from the letter to the chairman of the committee, dated November 28, 1947, I would like to read, while Mr. Lindelof is here, item No. 4 on page 4.

This is a photostatic copy of a report—

Mr. KEARNS. Pardon me at this point. This is off the record.

(Discussion off the record.)

Mr. LEVY. I am submitting now the report of the Congress of American-Soviet Friendship, a photostatic copy of it:

Mr. Herb Sorrell, business representative for Motion Picture Painters of the Conference of Studio Unions, A. F. of L., told of the success the conference had in carrying on an educational program on the Soviet Union in Hollywood.

Louis Weinstock (from the floor): Mr. Louis Weinstock, Treasurer of Painters' District Council, No. 9, spoke as follows:

"I don't know whether it is the good work of Herb Sorrell or whether it has something to do with the Red Army, but this is the first time that I have the honor and opportunity to announce that I speak not only for the New York painters of district council No. 9, but my international president, L. P. Lindelof, authorized me to speak for 50,000 organized painters, who are supporting this Congress. I had the honor to be the guest of the Russian trade unions 5 years ago, and when I came back I wanted to say things"——

Now, Mr. Louis Weinstock has been for years a member of the Communist Party and at the same time, for years prior to 1942, Mr. Louis Weinstock has been a leader of the Communist Party.

Mr. L. P. Lindelof, according to the statement on the report of the Congress of American-Soviet Friendship, is claimed by Mr. Weinstock to have authorized Mr. Weinstock to speak for the 50,000 organized painters of which Mr. Lindelof is the international president.

I have before me the fact that the dossier of Mr. Louis Weinstock, who, I repeat, was the treasurer of Painters District Council No. 9 until recently, and for many years, and I think it will not be denied that Mr. Weinstock is and has been for many years a leader of the Communist Party. He was recently elected a member of the national committee of the Communist Party.

If there is any denial by anybody that Mr. Louis Weinstock is a recognized, known, bullet-proof Communist, I will present a complete dossier.

Mr. KEARNS. We are not interested in anybody else's opinion. That is up to Mr. Weinstock himself.

Mr. LEVY. We are now talking about the fact of Mr. Weinstock's and Mr. Sorrell's association, in view of the material I am presenting to you, and at the appropriate time with the committee's cooperation we will present the necessary proof to support the statement which I am making.

Going out of turn a moment, I think I can present documents in support of the proposition that Mr. Louis Weinstock has claimed to have raised more than \$10,000 in support of the Sorrell-conducted Conference of Studio Union strikes in Hollywood. I will get to that document in a moment.

Mr. KEARNS. In the documents you are presenting I think it would be good to watch the terminology there—not that you think you can; you can or you cannot; is that correct?

Mr. LEVY. Any statement I make as preliminary statement for this proof, we expect, as I say, with the cooperation of the committee, to present the documents to which I refer and, if required, pursuant to the subpoena of the committee, the necessary witnesses in support of the statements which I make.

Mr. OWENS. Mr. Chairman, I can't help but interject a remark there. There is a difference between an opening statement, Mr. Levy, and

a sworn statement of an attorney where he is using documents in support of a statement.

Mr. LEVY. That is correct, I understand that. This is a combination, I think, of both.

Coming back to the letter, I refer to items 3 and 2 together. One of them is the excerpt from Senate Journal of February 19, 1936, containing partial report, Joint Fact-Finding Committee on Un-American Activities in California, published by the Senate of the State of California, with the Honorable Jack B. Tenney as chairman. I will not read the names entirely, but they can be included in the stenographic minutes.

I want to read certain testimony taken before that committee under oath:

TESTIMONY BEFORE JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES  
IN CALIFORNIA, JANUARY 4, 1946, LOS ANGELES, CALIF.

(Vol. XXV, pp. 467-479)

CHAIRMAN TENNEY. Mr. Sellers, will you state your full name for the committee?

The WITNESS. Clark Sellers.

CHAIRMAN TENNEY. And your residence address?

The WITNESS. 887 El Campo Drive, Pasadena, Calif.

CHAIRMAN TENNEY. Your business or occupation?

The WITNESS. I am an examiner of questioned documents.

CHAIRMAN TENNEY. Do you have an office address?

The WITNESS. Yes; 1100-01 Rowan Building, 458 South Spring Street, Los Angeles.

CHAIRMAN TENNEY. All right, Mr. Combs.

By Mr. COMBS:

Question. Mr. Sellers, how long have you been engaged in your present profession?

Answer. I have been examining documents for more than 25 years; and I have been a student of the subject for more than 30 years.

Question. You were employed in connection with the Lindbergh-Hauptmann kidnaping case; were you not?

Answer. Yes. I was employed by the Attorney General of New Jersey to examine the documents in that case and advise him as to whether or not, in my opinion, Hauptmann wrote the ransom letter to Colonel Lindbergh.

Question. And you did so, did you?

Answer. Yes; and I was called as a witness to testify in that case.

Question. You were also employed in connection with the Hickman case; were you not?

Answer. Yes.

Question. The Hickman kidnap and murder case that occurred in Los Angeles County?

Answer. Yes.

Question. Now, Mr. Sellers, at your office do you also have a laboratory?

Answer. Yes.

Question. Just in general terms, Mr. Sellers, of what does your equipment consist?

Answer. My laboratory equipment consists of microscopes, cameras, lenses, measuring instruments, ultra-violet light, infra-red-ray equipment, specimens of paper and handwriting, special measuring instruments of precision, and other equipment that might be of value to me in examining documents.

Question. What do you mean when you use the term "questioned documents"?

Answer. I mean by questioned documents a document about which there is some question as to its authenticity. That question may be as to the identity of the handwriting, or as to typewriting, inks, or other problems that arise about the authenticity of a document.

Question. Over what period has your experience extended?

Answer. I have received documents for examination for more than 25 years, and from Canada and Mexico, and I have examined the questioned-document problem in England.

Mr. OWENS. Mr. Chairman, this point just entered my mind: Is it your thought, Mr. Levy, that if you were to get through with these statements—of course you made your general charge stating that Mr. Sorrell is communistic and with help in Hollywood it has resulted in some of these communistic activities. Now you are going to testimony given in other hearings by other people.

Do you think you are informing him sufficiently to call upon him to defend himself after you are through with statements like that unless you are presenting original testimony to us, that is, the same man who testified in that case?

Mr. LEVY. I think I should like to express our position in this way: This committee has undertaken the public responsibility to inquire into the causes of the jurisdictional strife in Hollywood; that one of the principal parties in this case, my client, the IATSE, takes the position that one of those factors—not a minor factor, not the only factor, but one of the important factors in the case—is the Communist problem in studio labor in Hollywood, existing before and from 1944 through 1947.

This committee has recognized that is a factor that ought to be studied by any committee of the House, any subcommittee of this full committee in the Hollywood situation.

We have no power of subpoena. We have no power to compel witnesses to be brought here. In fact, I understand the rules to be—and I am not in disagreement with them—that I cannot examine witnesses at all in that matter. That is entirely a matter for counsel of the committee and for the members of the committee.

Not having the power to produce witnesses or to compel their attendance, not having the power of examination or cross-examination, I feel that I have, and shall continue to endeavor to perform our responsibility by presenting to this committee enough material to do one of two things, or both: (1) either call the witnesses whose names I give you for the purpose of getting what you would consider to be satisfactory proof, or (2) if that is sufficient, to impose upon the other side to come forward with some denials. Either one or the other in my judgment, or both—and I am not taking a position as to which—

Mr. OWENS. Mr. Levy, a year ago in the hearings after Mr. Shatty testified we received communications from Mr. Walsh and Mr. Tinney which apprised us of the things you are saying now. That in our opinion did not place any burden upon us to enter into any investigation concerning that matter.

These charges are coming from the IATSE and not from anybody else.

I do not believe—and I say this to you in all sincerity—that a statement on your part, whether you made it in a general opening statement or made it by giving statements from other records, would place any burden upon this committee. It might do harm in that it is public. When you make charges as serious as that I believe you have a burden not to ask Congress to subpoena people, but to bring in people from your own ranks who have knowledge of the facts and give us proof, then let us do the rest, but do not fill the records full



of statements from a lot of newspapers and documents from other places and expect Congress to proceed on that.

Mr. Chairman, I am submitting that as my theory of what is correct in the law and I think Mr. Levy, the good lawyer that he is, must agree with me.

Mr. LEVY. This is an investigation, this is not a trial. I think that is the fundamental difference between a congressional committee and a court of law.

I think the Constitution recognizes the power of the Congress to make its investigations. The Supreme Court of the United States has upheld that without question.

Now we will satisfy the burden insofar as we have it. We expect, not that any committee of Congress will ignore its responsibility; as a matter of fact if, after I present what material we have to you, you come to the conclusion that no further inquiry is necessary, that is your responsibility. I have the responsibility to present to you the basis upon which we have made the charge.

Mr. OWENS. Let me ask you one question.

Mr. LEVY. Yes, sir.

Mr. OWENS. Have you anyone in your group that can submit positive facts upon which he can be prosecuted, if found untrue, that this man is a Communist or that the strike out there was Communist-inspired?

Mr. LEVY. May I separate the two things?

Mr. OWENS. Yes.

Mr. LEVY. Preliminarily I want to say that I don't know of anyone in my group—to use that expression; meaning anyone in the IATSE—who was also a member of the Communist Party and who can say that he saw Mr. Sorrell at a Communist Party meeting. I can present to you, and at the proper time if you will permit me to do so I shall, the names of certain witnesses who will testify even to satisfy a court of law that the charge which we make with respect to Communist infiltration in the studios and the labor difficulties that they have fomented there and carried on, is a charge which proved—let me put it to you in this way: I cannot testify to personal knowledge and you know I did not undertake to do so because I stated the basis of the statement which I made. I cannot testify that Mr. X was on such a day a member of the Communist Party. The only way I could do that would be to admit that I was there with him in the Communist Party, and everybody who knows Matthew Levy knows that he was not and is not a Communist, or a member of the Communist Party.

So the type and nature of personal proof which you suggest is a matter of the nature of proof which is to be presented in a court of law.

This, I repeat, is an inquiry and investigation. If I were to present to you the name of one of the most noted handwriting experts in the country, who testified in California and who will testify before you, that he has before him the membership card and the signature of Herbert K. Sorrell in the Communist Party as of such and such a date, I think you ought to take that into consideration. I cannot compel you to do it.

Mr. OWENS. You could give that to us in an opening statement, Mr. Levy, without referring to any other documents.

Everything that you have said since you started yesterday—and I did not want to interrupt you at the time—could have been stated in an opening statement. You could then say, “I have a document marked for identification,” such and such a reference document or exhibit, or whatever you want to call it, then we would be in a position either to take those documents, or not. But you are sworn to testify. You are reading from documents, putting them into a public record—it could even be broadcast—before we have an opportunity to decide what we are going to do about it.

MR. LEVY. Maybe I did not make myself clear.

MR. LANDIS. Now just a moment. We brought this up yesterday, Mr. Chairman. We will be all summer on the committee if we are going to argue about this all the time. Mr. Levy was sworn in. Before this case is ended I want everyone who has to testify to have his full say and let him say what he wants to say, so that whoever takes the chair will be satisfied with the case.

They are all going to be sworn in as witnesses.

MR. OWENS. I have no objection to that, Mr. Chairman, and you notice I did not say anything up to this time. I spoke of Mr. Levy separately. I called his attention to the fact that he is sworn. He is in the nature of a witness. Some people could have the impression he is testifying to these facts, whereas there is no responsibility being placed upon his shoulders whereby he could be charged with perjury, which Mr. Levy very well knows, from what he has testified to to date, and it is hardly right.

Then I say from now on Mr. Levy should make a statement of these points in his own language, rather than reading from documents.

MR. KEARNS. Mr. Owens, I am glad you brought the point up. As chairman of course I will be governed by the opinion of the committee, naturally, but when Mr. Levy is sworn in and gives his name, he is representing the IATSE. When he mentions names here of people who are supposedly Communists, it is the IATSE, through counsel, Mr. Levy, who is presenting these names as Communists or communistically-minded people who have had some influence or have infiltrated upon the communistic angle of labor in the Hollywood motion-picture dispute.

MR. OWENS. Yes, but, Mr. Chairman, these documents were more or less unknown prior to this time. They have been in some files in California. They may have been in the paper or in the IATSE file, but now they are being placed practically in the Congressional Record. From the names that are being mentioned there nothing has happened so far that could make Mr. Levy responsible for what is being said and for damage as a result.

MR. KEARNS. Without going into executive session I think the members had it clearly understood that before the committee would receive any names these charges would be made known to the party named.

MR. OWENS. Well, there have been a hundred names mentioned so far. We don't have the addresses and we don't know where they are.

MR. KEARNS. Well, even five thousand names.

MR. OWENS. I appreciate what Mr. Levy is saying. I believe as an attorney he should make his statement as an attorney or as a witness, one or the other, and not as both. I say that in all sincerity.

Mr. KEARNS. Unless it would be ruled otherwise as in executive session of the committee, any name that is mentioned here as a Communist or making any contribution to the development of the Communist Party in its infiltration in the motion-picture dispute in Hollywood, would have to receive notification that their names had been brought before the committee.

Mr. McCANN. Mr. Chairman, may I suggest that for 10 minutes we ask the visitors to leave the room and hold an executive session?

Mr. LANDIS. No; I disagree with that.

Mr. KEARNS. I see no reason for an executive session, Mr. Counsel. The declaration of policy of the witness was clearly defined yesterday.

Mr. McCANN. As I understood yesterday it has been changed today. If I am incorrect it is a misunderstanding only. But yesterday as I understood this witness, he was going to prefer charges which he would prove to this committee.

Mr. KEARNS. Oh, he said he would prove the charges. That is in the record.

Mr. McCANN. Today he says he is reading the charges and the committee can make an investigation and expend its own funds to subpoena the witnesses to prove these charges. That is the way I understand it today.

Mr. LANDIS. The record will speak for itself.

Mr. KEARNS. He has insisted, Counsel, that he will prove the charges. Starting out he has directed them toward Mr. Sorrell and all the testimony he has given to date in its finality is to prove that Mr. Sorrell is a Communist.

Mr. OWENS. Mr. Sorrell had just spoken to me. It is not Mr. Sorrell I am thinking about, because he is sitting here listening to these charges and can defend himself. It is the many other names and organizations being mentioned about which I know nothing. If they are stated in counsel's opening statement they are not considered anything but a message to the court, as counsel is entitled to do in any hearing.

Mr. KEARNS. I still contend, Mr. Owens—you are an attorney and I am not—that anyone whose name is mentioned before this committee as being a Communist should be notified.

Mr. OWENS. Well, I just made the point.

Mr. LANDIS. That is the regular order of other committees.

Mr. KEARNS. I still contend as chairman that Mr. Levy has the witness stand. He has made his declaration and the policy that he wants to pursue is entirely up to him.

Mr. OWENS. I am trying to help Mr. Levy in this, too.

Mr. McCANN. Mr. Chairman, as counsel for the committee I raise this question, whether the committee shall receive in evidence as the sworn testimony of Mr. Levy, testimony before another body where the witnesses are not before the committee for cross-examination.

Mr. KEARNS. Mr. Counsel, I think in that case the Chair would rule Mr. Levy took the chair and was sworn. He is presenting this material, affidavits or proof of certain declarations he has made. I think it is the duty of the committee to receive that information. It would not make any difference to me, since we have started this thing, if they went on a year from now. If they want to go through with it we will go through with it.

I know if anyone accused me of being a Communist, if I had to sell my home to come to Washington I would do so, to prove that I was not a Communist. And that's all I have in the world, too.

Mr. LANDIS. We do not want to regulate any witness as to the way he wants to present his evidence.

Mr. McCANN. But we do want testimony, do we not, Mr. Chairman?

Mr. KEARNS. I still contend Mr. Levy had made his declaration. If he has five bundles of stuff that he wants to give the committee I think he ought to have that privilege to develop his point and give his testimony before the committee. I cannot see any other procedure the committee can take, with all due respect to Mr. Owens' kind suggestion to the attorney, as I would put it.

Mr. OWENS. That is a good expression.

Mr. LEVY. I am perfectly prepared to cooperate with any determination this committee desires to make.

Mr. KEARNS. Proceed in your own way. You have the green light from the committee. You know what you want to do.

Mr. LEVY. In view of the request—shall I say the kind suggestion of Congressman Owens—I will endeavor to cut down some of the material that I intended to present. That is on my own responsibility.

Mr. KEARNS. Now wait a minute. At this point I will have to inform the distinguished gentlemen from Illinois that I do not want it to appear in the record that he is suggesting you do that.

Mr. LEVY. No, sir.

Mr. KEARNS. I think he meant his suggestion purely as a kindness to you, Mr. Levy.

Mr. OWENS. That means he is responding for the good of the public.

Mr. LEVY. I will endeavor on my own account to be selective with respect to the material that is presented. But since we are in a somewhat jocular mood I do want to take a moment on the record to say this.

Mr. LANDIS. Is this off the record?

Mr. LEVY. On the record. It is all right. It is a good story to put on the record, I think. It is a clean story.

If I see a group of ducks swimming in a pond and in the center is a particular bird; he looks like a duck, he swims like a duck; he quacks like a duck; he has web feet like a duck; and he is always swimming around with ducks, I think I would be justified in assuming under such circumstances that this particular bird is also a duck.

Mr. OWENS. The bird could be a loon.

Mr. LEVY. Could be. And if the problem is one of having a loony jurisdictional problem in Hollywood they ought to know that, too.

So I want to present the material I submitted to this committee in November 1947. [Reading:]

Question. You have had practical experience have you, in examining questioned documents?

Answer. Yes; I have examined several thousand documents.

Question. And you have written articles for various technical journals on the side, have you?

Answer. I have.

Question. And you have testified in the State and Federal courts on the subject?

Answer. Yes.

Question. Now, Mr. Sellers, were some questioned documents submitted to you by this committee?

Answer. Yes.

Question. Do you have them with you?

Answer. Yes.

Question. Will you produce them, please?

Answer. Yes (handing documents to Mr. Combs).

Question. Now, Mr. Sellers, I show you a photostatic copy of a document which reads, "Control Card, First Hal of 1937, Book No. 74282; Name: Herbert Stewart; State of California, County L. A., City L. A., District 13; Section: Industrial; Unit: Studio No. 2; Occupation: Painter, Union Painters 644; Mass organization, ----; Male; (In pencil) Yes; Female: ----; Age: 41; White: Yes; Foreign-born: ----; Dues paid up to and including the month of: ----"

Was that one of the questioned documents submitted to you?

Answer. Yes.

Question. And the other one is numbered No. 60622 and it reads as follows: "I have received membership book. (Signed) Herb Stewart." in ink; "State: Cal.; District 13; County: LA., City: LA.; Section: Ind.; Unit: Studio; Date: 2-12-37" with this printed matter at the bottom: "Be sure to sign and return to the Membership Director."

Was that the other questioned document that was submitted to you?

Answer. Yes.

Question. Now, Mr. Sellers, in order to determine the fact as to whether or not the same person wrote two documents, is it or is it not a part of your technique to procure exemplars of the handwriting of the individual who purported to write the questioned documents and make an analysis of those examples and compare them with the signatures and writing on the questioned documents?

Answer. It is.

Question. Were some documents which purported to be such exemplars submitted to you for analysis?

Answer. Yes.

Question. Do you have them with you?

Answer. Yes.

Question. May I see them?

Answer. Yes [handing documents to Mr. Combs].

Question. One is a card which reads as follows: "R. E. S., Charleston 6-1687; Office, Drexel, 8354; Hillside 7997." Written in pencil on the card is: "Hello, Ben." Then the printing continues: "Herb Sorrell, business representative Moving Picture Painter's Local 644, 4157 W. 5th Street, Los Angeles."

Was that one of them?

Answer. Yes.

Question. The other one is an attendance card; "Central Labor Council; Name: Herb Sorrell; Address: 4157 West 5th Street; City: L. A.; Union: Moving Picture Painters 644; Date: November 5, 1945; If change of address give old address here----" And blank for telephone number.

Was that another example submitted to you?

Answer. Yes.

Question. Then I show you two letters, the first one being on stationery of the Hotel Statler, Buffalo, N. Y., dated September 9, 1937. It is in ink handwriting. It starts out with the words, "Dear Victor" and concludes with the words, "Sincerely, Herb," and ask you if that is another of the exemplars?

Answer. It is.

Question. I show you a letter written on the stationery of Metro-Goldwyn-Mayer Studios, Culver City, March 24, 1938, and on the bottom of the letter—the letter is in typewriting—is some matter in ink handwriting, signed "Herb Sorrell," and ask you if that is another of the exemplars submitted to you?

Answer. Yes, it is. The three lines of writing at the bottom of said letter and the name Herb Sorrell.

Question. Now, I show you what purports to be a photostatic copy of a 1938 registration blank and ask you whether or not that was submitted to you as an exemplar or as a questioned document?

Answer. This was submitted as a questioned document.

Question. It reads as follows: "1938 registration blank. Please write in ink. Section: Industrial. Unit: Studio No. 2. Branch---- Real name: Herbert K. Sorrell. Party name: Herb Stewart. Correct address: 137 North Verdugo Avenue, Burbank. Year joined: 1938. Book No.: 1937, lost; 1938, 60622. Nationality: American. Country of birth: U. S. A. Age: 42. Male (is checked.) White (is checked). Present occupation: studio painter."

After "employed" is written the word "yes." "Place of employment: 4157 West 5th Street. No. of workers in shop: 3. What union: M. P. P. Local 644. Functionary in this union: business agent. What unemp. mass org. ---- Other mass organizations: none. What function: ----. Veteran: ----. What veteran's organization: ----. What function in party: ----. Full time: ----. Section: ----. Br. unit: ----. Party schooling: After the word "county": "trade-union school." State: ----. National: ----. Workers school: ----. How many children: 2 and two grand. What are their ages: 23, 19, 2, 1 mo."

Was that submitted to you as an exemplar?

Answer. No. This was submitted to me to determine if I could, whether or not it was written by Mr. Sorrell.

Question. In other words, that was a questioned document?

Answer. Yes.

Question. In addition to the other two?

Answer. Yes.

Question. Were those all of the questioned documents submitted to you, three, or was there another one?

Chairman TENNEY. What about the voter's registration?

The WITNESS. Those are the only questioned documents.

Mr. COMBS. Now, I show you a portion of a voting registration blank with the signature and handwriting on it, "Herbert K. Sorrell, 1153 Norton Avenue, Glendale," and ask you if that was submitted to you as an exemplar?

Answer. Yes. This was submitted as an exemplar of the signature of Herbert K. Sorrell.

Senator GORDON. What is meant by exemplar?

Chairman TENNEY. It is an example of handwriting, Senator. Is that correct, Mr. Sellers?

The WITNESS. Yes. It is a specimen of writing submitted to me as being the genuine handwriting of Mr. Sorrell.

Mr. COMBS. Question. I show you a photostatic copy of a jurat submitted and sworn to before a notary public on which appears the signature "Herbert K. Sorrell," and ask you if that was submitted to you as an exemplar?

Answer. Yes.

Question. I show you a bottom portion of a voter's registration certificate dated January 6, 1936, W. M. Kerr, registrar of voters, which bears the signature "Herbert K. Sorrell," and ask you if that was submitted to you as an exemplar?

Answer. Yes.

Chairman TENNEY. Was that an exemplar?

Mr. COMBS. Yes, Mr. Chairman, an exemplar.

Question. I show you a similar portion of the same sort of a registration blank, dated 1932, with the same purported signature on it, and ask you if that was submitted to you as an exemplar?

Answer. Yes.

Question. I show you a similar one for the year 1930 and ask you if that was submitted to you as an exemplar?

Answer. Yes.

Question. Were those all of the exemplars submitted to you?

Answer. Yes.

Question. Now, Mr. Sellers, did you make any effort to determine whether or not the same person who wrote the exemplars, or was alleged to have done so, also wrote the questioned documents?

Answer. Yes.

Question. Will you describe briefly the technique you use in order to arrive at a conclusion?

Answer. I had these documents in my office and laboratory and I examined them under various magnifications and made a careful comparison between the exemplars first to determine what the handwriting characteristics of Herbert Sorrell are, the extent and scope of his variations, his handwriting ability, and in general the identifying characteristics in his writing. I then made a careful comparison between those exemplars and the questioned documents that have been here described for the purpose of determining if I could whether or not Mr. Sorrell wrote any of the questioned documents or any part of them.

Question. I show you now a large photostatic sheet on which appear several signatures in writings and ask you what they purport to be?

Answer. I did not make this photograph.

Question. Do you know who did?

Answer. Yes; John L. Harris.

Question. He is the gentleman with whom I had a conference in your presence yesterday?

Answer. Yes. He is an examiner of questioned documents.

Question. Did you notice similar characteristics between the exemplars and the questioned documents?

Answer. Yes.

Question. You arrived at a positive opinion, did you, as to the identity of the person who wrote the exemplars and the questioned documents?

Answer. Part of them, yes.

Question. Whether or not the same person wrote the exemplars and the questioned documents?

Answer. Yes; as to part of them, that is correct.

Question. What do you mean by part of them?

Answer. My opinion is that some of the questioned documents were not written by the same writer who wrote other parts of the questioned documents.

Question. Will you indicate what those were, please?

Answer. This document that begins '1938 registration blank' that is filled in beginning with the words, "Industrial Studio No. 2" and so on, I could not identify Mr. Sorrell as having written the writing on that document.

Question. In other words, this document is a printed form, is it not?

Answer. Yes.

Question. It contains a number of blanks which were filled in in handwriting?

Answer. Yes.

Question. After the words "real name" was that written in ink or in pencil?

Answer. Apparently in pencil.

Question. Is it your opinion that a different person wrote that name than the person who filled in the blanks in the rest of the form?

Answer. No; I would not say so. I am saying that I was unable to identify Mr. Sorrell as having written any part of this particular document. Most of that is handprinted and I have not examined any of his hand printing. But in any event I was not able to identify him as having written any part of that particular document.

Question. Now, we will take the document, 'Control card, first half of 1937.' What was your conclusion with regard to that?

Answer. My conclusion with regard to that is that the person who wrote the exemplars which were submitted to me as being the genuine handwriting of Herbert K. Sorrell wrote the name "Herb Stewart" on this card which begins "Control card first half 1937, book No. 74282." Also, the same writer, in my opinion, wrote the word "Calif." following the word "State," and wrote the letters "L. A." following the word "City." I could not identify him as having written the numeral 13 following the word "District"—and the person who wrote the exemplars wrote the word "Industrial" following the word "Section," and wrote the word "painter" following the word "occupation," and wrote the word "Painter's 644" following the word "Union," and the word "yes" following the word "male" and the numeral 41 following the word "age" and the word "yes" following the word "white."

Question. Now, will you take the other questioned document which bears the number "60622", membership book; what was your conclusion with regard to that?

Answer. It is my conclusion that the person who wrote the exemplars submitted to me as being the genuine handwriting of Herbert K. Sorrell wrote the name "Herb Stewart." Immediately above the printed word signature on this document is the number in printing "60622", and below the number are the words, "I have received membership book." Then below the signature "Herb Stewart" there is some other handwriting that I was not able to identify as having been written by the writer of the exemplars. It is my opinion that that writing was written by the same writer who wrote the handwriting on the card which begins in printing, "1938 registration blank."

Mr. COMBS. I think that is all, Mr. Sellers.

Chairman TENNEY. Any questions from the members of the committee? That is all, Mr. Sellers. Thank you.

Since I made up my own mind to be selective in the reading of it, without request or suggestion, I will not read in full the testimony of the handwriting expert John L. Harris, nor the rest of the document,

but will ask that it be received in full and incorporated in the record with the following statement that I do want to read now. This is from the report of the joint fact-finding committee from the State of California.

Mr. OWENS. Mr. Chairman, I would like to ask a question first.

Does it show in the testimony where that card came from?

Mr. LEVY. This does not show where the card came from.

Mr. OWENS. Just how did they connect it?

Mr. LEVY. The connection is shown that that was a Communist Party membership card. The source from which it came from this exhibit does not appear. I believe I have available the entire report. I shall seek to read that overnight, if I can, for the purpose of being able to answer that question.

Mr. OWENS. Was there anyone in there that gave proof of any signature of his?

Mr. LEVY. The proof that was presented was the proof of the voting registrar.

Mr. OWENS. He said that was not the signature, if I understood the testimony.

Mr. LEVY. Oh, I am afraid, sir, that you misunderstood it. I read this testimony from the report of the joint fact-finding committee of the State of California. What they did was to go to the following sources to get, as I read the testimony, general signatures of Herbert K. Sorrell, as they see it. They went to the voting registrar, without reference to how he voted. They found he voted in this year, in that year, and in the other year, and they took his signature.

From the voting register of Herbert K. Sorrell, they had a letter written to Metro-Goldwyn-Mayer studios, and they took the signature of Sorrell. They had some note from the Statler Hotel in Buffalo and they had a card.

My recollection is, from reading the whole report which is rather voluminous, that there is proof in the record that those documents Mr. Sellers and Mr. Harris call "exemplars" were the undoubted signatures of Herbert K. Sorrell.

Mr. OWENS. Except there is nothing in that record so far which shows that?

Mr. LEVY. As I say, I will be pleased to present to you the complete record, rather than this report in support of that.

Now, with reference to the 1938 card that was not in his handwriting. That was one of the questioned documents; that was not one of the recognized exemplars.

Since I have here a pamphlet with respect to the photostatic copies, to which the witness referred, and which I ask you now to receive, I think that will be made much clearer from the pamphlet which I have.

We also will have available at an appropriate time, larger photostats and we may get several more copies of this so that each member may have it.

But if you take the photostatic copies of these documents and the testimony as indicated before the Senate committee in California, I think that will be an answer to your question.

Mr. OWENS. Just one more question: Did you check the records in any way to ascertain whether Mr. Sorrell had signed the non-Communist affidavit?



Mr. LEVY. I did not personally check the records. I can say this, that I made inquiry. That is a matter which the National Labor Relations Board does not disclose, I understand, but I do know Mr. Sorrell stated he signed a non-Communist affidavit pursuant to the Taft-Hartley law.

There is no way in which I can present that. I have not reason to doubt that he did. That is since the enactment of the Taft-Hartley law.

In view of the fact that that question has been asked—and I think very appropriately—I want to say that notwithstanding the claim that—

Mr. OWENS. Just a moment. Pardon me. Off the record.

(Discussion off the record.)

Mr. KEARNS. Mr. Levy, did you state where the membership of Herb Stewart showed, in what city, or where?

Mr. LEVY. I have only indicated to you, sir, that the address given was the address given on the card. I do not know anything about the section or the district. I can only tell you what the card reads.

The card reads: "County, Los Angeles; City, Los Angeles; State, California."

Mr. KEARNS. Thank you. That answers my question.

Mr. LEVY. Now, with respect to the signing of the non-Communist affidavit, I think it would be appropriate for me to read here—and I think it is of value to us, to indicate the position of the IATSE on that—this document.

I want you to know that the IATSE, through its national officers, promptly complied with the requirements of the law and filed those affidavits. With respect to whether Mr. Sorrell did or not, I think I told you that I tried to make inquiry; that I was unable to get it, because I think it is the rule of the Board that that is confidential, at least I was sold told in communicating with the west coast. I did not take the matter up with the national office of the National Labor Relations Board.

However, I understand it was published on the west coast that Mr. Sorrell stated he did file such an affidavit, since August 22, 1947.

Now, I intend to show to you that Mr. Sorrell's name still remains as one of the sponsors of the Communist-operated and -controlled Hollywood People's Educational Center; the American Youth for Democracy, formerly the Young Communist League; the People's World, which is the west-coast Communist newspaper, and other Communist-front organizations in Southern California, as late as 1946, and I think perhaps as late as 1947.

Now, there is no evidence, to the knowledge of the IATSE, that Mr. Sorrell has resigned or repudiated a single one of his pro-Communist connections, either before or after the Taft-Hartley law.

I do not think we can say that modesty is one of Mr. Sorrell's outstanding virtues; and, therefore, his failure to speak up in repudiation of a long pro-Communist past cannot be charged to modesty.

Mr. LANDIS. One question there: All these organizations you just mentioned, were they considered Communist-front organizations by the Attorney General?

Mr. LEVY. That is definitely true with respect to the American Youth for Democracy, formerly the Young Communist League. That

is my understanding. The People's World is conceded, I believe, by everybody to be a Communist newspaper.

Mr. LANDIS. We are checking on the Hollywood People's Educational Center.

I may say to you, sir, that in the hearings before the Committee on Un-American Activities before the House of Representatives, in October 1947, this appears with respect to the People's Educational Center—the point I want to make is that you make a distinction between the groups that were declared front organizations by the Attorney General and also perhaps by the House Un-American Activities Committee?

Mr. LEVY. That is correct. I will present the facts as I know them with respect to each.

I want to say that the following appears on page 544 of the hearings before the Committee on Un-American Activities, House of Representatives.

We have the exhibits here, I think,

that in the Motion Picture Daily of the 17th of March 1947 was an item stating that Louis Weinstock—

who, as I indicated earlier, was an admitted member of the national executive council of the Communist Party—

had raised \$10,000 in support of the strike of the conference of studio unions.

You remember earlier during my testimony I said I would come across that and point that out to you.

Mr. Roy N. Brewer, the international representative of the IATSE, wrote a letter to the Honorable J. Parnell Thomas of the House Committee on Un-American Activities, in which he stated:

Those of us who are within the trade-union movement in Hollywood, who have had to meet the smear campaign of the Communists for the past several years, and who have had to meet their onslaught and their tactics day in and day out, no longer naively consider that nonmembership in the Communist Party or the signing of non-Communist affidavits is a guaranty that those who make such declarations and sign such affidavits, have necessarily severed their organizational or ideological bonds with communism. We must be convinced of their noncommunism by open and outright condemnation and repudiation of their Communist principles, Communist tactics, Communist organizations, and Communist associates. If and when Mr. Sorrell and his associates follow this line of action, none shall be happier than we, but until this is done we remain skeptics. Formal disassociation from the Communist movement is an old Communist trick, advised by both Lenin and Stalin to their followers when the going got hot.

Mr. Chairman, I am asking you to receive these two excerpts which are as follows: Excerpts from Senate Journal of February 19, 1946, containing partial report, Joint-Fact Finding Committee on Un-American Activities in California, and photostatic copies of Communist Party documents and exemplars of the handwriting of Herbert K. Sorrell.

(The documents were filed with the committee.)

Mr. LEVY. One of the learned members of the committee suggested I ought to present some photostats. I will present some of those that I have here. We are going to present as many as we can get from the west coast and from New York.

Mr. KEARNS. You will present those that you receive at a later date?

Mr. LEVY. Yes, sir; I think I will follow the document.

Excerpt from People's Daily World, dated September 6, 1946, re Herb Sorrell.

This is a photostat: "Support for WFTU."

I want to say the WFTU is the World Federation of Trade Unions [reading]:

#### PAINTER DELEGATES ASSAIL WATT'S ANTI-SOVIET SPEECH

SAN FRANCISCO, September 5.—Convention sessions of the AFL painters today were devoted mainly to organizational matters, but progressive delegates—

and I want to say this in view of what Mr. Lindelof said, that I am not one of those who am considered a Communist-Progressive. I distinguish quite definitely between progressivism and communism, but the Daily People's World and Communist terminology is to use the word "progressive" with respect to communism—

were actively lining up support for AFL affiliation with the World Federation of Trade Unions. Delegates were up in arms over the anti-Soviet speech made yesterday by Robert Watt, AFL international representative, in which he slandered the WFTU, as "dominated by Moscow."

Herb Sorrell, delegate from local 644, Hollywood, told The Daily People's World:

"My local organization desires to support the WFTU and we do not believe a minority group, even though they come from Russia, can control 70,000,000 workers in this World Federation."

The next photostat which I want to present is No. 6 in the letter, "Excerpt from Daily People's World, dated March 8, 1940, re Herb Sorrell, entitled 'Movie City Forming First Alliance Local.' "

#### MOVIE CITY FORMING FIRST ALLIANCE LOCAL

HOLLYWOOD, March 7.—Tawdry and tinselled Hollywood forgot the shadow world today and was all wrapped up in the business of forming its first Workers Alliance local.

\* \* \* \* \*

#### WIDE BACKING

Those who addressed the meeting included: Dorothy Ray, Labor's Non-Partisan League; Rabbi Mayer Winkler, Community Synagogue; Herbert Sorrell, Motion Picture Democratic Committee,

and others.

I will not read this entire article, but will offer it entirely to be put into the record as I did the earlier one.

I ask that the committee receive the earlier exhibit entitled, "Support for WFTU. Painter delegates assail Watt's anti-Soviet speech," from the Daily People's World of September 6, 1946, and also the photostat from the People's Daily World of March 8, 1940, "Movie City Forming First Alliance Local."

Mr. KEARNS. So ordered.

(The above photostats were filed with the committee.)

Mr. LEVY. The next item in the letter is item No. 7, "Excerpt from Daily People's World, dated April 14, 1940, re President Herb Sorrell, entitled 'Million on 500 Campuses to Join Peace Strike Today.' "

If I may interpolate, this was after the Stalin-Hitler pact and before the Nazi attack upon the Soviet Union:

## MILLION ON 500 CAMPUSES TO JOIN PEACE STRIKE TODAY

UCLA MEETING—EXPECT 12,000 AT LOS ANGELES RALLIES

LOS ANGELES, April 18.—Participation tomorrow of 12,000 Los Angeles students in the seventh annual national peace strike seemed assured today, student leaders told *The People's World*,

and so forth.

At City College, screenwriter Dalton Trumbo—

By the way, you will find a number of names mentioned at these meetings, at places, and sponsorship with respect to organizations where Mr. Sorrell's name is mentioned in collaboration with several others.

I think at this time, without offering in evidence the entire hearings before the Committee on Un-American Activities of this House, I think I may say to you that the following 10 persons have been cited by that committee for refusal to answer certain questions before it.

Mr. KEARNS. We know that.

Mr. LEVY. I mention that because of the fact that some of these names are mentioned here.

Mr. KEARNS. We knew that a long while ago.

Mr. LEVY (reading):

At City College, screenwriter Dalton Trumbo will address assembled students and present his peace pledge, already taken by many local trade-unions. City College students will sign a huge "post card" resolution addressed to the administration demanding peace.

At UCLA, Carey McWilliams, State director of immigration and housing; President Herb Sorrell, of Labor's Non-Partisan League; and Dr. E. P. Ryland, Los Angeles, president, American Civil Liberties Union, will be the speakers.

I ask that that be received.

Mr. KEARNS. No objection.

(The photostat was filed with the committee.)

Mr. LEVY. The next item in the letter is, "Excerpt from *Daily People's World*, dated May 17, 1940."

Mr. KEARNS. I made the *Daily World*, too, when I was out on the west coast.

Mr. LEVY. I may assume, Mr. Chairman, if you made the *Daily World* in association with some of these names and someone stated it was thought you were a pro-Communist, you would undertake appropriate procedures to correct it. You would not institute a libel suit and then withdraw it with prejudice so that you would not be able to sue again.

I don't doubt that I will make the *Daily World* also, as a result of my testimony, and my known attitude in this matter of Communist relationship to the United States. No. 8, "Excerpt from the *People's World*, dated May 17, 1940, re Herb Sorrell, entitled 'Schneiderman Case. AFL Leader, Liberals Rally to Defense'":

## SCHNEIDERMAN CASE

## AFL LEADER, LIBERALS RALLY TO DEFENSE

LOS ANGELES, June 16.—Revocation of the citizenship of William Schneiderman, State Secretary of the Communist Party is, "not only an attack on the Communists but a step toward crushing the civil liberties of all."

Herb Sorrell, business representative, AFL Moving Picture Painters Union, local 644, issued that warning here today as trade-unionists and liberals rallied to the call of the local Schneiderman-Darcy defense committee.

I ask that that be received in evidence.

Mr. KEARNS. No objection.

(The photostat was filed with the committee.)

Mr. LEVY. The next item in the letter is No. 9, "Excerpt from Illustrated Daily News, dated November 2, 1942, re Herb Sorrell, endorsing La Rue McCormick, Communist candidate."

FOR ALL-PARTY UNITY AND VICTORY POLICIES, ELECT LA RUE MCCORMICK,  
STATE SENATOR

Free our legislature from labor baiting and Red baiting. Stop disruption of the war effort.

This was November 2, 1942. Russia had already gotten into the war, so instead of Mr. Sorrell being found to conduct a peace strike among the students of California, he now endorsed a candidate who wants to stop disruption of the war effort.

Among those who endorse this candidate are Dalton Trumbo, John Howard Lawson, and Herb Sorrell, studio painters 644.

I ask that this be received in evidence.

Mr. KEARNS. No objection.

(The photostat was filed with the committee.)

Mr. LEVY. No. 10, "Excerpt from Daily People's World, dated July 24, 1944, entitled "PW" meaning "People's World" "Wins Cheers!"

JOHN H. LAWSON, HERBERT SORRELL PRAISE OUR HOLLYWOOD COVERAGE

LOS ANGELES, July 23.—The Daily People's World leads the daily newspaper field in understanding the contribution of industry and labor in Hollywood to America's war effort.

That's the statement of two prominent Hollywood leaders—Screen Writer John Howard Lawson and Herbert Sorrell, president of the Conference of Studio Unions.

Both Sorrell and Lawson are supporting the current \$75,000 victory expansion drive of the Daily People's World.

I ask that that be received.

Mr. KEARNS. No objection.

(The photostat was filed with the committee.)

Mr. LEVY. A "Dossier of action taken by Conference of Studio Unions on matters promoted or opposed by the Communist Party from August 12, 1942, to September 5, 1946."

I am not now talking about Mr. Sorrell as an individual in this dossier, I am talking about what appears to be the action taken by the Conference of Studio Unions itself on matters promoted or opposed by the Communist Party. I will not read them all, but I will point out some with which I think the committee may be familiar.

August 12, 1942, passed a resolution endorsing a second front.

August 12, 1942, passed a resolution to promote friendship with the Soviet trade-unions.

November 25, 1942, appointed a committee to work with the League of American Writers.

March 10, announced meeting of Joint Anti-Fascist Refugee Committee.

March 10, instructed letter be written to President in behalf of Bridges.

May 12, 1942, motion that each local be urged to participate in Joint Anti-Fascist Refugee Committee.

Sept. 8, 1945, read request of People's Educational Center to conference.

The People's Educational Center, from the research we have made, appears to be the Communist School in Los Angeles, Calif. It is referred to in this document as "PEC."

October 13, 1945, supported the American Council for Soviet-American Friendship.

January 12, 1944, gave People's Educational Center mailing list of members of Conference of Studio Unions.

June 14, 1944, sent brochure of Writers Mobilization to all members.

July 12, 1944, voted support of International Labor Defense.

September 6, 1946, supported World Federation of Trade-Unions.

I ask that this dossier be received.

Mr. KEARNS. No objection.

(The dossier was filed with the committee.)

Mr. LEVY. The next item is No. 12, "Manifesto of the World Labor Conference":

The below-named organizations of the American Federation of Labor who endorsed the World Trade-Union Congress, herewith submits to the labor movement the manifesto of the Congress and request your consideration.

Conference of Studio Unions

Among others mentioned.

I ask that this be received.

Mr. KEARNS. No objection.

(The photostat was filed with the committee.)

Mr. LEVY. No. 13, "Excerpt from Hollywood Citizen-News, dated December 11, 1946, re Conference of Studio Unions, entitled 'Win Peace' Rally Echoes Reds Minus Marcantonio."

I think I ought to read the following:

Mr. KEARNS. Do you want Mr. Marcantonio here to verify it?

Mr. LEVY. I think this document shows Mr. Marcantonio claimed he was detained in New York and was not able to be present at the peace rally, and that therefore the Honorable Hugh DeLacy substituted for him. I think that both Mr. Marcantonio and Mr. DeLacy—

Mr. OWENS. Do you think they walk like ducks, too?

Mr. LEVY. Do you want my opinion?

Mr. KEARNS. No.

Mr. OWENS. We don't want your opinion; we want facts.

Mr. LEVY. I would not hesitate to give it:

DeLacy topped the contributions to "win the peace" fund with two \$50 bills, except for one other \$100 contribution. \* \* \* Groups from which contributions were announced included several chapters of each of the following: Communist Party, International Workers Order, American Veterans Committee. \* \* \* Conference of Studio Unions.

Among others.

Literature distributed by the American Youth for Democracy, formerly the Young Communist League, included a plea for funds for the Conference of Studio Unions' film strikers in Hollywood. There was also a reprint of an advertisement from Daily Variety in which the Hollywood citizens' fact-finding committee, headed by Congressman Ellis E. Patterson, denounced the Los Angeles County grand jury and other officials for action taken against strikers arrested for illegal mass picketing.

I ask that that be received.

Mr. KEARNS. No objection.

(The photostat was filed with the committee.)

Mr. LEVY. I have already offered, and you have received, I think, the record of Emil Freed, which was referred to in item 6 above. That is item No. 14 in the letter.

Now, we have also photographic reproductions of Los Angeles newspaper headline articles from the IATSE convention, which I will ask at the proper time to have Mr. Brewer, who got these together, present them to you.

Mr. KEARNS. The editor's name, and the name of the paper, will have to be included.

Mr. LEVY. Mr. Brewer will present whatever material there is on that.

Mr. KEARNS. All right.

Mr. LEVY. Also item 16, the IATSE Informational Bulletin of September 28, 1945; I ask leave to have Mr. Brewer present that.

Mr. KEARNS. Very well.

Mr. LEVY. The letter dated May 10, 1946, from Mr. Brewer to the secretaries of the local unions of the IATSE; I ask leave to have Mr. Brewer present that.

And also excerpt from Hollywood Daily Variety, dated April 2, 1945; I ask that Mr. Brewer be permitted to present that.

Now, we have some additional documents not referred to in the letter that have come in, and I would like to present them at this point.

This is a photostat (received, July 8, 1946).

#### PEOPLE'S WORLD

\$125,000 ANNUAL DRIVE—1946

Partial list of sponsors:

I do not want to read them all, but we have:

Philip M. Connelly; Leo Gallagher; E. C. Head, head of shop stewards, painters local 644, AFL; John Howard Lawson; Albert Maltz; Carey McWilliams; Anita Whitney; and Herb Sorrell, president, Conference of Studio Unions, AFL.

I ask that this be received. I have no extra copies of it, but I shall try to have them made overnight.

Mr. KEARNS. No objection.

(The photostat was filed with the committee.)

Mr. LEVY. Now, People's Educational Center, page 266 of the hearings before the Committee on Un-American Activities, winter, 1947, being the brochure of the People's Educational Center. A list is given of the board of directors and of the advisory board, and among those on the advisory board, appearing on page 267, is Herbert Sorrell.

Among the board of directors is John Howard Lawson.

Among the advisory board is Elmer Birtman.

Mr. KEARNS. Why don't you just refer to those pages for the record.

Mr. LEVY. I ask that that be received in evidence in this hearing.

I do not think it is necessary to give the entire brochure. I think that will unduly complicate this record, in view of the fact that it has already been printed by this congressional committee. I therefore refer to page 266 and page 267.

Mr. KEARNS. So ordered.

Mr. OWENS. What is the date?

Mr. LEVY. The date is "Hearings regarding the Communist infiltration of the motion picture industry, October 20-30, 1947."

(The document was filed with the committee.)

Now, the Conference of Studio Unions published certain pamphlets during the period of the strike. I have asked that those pamphlets be sent here from California. Some of them I had in my files. I will present some of them now.

This is one that is known as the Picket Line dated January 8, 1947: "People's Educational Center Offers Scholarship."

My point in bringing this to your attention is the fact that the Picket Line, published by the Conference of Studio Unions, is projecting the People's Educational Center. Your committee will come to a conclusion as to what the People's Educational Center is.

Mr. KEARNS. May I ask if the Picket Line circular you are referring to depicts what was happening along the picket line at various studios? Is that the intent of it?

Mr. LEVY. Yes; it was a publication of the Conference of Studio Unions and presents their point of view.

I ask that this be received.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. Now, here is the Picket Line of February 3, 1947: "Conference of Studio Unions Meets with Toledano," of Mexico. He was the head, until recently, of the Mexican Confederation of Labor. His association with the World Communist Movement is well recognized everywhere.

Mr. Toledano was invited to speak to the Conference of Studio Unions during the strike. I ask that that be received.

Mr. KEARNS. No objection.

Mr. OWENS. When you say received, you mean those are all being received for reference purposes?

Mr. KEARNS. That is right, sir.

Mr. McCANN. As I understand, Mr. Chairman, none of these documents are to be reproduced in the record, other than the matter which he reads?

Mr. KEARNS. That is right.

Mr. McCANN. The rest of the documents are to be received as reference exhibits only?

Mr. KEARNS. That is right.

Mr. OWENS. Until we decide later as to their materiality?

Mr. KEARNS. That is right.

Mr. LEVY. February 4, 1947, "Picket Line."

Mr. KEARNS. I might interrupt to say that any of these documents will be in the office of counsel. Anyone who desires to look at them may go to room 428 and examine them there, although they will not be permitted to be taken out of that office.

Mr. LEVY (reading):

#### TOLEDANO PLEDGES SUPPORT

The presence of Vincente Lombardo Toledano, head of the Latin-American Federation of Workers and vice president of the World Confederation of Trade Unions, at the mass meeting Sunday night was an historic occasion, and an



indication that with international labor solidarity, no democratic labor union anywhere need fight a struggle alone against employers who conspire to destroy it.

Toledano stated that no American film shot in Mexico nor any film sent to the Mexican laboratories from Hollywood is being processed. Furthermore, the great Latin-American labor leader declared that he is calling upon the theater unions in Mexico to suspend operations throughout the country for one Sunday that the people may know of our struggle here in Hollywood. Also, Toledano is seeing to it that the central office of the Latin-American Federation of Workers sends wires to the Presidents of every local in Latin America, informing them of the lock-out and calling upon them for direct aid, either in the form of a boycott, or whatever they can do.

I ask that that be received.

Mr. KEARNS. No objection.

(The photostat was filed with the committee.)

Mr. LEVY. They have an artist. This picture is on a "Picket Line," February 5, 1947, Chef Toledano stewing the brew of Latin-American boycott of Hollywood films. This was a CSU publication announcing the fact that Mr. Toledano—

who last Sunday transmitted to us such an inspiring message of support from our brother unionists south of the border, will again appear on the platform at Legion Stadium at this coming Sunday's mass meeting.

Mr. KEARNS. Who introduced him?

Mr. LEVY. I don't know who introduced him.

"Picket Line" of February 7, 1947—

#### SUNDAY MASS MEETING

Not only will Vincente Lombardo Toledano speak again at Sunday night's meeting at Legion Stadium, but with him will be delegates from Colombia, Peru, Venezuela, Egypt, and possibly France. Toledano has already moved ahead on the three-point program of aid to the Conference of Studio Unions and local 683.

I think I mentioned earlier that local 683 was an IATSE local, which was participating in joining with the Conference of Studio Unions. Why that was Mr. Brewer will go into in line with the presentation of our proof. That is the studio technicians' local:

(1) The Sunday demonstration throughout Mexico wherein every theater in the country will be closed for the day in protest against the producers;

(2) Contact is being made with unions in 17 other Latin-American countries for similar action there;

(3) Should the lock-out continue, Toledano will take up the matter of boycotting American films at the next meeting of the World Federation of Trade Unions.

At this point I want to read into the record certain portions of the testimony of Howard Rushmore, from page 171 of the hearings before the Committee on Un-American Activities, from October 20 to 30, 1947. I think it is extremely short.

Mr. Rushmore gives his name, his residence, his occupation as editorial department of the New York Journal American:

Were you ever a member of the Communist Party?

Answer. I was.

Question. During what period?

Answer. From 1936 to 1939.

Question. Did you ever hold any position in the Communist Party?

Answer. I did.

Question. Will you enumerate to the committee the positions you held in the Party?

Answer. Chiefly film critic for the Daily Worker. I was also on the Daily Worker as managing editor of their Sunday magazine, as city editor on Sunday, and a few jobs like that, but chiefly as film critic.

Skipping to page 179:

By Mr. STRIPLING:

Question. Is the League of American Writers a Communist front?

Mr. KEARNS. Who asked the question?

Mr. LEVY. Mr. Stripling, the counsel for the Un-American Activities Committee asked that of Mr. Rushmore.

Mr. RUSHMORE. It was founded by the Communist Party and at its first convention in May 1935, was addressed by Earl Browder, Mike Gould, and a number of other prominent Communists.

Skipping a paragraph:

It is interesting to note that among the other sponsors of this Communist front group, which is going along as of a week ago, are Albert Maltz, another Hollywood writer, Howard DeSilva, actor; Howard K. Sorrell, the union leader, so-called, in Hollywood.

Other names are mentioned.

Mr. LANDIS. Is that "Howard" there?

Mr. LEVY. I think that is a misprint. I would understand it to mean the union leader, so-called, in Hollywood to be Herbert K. Sorrell.

Mr. KEARNS. We will have to take the word of the printed testimony.

Mr. LEVY. Can you give me a few minutes' recess?

Mr. KEARNS. How much more time do you need, Judge?

Mr. LEVY. In view of my desire to be selective, I should like to confer with Mr. Walsh and Mr. Brewer before I give an answer to that question.

Mr. KEARNS. All right, and may I ask if following the completion of your testimony, you would like to introduce Mr. Brewer?

Mr. LEVY. That would be desirable.

Mr. KEARNS. That is so ordered, and we will adjourn until 10 o'clock tomorrow morning.

(Whereupon, at 4:50 p. m., the subcommittee adjourned until 10 a. m. of the following day, Friday, February 27, 1948.)

# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

FRIDAY, FEBRUARY 27, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will please come to order.

Mr. Levy, we were going to continue with your testimony, but I see Mr. Mulkey of the IBEW is here. With your permission we would like to get his testimony now and have you follow him.

Mr. LEVY. That is perfectly agreeable to me, sir. It will give me some additional time to prepare.

Mr. KEARNS. Mr. Mulkey, will you please come to the stand?

Mr. MULKEY. Yes, sir.

(The witness was duly sworn.)

## TESTIMONY OF GEORGE A. MULKEY, INTERNATIONAL REPRESENTATIVE, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Mr. McCANN. Will you please state your name and your address?

Mr. MULKEY. George A. Mulkey, 910 Central Tower, San Francisco.

Mr. McCANN. What position, if any, do you occupy with any labor organization?

Mr. MULKEY. International representative for the International Brotherhood of Electrical Workers.

Mr. McCANN. How long have you held that position?

Mr. MULKEY. About 12 years.

Mr. McCANN. What are your duties as an international representative?

Mr. MULKEY. To organize, to adjust differences between locals, assist members in securing employment in different parts of the country, and generally to represent our international.

Mr. McCANN. Have you represented your international union in connection with the strikes of 1945 and 1946 in Hollywood?

Mr. MULKEY. Not during the strikes. I am now in charge of local 40 and we are completing the settlement of the strike there.

Mr. McCANN. Local 40 of the IBEW is the local that was identified through the years with the motion-picture industry, is it not?

Mr. MULKEY. That is correct, since 1923.

Mr. McCANN. Local 40, for a long period of time was identified with the Conference of Studio Unions?

Mr. MULKEY. No; not a long period of time. I believe they became affiliated just about the time of the '45 strike.

Mr. McCANN. Did they participate in the '45 strike?

Mr. MULKEY. They did.

Mr. McCANN. Were they out throughout the length of that strike.

Mr. MULKEY. Yes.

Mr. McCANN. Were they returned to their jobs at the order of the American Federation of Labor council in Cincinnati in October 1945?

Mr. MULKEY. They were; yes.

Mr. McCANN. They went back to work, then, approximately on October 31, 1945?

Mr. MULKEY. That is correct.

Mr. McCANN. Did they have the positions returned to them or restored to them which they previously had held?

Mr. MULKEY. Yes; with one exception. There was some question on running repairs, but that was not important at that time.

Mr. McCANN. I am not speaking of the decision made by the three-man committee. That came up after the decision of the three-man committee, did it not?

Mr. MULKEY. Yes; that is correct.

Mr. McCANN. I am asking about when the directive of the council itself ordered the return of the men who were on strike to their former positions, were the men in Local IBEW 40 returned to their jobs in the studios?

Mr. MULKEY. They were, yes.

Mr. McCANN. Did they continue to work on those jobs in the studios until the clarification of the directive which came down on August 16, 1946?

Mr. MULKEY. Yes, they did.

Mr. McCANN. Did they go out with the Conference of Studio Unions as the result of the action taken against the carpenters and painters in September 1946?

Mr. MULKEY. The official action taken was to recognize the carpenters' picket line when it was established.

Mr. McCANN. So they did not return to work then?

Mr. MULKEY. That is right.

Mr. McCANN. At a subsequent time, did IBEW withdraw from this Conference of Studio Unions?

Mr. MULKEY. Yes, on January 31, 1947.

Mr. McCANN. I think that is important, gentlemen. I wanted you to get that.

On January 31, 1947, the IBEW 40 withdrew from the Conference of Studio Unions.

Did you then enter into a contract with the IATSE to return to work?

Mr. MULKEY. No. We started negotiating with the IA and with the producers at about that time or shortly after the 31st.

Mr. McCANN. Shortly after the 31st of January, 1947?

Mr. MULKEY. That is correct.

Mr. McCANN. Did you enter into an oral agreement with the IA to return to work on about March 15, 1947?

Mr. MULKEY. Well, we returned to work at about that time. There was no particular agreement reached with the exception of an agreement to sit down and negotiate the terms—not the terms, but the conditions that would apply to the replacements, and so on and so forth, that would have to be taken care of.

Mr. McCANN. Now, under date of January 15, 1948, you did enter into a contract with IA as to the division of work in the studios in Hollywood, did you not?

Mr. MULKEY. That is correct.

Mr. McCANN. That contract of January 15, 1948—that is the date of the contract on the face of it—has modifications in it up to February 4, 1948, does it not?

Mr. MULKEY. That is correct.

Mr. McCANN. Now, is it not a fact that after the decision of December 26, 1948, by the three-man committee, IBEW 40 asked for a clarification of running repairs from the three-man committee?

Mr. MULKEY. They asked Chairman Knight for a clarification or for his opinion as to what they meant and he answered that communication.

Mr. McCANN. Do you have a copy of this letter with you?

Mr. MULKEY. I have in my brief case.

Mr. McCANN. Will you please get it, sir.

Mr. Chairman, I want to ask him first if he has a copy of the letter written by IBEW to Mr. Knight.

Mr. MULKEY. No. I have not. The original letter I have seen, but in requesting it from Hollywood there was a note there it had been furnished to the committee through the CSU.

Mr. McCANN. I have no recollection of our receiving that letter. Is this letter dated March 13, 1946, a true and correct copy of the letter written by Felix H. Knight to Roy Tindall, business manager of Local 40, IBEW in reply to his request for a clarification?

Mr. MULKEY. It is, yes.

Mr. McCANN. Mr. Chairman, I ask permission to read this letter into the record.

Mr. KEARNS. No objection.

Mr. McCANN (reading):

HOTEL MORRISON,  
Chicago, Ill., March 13, 1946.

MR. ROY TINDALL,

*Business Manager, Local Union No. 40 IBEW,  
1225 North Highland Avenue, Hollywood 38, Calif.*

DEAR SIR AND BROTHER: YOURS of March 5, to my office, requesting a clarification of the words "running repairs," as contained in executive council committee's decision on the Hollywood issues, was received at the Morrison Hotel a couple of days ago.

I have been delayed in handling this matter due to the fact that I am a member of the arbitration board which is handling the wage request for approximately 1,100,000 railroad employees.

"Running repairs," as contained that decision is synonymous with the emergency or temporary repairs, each of which is used in jurisdictional decisions of various kinds.

"Running repairs," as we used the term, intended that such temporary or emergency repairs as might be made to a machine in order to keep it in operation and to prevent the stoppage of production, could be made by the operator.

I trust this may be helpful to you.

With best wishes, I remain,

Fraternally yours,

(Signed) FELIX H. KNIGHT,  
*General President.*

Copy to: E. J. Brown; Wm. C. Doherty; Wm. C. Birthright.

Now, I will ask you whether or not your union, IBEW 40, accepted this clarification and operated thereunder.

Mr. MULKEY. We accepted; we were glad to get the clarification, but when a copy was received in the San Francisco office, we noted it had been signed as general president.

We immediately asked the local union to request a letter signed as the chairman of the three-man committee, or of the A. F. of L. jurisdiction committee.

Some place along the line they decided not to issue another one and it was never recognized by anyone except ourselves, because it was in our favor.

No copy was sent to the producers, and they complained about that. No copy was sent to the IA, so it just fell by the wayside. It really became of no value to us, because of the fact that it was signed as general president.

Mr. McCANN. Instead of chairman of the three-man committee?

Mr. MULKEY. Yes, sir.

Mr. McCANN. But you recognized it and accepted it as favorable to you and operated under it on that basis?

Mr. MULKEY. Certainly, it was in our favor. I might add the original letter was on Hotel Morrison stationery.

Mr. McCANN. I will ask you whether or not you know of your personal experience if the IBEW has lost any of its jurisdiction to the IA through the years by reason of the encroachment of the IA upon the IBEW?

Mr. MULKEY. You ask if I know personally? I know from records there has been considerable question on jurisdiction.

Mr. McCANN. I didn't ask you if there has been any question on jurisdiction. I ask you if you know of any encroachment by the IA upon the jurisdiction of IBEW 40?

Mr. MULKEY. I couldn't say that I know personally, no, because I would have to rely upon the records, which I am positive are correct.

Mr. McCANN. What records do you refer to?

Mr. OWENS. Mr. Chairman, just so that we might get a clarification of the words, what do you mean by "encroachment", Mr. McCann?

Mr. McCANN. Mr. Chairman, the word has been repeatedly used in the record by industry representatives testifying before us and voluntarily getting together a record of the jurisdictional strife in Hollywood. These industry representatives in their testimony before us specifically mentioned numerous occasions on which work which had previously been done by No. 40 of the IBEW had been taken away from them by the IA under threat of closing down a picture. Now, that is in our record repeatedly.

Mr. OWENS. I believe that could be put in the form of a question without the word "encroachment" and then let the witness answer it.

Mr. MULKEY. Again Mr. Counsel, I could not answer that from personal knowledge. It is in the record. I have read it in the record here. I have read it in the communications between the locals, but personally I could not testify that I had been part of or had witnessed any of that encroachment.

Mr. McCANN. Can you tell us from your own personal knowledge whether or not IBEW 40 has lost jurisdiction over certain work previously done by them in the Hollywood studios?

Mr. MULKEY. Yes, they have lost the practicals that they did for quite a number of years.

I believe that was back in '36.

Mr. McCANN. If you don't know, I don't want you to testify to anything you don't know about.

Mr. MULKEY. I don't personally know about that.

Mr. McCANN. You don't know what time they lost them?

Mr. MULKEY. I am pretty sure it was in '36

Mr. McCANN. In the testimony before the three-man committee, is it not a fact that IBEW 40 argued to that committee that they were entitled, as electricians, to run the wiring to any lamp or chandelier where the juice would be turned on and the lights would be shown?

Mr. MULKEY. Yes, that is true.

Mr. McCANN. And they conceded that where a lamp was not connected up for electricity or a chandelier was purely an ornament, that that property belonged to the IA?

Mr. MULKEY. That is correct.

Mr. McCANN. And is it not a fact that for years the electricians did have the right to connect electricity to any fixture where juice was turned on?

Mr. MULKEY. Well, I would say "Yes"—

Mr. McCANN. To practicals, now.

Mr. MULKEY. To practicals. To my knowledge they did in 1923, 1925, and up to 1936.

Mr. McCANN. Were you there then?

Mr. MULKEY. Yes. I was there up to 1925 and then not again until 1936.

Mr. McCANN. Did they have it in 1936?

Mr. MULKEY. I understand it was in 1936 that the practicals were lost. I am not positive of the year, but it was along in that time.

Mr. McCANN. At any rate, at this time the IA has charge of wiring any fixture which is actually going to be on the stage?

Mr. MULKEY. If it is going to be photographed, yes.

Mr. LANDIS. What craft is that?

Mr. McCANN. The IA is Mr. Walsh's union.

Mr. LANDIS. I mean, would there be a craft in there to take over that part of it, or the whole IA?

Mr. McCANN. Mr. Chairman, if you will pardon me, there are so many local lodges in the IA I cannot give you that information. I only know that the records we have show that this IA union fought with the IBEW over a certain thing, then another IA union fought over something else, but they have a number of IA unions in the studios.

Mr. KEARNS. Well, Mr. Walsh is here and he can state what group does that work.

Mr. McCANN. What I just asked, as I recall it, was: Is it a fact, as of this time, that the IA has jurisdiction over all practicals that are going to be photographed?

Mr. MULKEY. They are doing the work at the present time.

Mr. McCANN. Now, I will show you a contract, dated January 15, 1948, and ask you if that is the contract which the IA and IBEW Local 40 have entered into as of that date.

Mr. MULKEY. Yes, that is a copy of the contract.

Mr. McCANN. This is a true copy?

Mr. MULKEY. Yes. I have not been able to examine every bit of it but I would say it was a true copy.

Mr. McCANN. I hand you a letter dated February 12, 1948, from Henry M. Hayden, international representative, and ask you who is Henry M. Hayden?

Mr. MULKEY. He is international representative of our international in the Washington office.

Mr. McCANN. Now I will call your attention to the fact that this letter is addressed to me as general counsel of the Committee on Education and Labor, and it states:

In accordance with your telephone request enclosed is a copy of the jurisdictional agreement settlement between Local Union 40, IBEW, and International Sound Technicians Local Union 695, IATSE and MPMO.

That is correct, is it not?

Mr. MULKEY. That is correct.

Mr. McCANN. And that is Mr. Hayden's signature?

Mr. MULKEY. That is.

Mr. McCANN. Mr. Chairman, I offer in evidence the agreement between the IA and the IBEW.

Mr. KEARNS. So ordered.

(The agreement referred to is as follows:)

#### AGREEMENT

JANUARY 15, 1948.

#### JURISDICTIONAL SETTLEMENT

It is mutually understood and agreed by and between the parties signatory hereto that the following divisions of work and classifications shall belong to the respective local unions indicated, and that the unions and the members of each thereof shall abide by such divisions of work and classifications.

#### A. INTERNATIONAL SOUND TECHNICIANS, LOCAL NO. 695, IATSE AND MPMO—DIVISION OF WORK

1. All work and classifications of work as follows: First soundmen, second soundmen, third soundmen, fourth soundmen (including classifications Y-1 to Y-15 inclusive), sound film loaders, sound public address operators, news-reel soundmen, and men doing work of any nature in or incidental to the recording of sound. This unit includes all sound employees and classifications of work engaged in all operation, setting up, handling, inspection, striking, testing, running repairs, sound servicing, scoring, synchronizing, recording, reproduction, recording, dubbing, play-backs, acoustics, amplification, transmission, transference, sound effects, research, experimental, development, and/or all speech or audio frequency work of any nature; and all work where electronic devices of any nature are used in connection with sound recording, rerecording, and reproduction, except that set forth in the IBEW, Local 40, "Division of work" described in paragraph B hereof.

2. It is further mutually understood and agreed that the foregoing verbiage shall be construed to include specific jurisdiction to the International Sound Technicians, Local No. 695, IATSE and MPMO, of all work and classifications as follows: Operation, maintenance (audio frequency), service and repair of movieolas and public address units, including walkie-talkie, communications, dictaphones, intercommunicating, sound megaphones, telephones, field radio, and short-wave sets; operation, maintenance, service, and repair of mechanical sound equipment; maintenance, repair, and testing of all audio-frequency work where electronic devices of any nature are used, including such engineering work as lay-out and drafting, research, development, design, experimental and transmission; and all work other than that set forth in the IBEW, Local 40, "Division of work," hereinafter set forth.



## B. IBEW, LOCAL 40—DIVISION OF WORK

1. Installing of permanent equipment used in the recording, rerecording, or reproduction of sound in connection with the making of motion pictures (excluding engineering work and minor alterations of equipment and circuits).

2. Manufacturing of studio electrical sound equipment (excluding engineering work and minor alterations of equipment and circuits).

NOTE.—In paragraphs B-1 and B-2 above, the use of the words "minor alterations" shall be construed to include any changes, modifications, alterations, and replacements of component parts of sound and/or electronic equipment, channels, and systems, such as, for example, tubes, pads, condensers, transformers, resistors, and the like.

3. All operation, maintenance, and repairs on generators and storage batteries, permanent and portable, except battery charging on trucks or compact portable recording units or channels where the charging of batteries or other operation necessitates only the turning of switches, such as where a tungar charge is used.

NOTE.—A local 695 engineer and/or service recorder shall be permitted at all times to service and maintain his truck and associates units, and portable units and equipment, on location.

4. All repair work on power unit, such as motors, battery-charging rectifiers, alternators, and primary power equipment (excluding audio and higher frequency equipment).

5. Making up of all cables in sound departments; service and repair of power cables when not on production.

6. Manufacture, installation, maintenance, service, and repair of the following permanent and fixed installations in the administration buildings and offices: Intercommunicating systems, telephones, dictographs, and buzzers (excluding those used in connection with sound recording and those used on production).

7. Manufacture of public address units; installation of permanent and fixed public address units.

## C. IN GENERAL

1. All work and classifications hereinabove set forth as belonging to one local union are hereby waived by the other local union, and each union agrees to be bound as specified in the respective divisions of work.

2. It is understood that separate and distinct shops, as between the two local unions, shall be maintained at each studio or place of employment; but that if separate shops are impracticable, then, and in that event, separate sections in the same shop shall be designated and maintained.

3. A man now employed in a job which, by the terms of this agreement, comes within the jurisdiction of the other union in which he is not a member, shall remain on that job and shall be forthwith taken into membership in that other union, provided he meets the proper requirements thereof.

Both local unions mutually agree, at the earliest opportunity, to make a survey of the sound departments in the various studios insofar as the same concerns or affects the men named on a list mutually agreed upon, which men were employed in specific jobs at particular studios. Upon such survey being made, the unions mutually agree to use every effort to insure that the man shall return to his said job, or a comparable job, at his old studio or at another studio, as soon as production requirements warrant, and he shall be entitled to admission into the union having jurisdiction of that job, provided he meets the requirements of membership.

4. Each of the unions agrees to cooperate in establishing a fair wage scale commensurate with services performed; and where a job or pay-roll classification of work is modified or created by the terms of this agreement, as to either union, such classification shall be evidenced by interlineation or a rider attached hereto, upon the same being determined by agreement between the local union concerned in each instance and the employers.

5. It is further agreed that all actions at law or in equity or other proceedings now pending by one party against the other shall be immediately withdrawn and dismissed with prejudice.

6. It is mutually agreed that the transfer initiation fee for transferees from one local union to the other shall be as follows: For a transfer into the IBEW Local 40, \$102; for a transfer into the International Sound Technicians, Local No. 695, \$125. Nothing herein shall be construed as requiring either union to accept into membership any particular individual or group of individuals, other than by virtue of the agreements contained herein, because of this division of

work, and any such transfer shall be subject to the applicable laws and rules of the union concerned. This special initiation fee is provided for because of the length of service in the industry of the men concerned and because of their previous financial contributions to the other union.

7. It is also agreed that all fines heretofore levied by either local union against its own members who are also members of the other local union shall be immediately withdrawn and dismissed and a copy of such dismissal sent to the other local union.

8. Nothing herein shall be construed to prevent a man from being a member of and carrying a card in both unions, so long as he conforms to the rules and regulations of the respective unions. A member having a card in both unions must work a minimum period of 90 days in the jurisdiction under which he is employed and cannot during that period work in the jurisdiction of the other union.

9. Nothing herein shall be construed to prevent the business representatives of the two local unions from permitting, by mutual agreement, a deviation from the foregoing divisions of work when a question arises concerning the interpretation of this agreement, or where a deviation is desirable to insure efficiency in the operation of all sound departments.

10. This agreement takes precedence over and supersedes all previous divisions of work as it pertains to sound between the respective parties.

11. It is mutually agreed that any future differences will be worked out around the conference table, to the end that peace and harmony will prevail in the motion-picture industry.

12. This agreement shall become effective immediately upon its adoption by the respective unions.

In witness whereof, the parties have hereunto set their hands the day and year first above written.

INTERNATIONAL SOUND TECHNICIANS,  
LOCAL NO. 695, IATSE AND MPMO,  
By HAROLD V. SMITH,  
*Business Representative.*  
IBEW, LOCAL NO. 40,  
By BERT W. THOMAS,  
*Business Representative.*

Approved:

ROY M. BREWER,  
*International Representative, IATSE and MPMO.*  
GEO. A. MULKEY,  
*International Representative, IBEW.*

Mr. McCANN. Now, is it not a fact that by this agreement the IBEW is permitted to perform certain work as set out in that contract in the studios in Hollywood?

Mr. MULKEY. That is correct.

Mr. McCANN. And that local 40 of IBEW is restricted by that agreement to the enumerated functions set forth therein?

Mr. MULKEY. That is right.

Mr. McCANN. Under that agreement is it not a fact that local 40 of IBEW lost jurisdiction over a number of functions which it had previously performed in the studios?

Mr. MULKEY. That question could not be answered "yes" or "no," Mr. McCann.

Mr. McCANN. Do you know in the first place?

Mr. MULKEY. Well, I know; yes. I know the circumstances very well. I have surveyed every one of them, but you could not answer it "Yes" or "No," for the same reason as stated by Casey yesterday, that no two studios work alike. If we would take the pattern of Paramount, it would be very true that we had lost jurisdiction; but if we took the pattern of Fox Studios, it would be a case of where we had gained jurisdiction.

Mr. McCANN. All right. How many men did you have operating in the studios before the strike of 1945?

Mr. OWENS. Mr. Chairman, I don't know whether I get the point of this, and I don't want to unduly interfere, but did you have to get the sanction of your international with respect to this matter?

Mr. MULKEY. You mean with respect to the settlement?

Mr. OWENS. Yes; this agreement.

Mr. MULKEY. I might say this in answering that, Mr. Owens—that I have been assigned to the Hollywood situation, to the Hollywood local, in an attempt to straighten out the whole jurisdiction and reestablish the local after the strike. I have been given full leeway and have the full confidence of our president.

We did send the contract to our president, and he signed it with Mr. Walsh, but it was already accepted and signed by myself before that time.

Mr. KEARNS. Then the local agreed to it?

Mr. MULKEY. Yes. It was first agreed to by the local, then I signed it as a representative, along with Mr. Brewer, the international representative of the IA.

Mr. OWENS. So it is all settled amicably between yourself?

Mr. MULKEY. That is correct.

Mr. McCANN. What I would like to know from you is this: As a result of the settlement, how many jobs did the IBEW lose in the Hollywood studios?

Mr. MULKEY. Well, they gained a number of jobs, Mr. McCann.

Mr. McCANN. Well, you have a list. I want you to get that list out. You showed it to me the other day. How many men were working in each classification; then show us how many were restored to work and give the net gain or loss which your union suffered.

Mr. OWENS. Would you say they suffered, Mr. McCann, when they made an amicable agreement which adjusted their differences?

Mr. McCANN. Mr. Chairman, the statement I made was this: I have already talked with this witness, who indicated to me that they lost a number of jobs in the studios.

Mr. OWENS. He said they gained also.

Mr. McCANN. But the net is a loss of considerable jobs; so if that is a profit, I have used the wrong word in saying "a loss."

Mr. OWENS. But this is what we want to accomplish in labor relations, isn't it, two unions getting together and settling their difficulties?

Mr. McCANN. I am not objecting to their getting together, but they are getting together here by virtue of a sacrifice which I want to indicate through this witness. In order to get back into the studios, they are losing many of their regular men in the studios through a contract with IA.

Mr. OWENS. It sounds like smart operations to me.

Mr. McCANN. It is for IA, sir.

Mr. LEVY. I have a right to object to that comment by counsel.

Mr. KEARNS. Now, just a moment.

Mr. LEVY. And I want the record to show it, Mr. Chairman.

Mr. OWENS. We will take care of the situation, Mr. Levy.

Mr. LEVY. Thank you. I want Mr. Walsh, please, to be called after Mr. Mulkey gets through.

Mr. KEARNS. Just a moment, please.

Mr. McCANN. Mr. Chairman, you will pardon me for making any comments here in the way of a response; but when I am asked for it, I had to make the comment. I had to explain what I meant by "loss." I regret that the comment was asked for by a member of the committee.

Now I am basing my comment upon the fact that after going over the records with Mr. Mulkey he indicated a net loss of a great many men for their union. Now will you give us those figures as to how many you had working in the studios at the beginning of the 1945 strike?

Mr. MULKEY. Yes, Mr. McCann; but I must qualify that as I did when I talked to you when you asked me these questions, that the studios at the present time are way down.

In other words, as I told you, if we took the same percentage for the grips, for instance, as to the number of people employed, and applied that percentage to the IBEW, we would be about 145 percent; but that is not significant, because our work does not happen to parallel in its peaks and valleys.

Sometimes our construction work is high while production is low. Sometimes they are both high.

So, as I explained to you, if the figures given were given in 1945, when production was good, and then at this time, where it is at the lowest ebb it has been for many years, the figures I gave you, in the last few days, have been modified. Not to a great extent, but I will give you those as closely as I can.

With respect to the break-down, the total number of men employed in the studios under the jurisdiction of local 40 on March 12, 1945, was 507 men.

Mr. McCANN. Break that down for us, please. What were they?

Mr. MULKEY. They consisted of 353 journeymen electricians; 76 sound men, and 48 air-conditioning men.

Mr. McCANN. How many are at work today under this agreement?

Mr. MULKEY. Let me complete that, Mr. McCann, because that is not the whole picture.

There are 250 employed in the majors, and those were the people affected by the strike.

Mr. LANDIS. What does that mean?

Mr. MULKEY. I believe we have a list of the majors here.

Mr. McCANN. Mr. Landis, he is referring to the major production companies that belong to the association.

Mr. LANDIS. I mean the 350, is that including the 250, the 76, or the 48?

Mr. MULKEY. Yes; excuse me, it is 350, and I said 250.

Mr. McCANN. You gave me the other day 353 electricians went out and 48 air-conditioning men went out. Is that correct, in 1945?

Mr. MULKEY. It is 353 out of the majors.

Mr. McCANN. And 48 air-conditioning?

Mr. MULKEY. That is right.

Mr. McCANN. That makes 401, if my figures are correct.

Mr. MULKEY. I believe that is correct.

Mr. McCANN. Who went out from the majors in the strike in 1945?

Mr. MULKEY. And there were 76 sound men.

Mr. McCANN. And 76 sound men—that makes a total of 477 who went out.

Mr. MULKEY. That is right.

Mr. McCANN. Now could you tell us how many have come back under this agreement?

Mr. MULKEY. Under the agreement there were approximately 255 that have returned to the studios, that is electricians.

Mr. McCANN. Now you have 255 electricians that have returned, which means 98 electricians have not returned?

Mr. MULKEY. That is correct.

Mr. McCANN. How about the sound men, how many have returned?

Mr. MULKEY. Forty-seven sound men have returned.

Mr. McCANN. You only lost one sound man?

Mr. MULKEY. No, there were 76.

Mr. McCANN. Forty-seven against seventy-six—that means twenty-nine sound men have not returned.

Mr. MULKEY. That is right.

Mr. McCANN. How about your air-conditioning men?

Mr. MULKEY. There are 29 working at the present time.

Mr. McCANN. Then you have lost 19 sound men. Is that correct?

Mr. MULKEY. No; 31 have returned but 2 of them since have been laid off on account of production being down.

Mr. McCANN. So now there are 17 losses; 31 returned and now it is 29.

Mr. KEARNS. Let me interrupt there just a moment. If the production was higher, you would have a higher figure?

Mr. McCANN. I understand that, but I am speaking of those who have returned.

Mr. KEARNS. But under this agreement no doubt when production was up you would take up the employment of those men, would you not?

Mr. MULKEY. Yes, to a great extent it would take up the employment.

Mr. McCANN. Isn't it a fact, though, that you have lost jurisdiction over certain matters which would deprive you of some of these men getting employment?

Mr. MULKEY. I cannot think of any that would deprive us except possibly in the running repair situation, which is being straightened out. I am sure that that will not affect us when production starts again because we will have that ironed out at the local level.

Mr. McCANN. Mr. Chairman, that completes the questions that I had to ask.

Mr. KEARNS. Mr. Landis.

Mr. LANDIS. No questions.

Mr. MULKEY. I am sure these figures are not complete. I want to state I am going to deal more or less in round figures here because I think it is easier to follow. We will say that 250 men have returned to the studios. There were 186 men who were replacements, eligible to make application to the IBEW and remain on the job.

There were 153 that actually made application. To date there are 140 who have either been initiated and are working on the job, or are in the process of being initiated, paying on their initiation.

Now that is part of the arrangement that was worked out by Mr. Brewer and myself at the local level.

I want to state this: When I went into the situation and took full charge of it in September 1947, I went in without any instructions, without being bound by any former commitments at the top level, the local level, or any other level. The situation has continued to boil and our international president wanted to see the thing straightened out one way or the other. He evidently had full confidence in me, because when I asked for instructions from him, he said, "See if the vice president has anything to give you." When I asked the vice president, he said, "You know more about it than I do, go on down and iron it out."

I met with Mr. Brewer, the international representative of the IA, when I arrived in Hollywood. We probably developed a program very close to that that was established by Mr. Tracy and Mr. Walsh, which has been referred to as some sort of an agreement that was never reduced to writing and the particulars were never worked out.

We have continued since that time to meet each one of these problems.

We have let the local unions argue the question of jurisdiction more or less on trade lines, since 1923. Even before that there was some discussion between the former local, which was local 83, and who had jurisdiction over this work, and the IA as to jurisdiction. So the directive which was handed down by the three men gave us more work in the sound department than we get under this agreement.

I asked Mr. Brewer how he felt about the directive. He said, "If the directive is satisfactory to you and we cannot work out something better, we will go along with the directive 100 percent."

So in going into investigations and in going into negotiations, and going in to investigate the situation, I felt the directive would only cause more confusion in the sound department.

I asked Mr. Brewer if we could get together and he suggested that we let them get together at the local level and see what they could iron out and that we would reiterate to them—the representatives at the local level—that we were willing to abide by the directive.

The term used by us was that we would throw the full weight of both internationals behind the directive, if that was what we finally agreed on.

However, after exploring this with local representatives and considering this—and I think this is important, gentlemen—the only thing we considered in this was what was best for the men affected, and that is the reason I believe it will work.

The men now in the jurisdiction of the IA will by natural progression progress into better jobs controlled by the IA and that have always been controlled by the IA. The men in the IBEW will normally progress to a supervisory capacity in the sound department on jobs under the jurisdiction of the IBEW, or will be under the jurisdiction of the IBEW, according to this agreement.

We never once considered whether we would lose or gain on this and that was not considered by the local people because that was one thing we asked them to forget: to forget whether the IBEW was going to gain a large number of men, for the IA not to worry about it, or if the IBEW was going to lose a lot of men, not for the IBEW representative to worry about it.

I believe the future will tell whether we have done a job there which should have been done a long time ago, of considering the men first.

I want to make this further statement. The statement has been made by some here that jurisdictional disputes have grown out of the desires of internationals and locals to collect dues from certain groups. I will have to disagree with that because we have jurisdictional arguments between groups in the same local union, where it makes no difference; all of them pay the money into the same pot.

Mr. OWENS. I don't believe I have heard that statement since I have been sitting here.

Mr. MULKEY. I think Mr. Johnston made the statement and some of the others. It is not too important but I just wanted to have that on the record.

Mr. LANDIS. Of course, the first thing is that they want to get to work and get as much work as they can. I suppose then, if it was a question between two unions, there might be a fight to see who would have control and who would get the dues. I think the main idea was that they wanted their craft to get the work.

Mr. OWENS. As a matter of fact, the men are not fully acquainted with what is their jurisdiction or what is supposed to be their jurisdiction, they are interested in having jobs, aren't they?

Mr. MULKEY. Oh, yes, that is true.

Mr. OWENS. And that is what you have done for them in this case?

Mr. MULKEY. Yes.

Mr. OWENS. In fact, you have not only given them jobs but you have solidified their future. You have given them a chance to go ahead and reach higher places in their positions in Hollywood.

Mr. MULKEY. Without carrying two cards, which we very much disagree with, carrying more than one card.

Mr. OWENS. Could you tell me why it was that you left the conference of studio unions?

Mr. MULKEY. Well, we left the conference of studio unions for several reasons. The reason given when we sent in our withdrawal was the fact that the carpenters had accepted jobs on the outside and had hired pickets on the picket line. Our men that worked in the studios did the picketing.

According to our picket records there were more IBEW men on the picket line than there were carpenters, and it was a carpenters' beef.

So we withdrew from the conference over the discussion of this. It was only a period of about ten days, from the 20th to the 30th of January.

Mr. OWENS. I think Mr. Hutcheson did testify that last year in March every one of their carpenters who had left there was then employed. That seems to substantiate what you have said.

Mr. MULKEY. Yes.

Mr. KEARNS. Any questions by counsel?

Mr. LEVY. I have some questions.

Mr. MULKEY. I do want to be helpful to the committee. These matters of figures, reasons, and so on are quite involved. If I put in something that is not important I want to apologize, but as I say, there were several reasons.

I do not want to say that the whole thing was because of the dispute over the carpenters, but that was quite a major contributing factor.

We were, to say the least, very concerned on the report being received by the CSU by people that we did not care to be alined with. This is no secret because we have told the CSU that on a number of occasions.

When we see ads appearing in the Daily Worker with our organization's business manager's name on that, we became very exorcised and concerned. According to him it was used without his knowledge and supplied by the CSU to this advertiser.

I might state there was a change in administration. Our former president was defeated in September. The president serving now was elected at that time but he did not take office until January 1.

Mr. OWENS. You mean Brown was defeated and Tracy took his place?

Mr. MULKEY. Tracy was elected, yes. I talked to president-elect Tracy in San Francisco and told him how I felt about these people who were alining themselves with our organization through the CSU. He told me he did not like it any better than I did and he said, "The only thing is I cannot do anything about it until January 1."

On January 1 he started to do something about it because he met with President Walsh immediately and started the negotiations which resulted in the people going back to work on March 13.

I don't want to evade using words here, and it was those people who are usually associated with the Communist Party line that we objected to supporting or intermingling with our difficulties in any way.

Mr. McCANN. When did you change your mind about the Communist Party? You were a member once yourself, were you not?

Mr. MULKEY. Do I have to answer that, Mr. McCann?

Mr. McCANN. I think it is very important.

Mr. MULKEY. I don't mind too much. I want to qualify it a little bit if I might, because I have a family and I have a great number of friends throughout the country and I would like to get that into the record.

I was a member or active with the Communists from 1923 to 1930. I might say that I became alined with them because I was progressive and thought progressively. I believed that the party itself was progressive.

I went to Seattle later, I believe in 1926. There, of course, I became very active in the affairs of the party.

Mr. LANDIS. What year did you say that was?

Mr. MULKEY. That was 1926. I have been told that I was not mentioned in the Wickersham report, but some of the data gathered by the Wickersham report had my history in it and it is probably in the files of Congress. There is nothing particularly bad about it.

In 1929 I became very active in the Friends of the Soviet Union. I believed that Russia should be recognized and I carried on that work through 1929 until the spring of 1930.

At that time there was change in the whole set-up of the Comintern and they began to shove a lot of fellows around throughout the country. They took on what I considered a very reactionary trend. It wasn't any different than it had been but when I finally analyzed it I could see that it was more reactionary than the most reactionary party in this country.



So in 1930, at a conference of the Friends of the Soviet Union, I was elected as an alternate delegate to the Moscow conference. It was soon after, only a few weeks after this conference was held—which I believe was in February; I mean the conference in Seattle; that was in February of 1930—that a man from Boston, whom I know very well, although I cannot recall his name right off, came out to the coast and began to reorganize everything and to put some discipline in the people that had been kind of running wild out there, to bring them back into the party line.

I told him where to get off and he immediately told me that I would not go to Moscow. I told him that I did not intend to go anyhow and that I resigned any connection with the Friends of the Soviet Union and began to grow away from the group gradually because I knew what the results would be if I broke off abruptly. I maintained some contact and attended some meetings.

I remember I attended one meeting of the party where this delegate, which I was alternate for, returned from Moscow.

Mr. McCANN. When was that and where?

Mr. MULKEY. That was at the Eagles Hall in Seattle in 1931. I attended a bazaar after that, a few months afterward.

As I stated, I had in my own mind completely broken away but I was not going to do it abruptly.

Mr. McCANN. When did you quit paying dues?

Mr. MULKEY. As a matter of fact, Mr. McCann, I never did pay any dues.

Mr. McCANN. You were an organizer for them and did not have to pay dues?

Mr. MULKEY. No; I was never an organizer. I was very active. Is it important?

Mr. McCANN. What I am getting at is, you made reference to the fact that you did not like the subversive element with which the CSU was associated, and I would not have asked this question if it had not been for that statement. I want to find out now your knowledge of those elements and your contact with them in order to develop the fact that you were acquainted with this group.

Mr. MULKEY. All this takes a great deal of explanation, Mr. Chairman. If it is important I will go into the whole thing, but I do not like to go into one phase of it and then qualify it.

Mr. McCANN. My friend, that is one thing we do not want you to do, I am sure.

Mr. Chairman, I am not trying to create an unhappy situation for this witness.

Mr. KEARNS. We understand that and he understands that.

Mr. McCANN. I just want to give him an opportunity to lay the foundation so that he can qualify with respect to any discussion of the subversive element in Los Angeles.

This background gives us some qualification and I want him to go on and develop it.

Mr. KEARNS. Mr. Landis has a question.

Mr. LANDIS. The question I think most important is if there are any unions or any individuals within the union, whether you would want to mention those unions within the CSU or any other union in Hollywood or in California, connected with the jurisdictional

disputes? Would you care to name the union or the officers in those unions? I don't want you to accuse anybody, but I think the most important part is to know those unions who have officers that are connected with the Communists.

Mr. MULKEY. I have no knowledge of that.

Mr. OWENS. Mr. Chairman, I was just going to say I think there is something to the dues situation because the question of whether you were paying dues or whether other people were paying dues, that is what is going to finally determine your full break. You will have to develop that yourself. He has developed it himself, Mr. Chairman. He is doing it and I think he should be permitted to do so until the point where he has given a full explanation on his part is reached.

Mr. KEARNS. Yes.

Mr. MULKEY. I might answer it this way: You realize any dues paid in the United States between 1923 and 1929 were only paid by what we would call small-fry Communist-front organizations. People who were really qualified in those things were not paying dues at that time.

Mr. McCANN. At the time you mentioned when you were active in the Communist Party, were you also an officer of your union?

Mr. MULKEY. No; I was on the executive board of local 77 in Seattle for part of that time. I think I was on the executive board when I was chairman of this meeting held at the Olympic Theater in 1930. If not, I was on the board just prior to that where I was chairman at one meeting.

Mr. McCANN. What meeting was it at the Olympic Theater in 1930 that you were chairman of; is that where they picked the delegate to go to Moscow?

Mr. MULKEY. Yes; that was the Friends of the Soviet Union.

Mr. McCANN. Then were you still an officer of the organization in 1931 when this man returned from Moscow and made his report?

Mr. MULKEY. Yes; I was.

Mr. McCANN. You were an officer of the Communist Party then?

Mr. MULKEY. No; not of the Communist Party. I was an officer of the IBEW.

Mr. McCANN. What office did you hold in the Communist Party?

Mr. MULKEY. None at all.

Mr. McCANN. What was your status there? Will you give us some explanation of your job? You said you were quite active. Now what was your status? Were you an organizer?

Mr. MULKEY. You mean in 1931?

Mr. McCANN. Up to 1930 when you presided. What had been your status in the Communist Party up to that time?

Mr. MULKEY. I was more or less assigned to the Esperanto Society, to the labor movement and on general assignments with no title particularly.

Mr. McCANN. Under whom did you work?

Mr. MULKEY. Well, nobody directly. Leon Glazer, who was recommended for deportation by the Wickersham Committee, more or less coordinated the activities. Our activities were more or less you might say loosely supervised. People would drop off a boat and identify themselves. They would have some information for us. A man

might come in from New York or Boston, be properly identified, and want to report.

Mr. McCANN. Were you the head of the local Communist group in Seattle?

Mr. MULKEY. No. I was chairman of, the Friends of the Soviet Union Conference.

Mr. McCANN. For how long?

Mr. MULKEY. Just for the conference.

Mr. McCANN. When did you sever your connections entirely with Communist-front organizations and with the Communist Party?

Mr. MULKEY. Entirely?

Mr. McCANN. Yes.

Mr. MULKEY. Oh, I would say in the latter part of '31, but for all practical purposes it was in February 1930.

Mr. KEARNS. Did you consider it a general break-down in the party at that time; that is, so far as your conception of it was concerned?

Mr. MULKEY. No; I believed the party was going on to become more powerful than it ever had been before, but I finally analyzed it to find out what I thought was progressive thinking was the most reactionary thinking in the world, and I still believe that.

Mr. KEARNS. You felt that you had made a wrong decision or something like that in your concept of the over-all operation?

Mr. MULKEY. That is right. Probably this discipline that was supposed to be brought into being might have convinced me that I better start thinking about it. It had been a lot of fun up until that time.

Mr. McCANN. What time did you join the Communist Party? Can you give us the specific time?

Mr. MULKEY. I was active from 1923 until 1930. The question "When did you join the party," you just don't go and join the Communist Party. You become associated with the party and by steps you make your way into the different branches of it.

Mr. KEARNS. Sort of serving by degrees?

Mr. MULKEY. By your proficiency; yes.

Mr. OWENS. You were quite young, weren't you?

Mr. MULKEY. Yes.

Mr. OWENS. How old were you then, may I ask?

Mr. MULKEY. Twenty-three.

Mr. LANDIS. You may answer this question or not, as you choose, but when you said to break with them abruptly you left an impression there might be some trouble there.

Mr. MULKEY. There is plenty. To break with them abruptly meant being attacked on every angle, your friends contacted and probably all the filthy gossip and lies and everything else you can imagine given out.

Mr. KEARNS. Was there danger of physical harm?

Mr. MULKEY. I did not fear any, Mr. Kearns.

Mr. OWENS. Wouldn't you be more dangerous to them than they would be to you by being in a position to divulge the names of the various persons who were engaged in this propaganda against you?

Mr. MULKEY. Well, there was no law against it at that time. The only reason they recommended deportation of Leon Glazer as I recall was that he had erred in some of his requests for visas, passports, or

something of that nature. Most all these other people were citizens and they had the right to think as they wished, or I figured they had the right to think as they saw fit, and there was no law against it.

Mr. OWENS. That is what I mean, so that someone like yourself simply embraced it because you were progressive in your thoughts, then realized that you had made a mistake. You did not have any hesitancy about dropping out or worrying about any vicious propaganda because you were in a position to harm them more than they could harm you, were you not?

Mr. MULKEY. No; it is like fighting a windmill, because they would pop up every place in the country. I couldn't run around over the country and refute what they would say.

Mr. McCANN. But in 1945 had you severed and lost all connection with your old Communist associates?

Mr. MULKEY. I wanted to go on and develop that. I ask for that privilege in order to bring that up to date. Naturally I had no idea we were going into this or I could have brought plenty of names. In other words, I might have been able to identify this particular person in Boston. I remember his father was particularly active in the police strike in Boston. He was a graduate of Harvard and of Jewish descent, but I cannot for the life of me remember his name now, but he came out to the coast when I broke with the party.

But to carry on this reaction to breaking with them, I went on to be elected business manager of the local union soon after that. This particular group within the organization supported me.

Mr. KEARNS. What do you mean, particular group?

Mr. MULKEY. The Communist element or the group that sympathized with the Communist element within the organization supported me at that time. They supported me for the first administration, which was 2 years.

I believe in 1935 was the first time that they really did what I would call turning on the heat. They opposed me with everything they had and I ran for office. I was elected by a very large majority to the office of business manager.

Mr. McCANN. May I stop you there? When was it you were first elected business manager?

Mr. MULKEY. I was appointed first when they supported me.

Mr. McCANN. When was that?

Mr. MULKEY. In 1933, I believe.

Mr. McCANN. And then in 1935 you ran again?

Mr. MULKEY. Yes; in 1935 I ran. I did not run the first time, I was appointed.

They had come to the conclusion—as a matter of fact they told me I had gone completely reactionary and although I was doing a good job for the members and they all appreciated it, I certainly was turning a lot of people down and that they were going to get even with me.

Starting in 1935 I had terrific opposition from this element. I was then appointed to the international staff and remained business manager in 1936 on a half-time basis, the local union paying half my salary and the international union paying half my salary.

In 1938 I left the local union completely and did full time with the international.

Now all during this period this had been built up. In many cases they were able to get the support of people who are very unsuspecting. Our present vice president, the fellow I am working under on the Pacific coast, supported this particular group at that time. They had a tremendous amount of influence in the southern part of the State. He is not a Communist by any stretch of the imagination nor has he ever been. I am sure he has never been.

But quite a number of people like that solicited and supported the terrific fight that they put on against me.

I was civil service commissioner for the city of Seattle and you might say a very good target for them at all times. We had to make a great many decisions. We had the former civil service commission that had not paid very much attention to the laws or their own rules. We had 7 or 8 million dollars of suits against us in which they sued the commission, and being in the heat of organizing and negotiating agreements I became a target for a lot of very unpleasant attacks.

As a matter of fact, it was so unpleasant I decided to leave the city where I had a great number of friends, a great number of contacts, and where my wife had gone to the university and where she was born and where my girl was born.

We decided to leave, close up the apartment without any other place to go, and just go out on the road.

Mr. OWENS. It is a mighty pretty city to leave.

Mr. MULKEY. So that you can realize after that number of years and being very bitter on that experience, I did not leave any stone unturned to see that no other one of our people fell into their trap.

I have had the pleasure of recommending the appointment of quite a number of our people on the staff.

I have recommended people for business managers of local unions, and in every case I have told them about my experience, and I believe most of them have taken my word for it, especially when you get down to the fact that they make it so tough for you you cannot even live in the city where you have chosen to make your home.

I might say for the record this is not a pleasant situation at all, but I do appreciate very much the opportunity to develop the whole thing. To answer the question here point-blank would have been most disturbing to me.

I have been pushed out in front on all of the Communist fights in our organization.

Mr. KEARNS. Purposely, no doubt.

Mr. MULKEY. Yes, and sometimes at my own request, in fact, most of the time at my own request.

Now, the Communist-dominated organizations, the ACA, the UWOC, the International Longshoremen and Warehousemen, have been particularly unhappy with me. I have had to combat them terrifically.

I happened to have an assignment in the Hawaiian Islands. I see they have the questions here, and I know they are going to ask a lot of these questions, but I am going to beat somebody to some of them.

I happened to have an assignment to the Hawaiian Islands. I arrived there to find that the infiltration of the sympathizers to the party into our organizations, into the American Federation of Labor,

were practically destroying the whole labor movement. Some of the A. F. of L. people who were not Communists at all were cooperating with them because they felt all labor must stand together in great unity, so on and so forth. It was pounded into their heads and I began to break up that little playhouse. Naturally, I became very unpopular in the Hawaiian Islands.

They took advantage of a situation where one of our locals was split wide open. They met with the opposition group over a period of 8 months and attempted to take over our organizations in the islands. That was directly from the party itself.

Later, this particular individual became information director for the ILWU in the islands.

I had very close contact in the islands and had to maintain a very good one-way communication system between the ILWU, which is Harry Bridges' organization, and as to which I do not believe it is necessary for me to give my opinion as to whether they are Communist-controlled or not. It definitely is, and I am positive of it in my own mind.

I had a pipe line into that organization. In July 1945 they changed their line about that time, that is, in the Hollywood situation.

First, we received in the Hawaiian Islands a terrific blast verbally against us, about the A. F. of L. in the Hollywood situation going out and discrediting labor; fighting amongst themselves; a very vicious attack against Bill Hutcheson, our president, and everybody else.

But in July 1945 something had happened in the meantime where they had changed their song to the point where it was only the IA who were bad people, and they were very bad.

One of the fellows delegated to the central labor council and the pipe line to this organization, was surprised at the action of two or three of the members in the central labor council when the IA letter arrived there or some letter from the IA was read to the local union and was proposed by people.

After these particular people in the central labor council attempted to take their organization over to Harry Bridges, so we were not surprised—

Mr. OWENS. What do you mean, the central labor organization?

Mr. MULKEY. The A. F. of L. central labor council.

Something happened between March of 1945 and July of 1945 to change it completely. I rather suspect that it might have been the fact that the war was over in Europe. However, it did change completely.

Then the strike was settled.

Mr. McCANN. May I stop you there? When did you leave Hawaii?

Mr. MULKEY. I have made so many trips over there, Mr. McCann, I could not give you the exact dates.

Mr. McCANN. You told us you moved to San Francisco. I wanted to get some sort of a chronology here. You said you went to San Francisco in 1938. Have you operated out of San Francisco ever since 1938 as the national representative?

Mr. MULKEY. I don't remember saying that I went to San Francisco in 1938. I have operated principally out of that office, although I have worked in Canada, which is the first district; the Rocky Mountains, the eighth district; and so on.

Mr. McCANN. In other words, your office was San Francisco and still is, as I understand it—

Mr. MULKEY. That is right.

Mr. McCANN. You have had a wide territory on behalf of your union, the IBEW?

Mr. MULKEY. That is correct.

Mr. McCANN. Will you state what that territory included, so the picture may be in the record here showing why you went to Honolulu, why you went to Canada, and all that? What was your area as international representative?

Mr. MULKEY. To answer that question, we have no particular areas. In theory, we worked under the president, subject to assignment at any place within the jurisdiction of the United States and Canada, and the possessions.

Mr. McCANN. When did you first become active in connection with Hollywood, when did you first get into that area?

Mr. MULKEY. I have been associated with it in different degrees since the War Labor Board case in 1943, I think, 1944, or some place in there.

Mr. McCANN. You first became associated, then, with respect to the Hollywood situation in 1943 or 1944? I believe the War Labor Board decision on the set dressers really was in 1944.

Mr. MULKEY. I had nothing to do with that. We had our own case there.

Mr. McCANN. You mean in 1944?

Mr. MULKEY. I believe it was '43.

Mr. McCANN. Your office was still in San Francisco?

Mr. MULKEY. That is correct.

Mr. McCANN. And you would go down when there was an emergency or some issue, down to Hollywood, is that correct?

Mr. MULKEY. No. I would stop in Hollywood as I traveled around over the territory. I spent very little time in Hollywood.

Mr. McCANN. At that time, who was your chief of the IBEW in the Hollywood area, when you first went into that field, say, in '43.

Mr. MULKEY. Al Speed.

Mr. McCANN. What sort of a man was he; was he a Communist?

Mr. MULKEY. You are asking me for a lot of conclusions here.

Mr. McCANN. I do not want you to answer a question reflecting on any man unless you personally know that he was.

Mr. MULKEY. I might qualify it this way: As I knew Al Speed he was a very progressive sort of fellow, but very anti-Communist.

Mr. McCANN. Now, that is fine.

Mr. MULKEY. Just a minute, now.

Mr. McCANN. I am trying to get a line-up on what kind of a man he was, and I thought you had given it to us.

Mr. MULKEY. I say, as far as I knew Al Speed, that was the situation.

Al Speed became sick and more or less withdrew or was forced to withdraw from the picture.

Mr. McCANN. When?

Mr. MULKEY. He was pretty well withdrawn from the picture before the 1945 strike.

Mr. McCANN. Who succeeded him there?

Mr. MULKEY. Roy Tindall.

Mr. McCANN. Is he still there?

Mr. MULKEY. No.

Mr. McCANN. When was he severed from the organization or did he resign or withdraw from the organization?

Mr. MULKEY. He did neither. We established a local union of radio technicians.

Mr. McCANN. All right, go ahead.

Mr. MULKEY. It was known as local 45. He was a radio technician and was in charge of the radio technicians in local 40 under Al Speed, so he was the logical man to take that position.

Mr. McCANN. Now, when did he go into office, do you know?

Mr. MULKEY. At the death of Al Speed.

Mr. McCANN. That was before the strike in '45?

Mr. MULKEY. No; as I recall, it was during the strike in '45.

Mr. McCANN. Now, when did Mr. Tindall's connection with your organization cease?

Mr. MULKEY. February 1947.

Mr. McCANN. Then he was there throughout the first strike and until you withdrew from the Conference of Studio Unions?

Mr. MULKEY. That is correct.

Mr. McCANN. Was he removed from office by the president of the organization at that time, Mr. Tracy?

Mr. MULKEY. Technically, yes; practically, no. I might explain that.

Mr. OWENS. Now, just a moment. Before you get into that, may it be developed first to show that he was removed, the date he was removed, and who the president of the association was when he was removed?

Mr. MULKEY. Tracy came in as president on January 1, 1947. As I say, we immediately started negotiations with President Walsh of the IA for settlement of the strike out there. He sent representative Hughes in to make an investigation and recommendation.

While he was in there between January 1 and January 20, there was a request from quite a number of people in the local union for the international to take full responsibility of the local in settling this, because they felt the officers would be unable to survive withdrawing from the CSU, going back to work in the studios, crossing the carpenters' picket lines, and those things. That was done and put under supervision, which places the president in charge technically and the other officers are automatically appointed.

The same officers are automatically appointed again to assist the international representative.

Mr. McCANN. You knew Mr. Tindall very well?

Mr. MULKEY. Very well, yes.

Mr. McCANN. What sort of a man was he?

Mr. MULKEY. Tindall was a very capable man. He was not particularly familiar with the studio situation, but he did a very good job in the radio field.

Mr. McCANN. I am not asking this to reflect on him; I am asking only for your personal knowledge: Do you know whether he was a Communist?

Mr. MULKEY. I am positive in my own mind he is not, but I don't know, naturally.

Mr. McCANN. Your own judgment is that he was not?

Mr. MULKEY. He was not.

Mr. McCANN. He was not affiliated with the Communist group?



Mr. MULKEY. No.

Mr. McCANN. Nor working on any program cooperating with them?

Mr. MULKEY. No.

Mr. McCANN. Proceed with your statement.

Mr. MULKEY. Mr. Chairman, I believe I left off where the 1945 strike was settled and we were coming into 1946.

One point has never been brought out in the testimony here as being significant in any way, and that is the July 2 strike in 1946.

Mr. OWENS. We didn't bring out anything about a strike, we thought it was a treaty.

Mr. MULKEY. It has always been spoken of as the Beverly Hills treaty.

Mr. McCANN. Just a moment there. I think for the benefit of the witness and the other members of the committee, I ought to state that we have a great deal in our record on what antedated the Beverly Hills treaty on July 2. It has been developed very fully.

Mr. KEARNS. Yes, but I want his side of the picture.

Mr. MULKEY. I won't go into that, as long as it has been developed.

Mr. KEARNS. You just feel free to talk the way you want about this situation.

Mr. MULKEY. I will feel very free, Mr. Chairman.

I checked the date last night to be sure of this. On June 14 I left the Hawaiian Islands for San Francisco. Prior to June 14, I received information through our "pipe line" into the Communist-dominated organizations—

Mr. KEARNS. Pardon me. How did you get that "pipe line" in that you have been talking about?

Mr. MULKEY. Well, it is a term that is commonly used. In fighting with these people you have to know something about what they are doing. It is more or less the intelligence of our organization.

Mr. KEARNS. I see.

Mr. OWENS. You are talking about 1946, are you not?

Mr. MULKEY. 1946 is right.

Before I left the Hawaiian Islands, I received information, as I say, from this source, wherever they had their information tap, that there was going to be a second strike in Hollywood, and since they had called their shots pretty well in the latter part of the 1945 strike, I became more or less concerned.

This probably was in the early part of June or the late part of May.

Just a few days before the 14th of June 1946, I received a tip that there was a meeting of one of the fellows we suspicioned very keenly in the American Federation of Labor, and a group of the Harry Bridges forces.

I drove out on Prince Edward Street at Waikiki and listened to a conversation that was going on inside the house. It was definitely established that this particular individual was figuring on leaving the A. F. of L. and going with the Harry Bridges group. He was a fellow by the name of Mamori, a Japanese boy.

I received this first-hand.

Then they began to talk about the line that was to be carried on against the attack on the American Federation of Labor in the Hawaiian Islands.

Somebody in the room had just returned from the CIO longshoremen's school in San Francisco. I don't know who it was. I knew quite a number who had returned and it could have been any one of them.

So the line, or the attack that was supposed to be carried on over there was to constantly discredit the A. F. of L. When the question was asked if they should spare Hutcheson, they said "Don't spare any of them, Hutcheson is just as bad as anybody else."

"But this time this strike is going to be for wages and working conditions. They will have the support of the teamsters. The CSU will have the support of the teamsters, and at least one, and probably several IA organizations."

As I say, I landed back in San Francisco on the 15th. I will fix the date pretty close because it was a few days after my birthday, which is the 18th of June. I talked with our man in the office in San Francisco, our representative, Otto Rieman. I told him I had heard this from the "pipe line" and that I was going over and talk to Barney Mays, an old ex-comrade of mine, and see what he might have.

He said, "Well, that would be interesting to get that information." But he did not think there was anything to it.

On June 30, I was back in the San Francisco office and Otto Rieman told me he had had a report from Tindall that the whole situation was settled, as far as the majors were concerned. They still were going to negotiate, but for all practical purposes agreement had been reached, and after the July 4th holidays it would be signed; there was going to be no strike.

Mr. LANDIS. May I interrupt? You said they might have the support from one or several organizations. Could you name the one that would be expected?

Mr. MULKEY. No. Probably the individual reporting in the Hawaiian Islands did not know which local union it was, he probably said teamsters and the IA.

Mr. OWENS. Without breaking your thought, when you said "a strike for wages, hours, and working conditions," did you mean that was to be the front, or that that was to be the fact?

Mr. MULKEY. That is what they stated, that this one would be considered wages, hours, and working conditions, and at that time, it would be the last of the IA in the studios, because their own members were tired of them scabbing other people's jobs. That was the quotation; and all the other tirades against the IA.

I bring that out because I have not been discreet at all in Hollywood in calling these shots. I know other people have "pipe lines" into my spot, just as I sometimes have "pipe lines" into other people's spots.

I know those questions are going to be asked, or I feel they are going to be asked, and I would rather straighten them out at this time.

This is probably in the record more accurately than I could give it, but as I understand it, the teamsters did have a rank and file uprising, supposedly, for support of the July 2 work stoppage. I am not saying whether I agree with the work stoppage or not. I do not want to qualify it that way at all, but this is significant and I want to bring it out.

The fact is, that our information over in the Hawaiian Islands was very good. Maybe it was a guess, but there was a second strike and it happened at that time.

I bring all this out to justify our belief that our organization was going to go for a ride if the Commies got control of the CSU situation. People were supporting the CSU and speaking for them that we knew we did not want to be associated with. That was one of the factors considered in withdrawing from the CSU when we did.

Mr. OWENS. Now, with your past knowledge of the situation, you have certainly shown you had a knowledge running back for at least 13 years before that time, you must have been aware as to whether or not there were any communistically inclined persons affiliated in any way with the CSU prior to that time, were you not?

Mr. MULKEY. No, I was not in close enough contact. I was never assigned to any of the difficulties in Hollywood, with the exception of the time just before the 1945 strike.

I came into Hollywood on my way back to Phoenix, Ariz., and called up Al Speed, who was at home, sick. He told me definitely that they would not be affected by the strike, that is, that the IBEW would not be.

Mr. OWENS. Who were you affiliated with then?

Mr. MULKEY. I believe they were affiliated with the CSU at that time. I am not positive and probably the records would speak better on that.

Mr. OWENS. Don't you just know when you became affiliated with the CSU?

Mr. MULKEY. No, I don't because there were other people handling that. It has never been important to me, because I was through with the CSU.

Mr. OWENS. Weren't you active with the IBEW there when the strike occurred in the spring of '45?

Mr. MULKEY. No. I was going to explain. The only time I was close to it at all was the time when I came down to San Francisco on my way to Phoenix. I called Al Speed and he told me they would not be affected by the strike, that this was some shadow boxing by the window dressers, that it was really the carpenters, and as far as he was concerned, he was not going to be involved. I knew how he felt about carpenters, about Bill Hutcheson and the carpenters.

That is the way he explained it to me and it was so emphatic I called our office in San Francisco and gave them that information. They thought that was very good.

When I picked up the paper down in Phoenix and saw our people included in it, I thought it was a misprint. That is as close as I came to being associated with the strike, at any time during the strike.

Mr. McCANN. Mr. Chairman, it seems to me we are getting some very important testimony here, as indicated by Mr. Owens' questions. I would like to clarify two or three things, if you don't mind, at this time.

I want to ask you if you have correctly stated the case, that you had no knowledge of the '45 strike, its issues, or the elements involved in that, except when you talked to Speed on your way to Phoenix.

Mr. MULKEY. That is correct.

Mr. McCANN. Now, when it came to the Hollywood 1-day work stoppage of July 2, 1946, I understood you to say that you had some information to the effect that that strike was going to be used by the Communists in some way, is that correct?

Mr. MULKEY. I deducted that because of the line that they were following over there.

Mr. McCANN. The line they were following where?

Mr. MULKEY. In the Hawaiian Islands.

Mr. McCANN. You deducted that while you were in Hawaii from the line being followed in Hawaii?

Mr. MULKEY. I might put it this way. I thought it was of sufficient importance to speak to Otto Rieman, who was constantly in the San Francisco office and in touch with the Hollywood situation.

Mr. McCANN. Now, you got your information not in Hollywood, but from Hawaii and San Francisco with respect to the work stoppage in Hollywood on July 2?

Mr. MULKEY. Oh, no, no. On July 2 I was right in the territory. I do not remember just exactly where I was. I was not in Los Angeles on the July 2 strike, but I was right handy there some place.

Mr. McCANN. I am trying to get this clear. Did you have anything to say with respect to the forces that were involved in this work stoppage of a day or two there, in Hollywood, in July 1946? Were you on the job there representing your local union at that time?

Mr. MULKEY. No.

Mr. McCANN. Then what you have said to us is based upon your opinion of the information you received in San Francisco and in Hawaii, is that correct?

Mr. MULKEY. Well, as far as the 1942 work stoppage—

Mr. McCANN. We are talking about 1946.

Mr. MULKEY. I mean the July 2, 1946, work stoppage. I was very familiar with it. I got it through the papers.

Mr. McCANN. But you were not there?

Mr. MULKEY. I was not right on the grounds. I was very handy around there at the time it happened.

Mr. McCANN. Now, at that time Mr. Tinsdale was still head of your local union, the IBEW?

Mr. MULKEY. Yes, and he opposed the work stoppage.

Mr. McCANN. He opposed the work stoppage, but the IBEW went out with them, did they not, for that day?

Mr. MULKEY. Oh, yes, they recognized the picket line.

Mr. McCANN. And you were sure they were not going to do it?

Mr. MULKEY. Not on July the 2d.

Mr. McCANN. You were not sure about that?

Mr. MULKEY. No. As a matter of fact, we had very little information on it because it happened quite fast, after we had this report from Tindall which came in some time after—I say not before the 21st of June and not later than the 30th of June.

Mr. McCANN. You say you think that is responsible in a measure for the withdrawal of the IBEW from the Conference of Studio Unions in January or February, 1947?

Mr. MULKEY. Yes. We did not want to be identified with those people. It was an accumulation of a great number of things.

In other words, we became very disturbed when we found an ad was running in the Daily Worker.

Mr. McCANN. Now, let's get into this. Your union did go out and join the picket line in September of 1946, when that strike started?

Mr. OWENS. Mr. Chairman and Mr. McCann, I thought you were going to tie up a little more there. I thought you were going to try to clear up the 1945 situation first.

What I am interested in knowing is this: Mr. Speed was sick when you talked with him?

Mr. MULKEY. That is correct.

Mr. OWENS. Who was occupying his place?

Mr. MULKEY. He was in full charge. I think he attended one or two meetings after that.

Mr. OWENS. But if he were sick he could not have been operating actively, could he?

Mr. MULKEY. His wife, I believe, worked in the office and kept him very well informed and advised as to the situation there.

Mr. OWENS. Then was he the one responsible for the IBEW going out on strike also in March of 1945?

Mr. MULKEY. No, the local union took a vote at a meeting. Whether it was a regular meeting or a special meeting, I am not sure, but the local union took action at the meeting to support the CSU.

Mr. OWENS. Who was the leader of the activity?

Mr. MULKEY. Well, I could not say, because I was not at the meeting. I do not know who led the fight. It was a close vote. It was reported to us that it was a very small meeting and a close vote. I think there were about 75 people present. If I remember the figures right, it was a 29-14 vote. A great many of them did not vote.

Mr. OWENS. I am asking that question, because it is apparent Mr. Speed had the idea the IBEW was going to have nothing to do with it. Then there was a complete change, and that must have been done by someone other than Speed.

Mr. MULKEY. It was done on the floor of the meeting by the membership itself.

Mr. OWENS. And you never ascertained who was responsible for it?

Mr. MULKEY. I have investigated it some, but it would only be conversation as to who supported it and who did not support it in the meeting.

Mr. OWENS. Do you know who was the leader supporting it?

Mr. MULKEY. No, I do not. Knowing Al Speed as I did, I know that he gave me his opinion, because he was a very thorough man. If he had any idea that they were going to go out on strike he would have had committees set up, he would have had chairmen in charge of different activities.

It caught them without a committee, without a program at all. They were just like a bunch of sheep. Al Speed was not that kind of a leader. Even though he was sick he would have seen that somebody took care of those details.

Mr. OWENS. In your position, I would think you would know just about who was leading that situation there.

Mr. MULKEY. I could not say because when I came into the picture those issues were history: when I actually came in charge of Local 40.

Mr. LANDIS. What time was that?

Mr. MULKEY. September 1947.

Mr. OWENS. Then you do not know?

Mr. MULKEY. No.

Mr. OWENS. You have no idea who was the leader in that March 1945 situation?

Mr. MULKEY. No. I am sure it was a vote of the local union, and that is all that I am positive of.

Mr. OWENS. Certainly you felt that in the Conference of Studio Unions there were Communists who were trying to infiltrate the ranks, and the IBEW was a part of that group then, so you must have had some thoughts about it.

Mr. MULKEY. Not in 1945. It was not a factor in 1945. Just to go back; in 1945, up until the middle of the summer of that year, the Communists did not support the strike, as far as their line in the Hawaiian Islands was concerned. I read quite a little publicity in the Communist papers over there where they were not supporting the strike in 1945.

Mr. LANDIS. Where was this ad in the Daily Worker?

Mr. MULKEY. I do not recall now. It is a part of the record, I believe, Mr. Chairman. I believe that ad was reproduced, and although our business manager's name was not read into the record, it is part of the evidence.

Mr. OWENS. Go ahead, Mr. McCann.

Mr. McCANN. Mr. Chairman, I have no further questions to ask, except those that have been submitted.

Mr. OWENS. Then you go ahead with your statement. Were you through with your statement, Mr. Mulkey?

You had reached the point in 1946.

Mr. MULKEY. At the start of the 1946 trouble, I was handling the housing of the convention in San Francisco and was in the office all the time. I received several telephone calls from Roy Tindall because he could not get hold of anyone else. He wanted to talk to someone in the office.

He was very much opposed to the local union becoming involved in the trouble that he foresaw. That must have been in the latter part of August.

One of the requests he made to me was to have someone—he said, like myself—come down and give them a hand. I told him it was impossible for me to come down as things were at the present time, but if things changed I would come myself. In any event, we would have someone down there to give him a hand.

Mr. OWENS. Isn't it true that this so-called trouble ahead was after the clarification had been rendered?

Mr. MULKEY. Yes, after the clarification.

He was very concerned, and went into quite a little detail to tell me that this situation was developing over a period of time; that the directive had absolutely kindled the fires and there was going to be plenty of trouble, that is, the clarification of the directive.

I told my secretary I was going to be out of the office 3 or 4 days from then, that I was going to Hollywood to give them a hand.

I fix that date definitely on the 23d of August, because soon after I talked to her I received a wire from our president discharging me as international president, effective the 26th of August. So I had no official status, and Tindall had no help.

Mr. OWENS. You mean Brown sent you a notice on August 26?

Mr. MULKEY. August 23.

Mr. OWENS. On the same day you were scheduled to leave for Los Angeles?

Mr. MULKEY. No; the same day I told my secretary that I was going to be out of the office. We were more or less arranging the work so that she could carry on while I was gone. I said, "I am going out in 3 or 4 days and will be out for a couple of days."

Mr. OWENS. Just to clear it up, this is Edward Brown we are talking about?

Mr. MULKEY. Yes; Edward J. Brown.

Mr. LANDIS. What is his position?

Mr. MULKEY. He was president.

Mr. OWENS. He was president of the international.

Mr. MULKEY. That is right.

Mr. OWENS. Did you check into that to find out why you were discharged?

Mr. MULKEY. I did not need to check in, I knew why I was discharged.

Mr. OWENS. Why?

Mr. MULKEY. Because I was opposing him for reelection.

Mr. KEARNS. Oh, that was the reason for your discharge?

Mr. MULKEY. Yes. I only mentioned that to fix the definite date, and to give the reason why Roy Tindall had no help in Hollywood.

Mr. LANDIS. To make the record clear, you were in the office in 1946, and what was your capacity?

Mr. MULKEY. International representative.

Mr. OWENS. So there was no connection between the Hollywood situation and your discharge?

Mr. MULKEY. None at all, that was just to fix the date.

Mr. OWENS. Go ahead.

Mr. MULKEY. Tindall came to the convention which opened on Labor Day; I think it was September 2. He made several trips back to Hollywood. On each occasion I talked with him, although I was no longer an international representative. However, I was still handling the housing of the convention. He said there was not any question, that if it was left up to a vote of the membership, it would be overwhelming to support the carpenters' picket line, but that he alone could not carry it down there and he felt we had somewhat let him down.

Of course, he was not mad at us, he was mad at Brown because we were left without any help in the situation.

Mr. OWENS. You were still working with the Conference of Studio Unions then, is that right?

Mr. MULKEY. We were still associated with the Conference of Studio Unions, affiliated with them, yes.

Mr. OWENS. And you had already learned there was some Communist influence supposed to be exerted about the 1st of July as to a strike that would occur in the fall, is that correct?

Mr. MULKEY. Personally, I was convinced of it long before then. I was convinced of it personally before the 1945 strike occurred, but my theory was somewhat disproved, because the Communists did not support the action of the Conference of Studio Unions in 1945.

Mr. OWENS. No, the war was not over yet.

Mr. MULKEY. So I carried on. In 1945, sometime during the summer—and I do not remember exactly what the date was, but it was another time when I had returned from the Hawaiian Islands—I met with Barney Mays, the director of research for the California State Federation of Labor. Barney always talked very plain to me. He asked me, “When is that gang of yours over there in the Central Tower going to wake up to the fact that they are being taken for a ride by these Commies?”

Mr. OWENS. Was he a former Communist?

Mr. MULKEY. Barney was very active in the movement and later was associated with Trotskyites. Whether he was actually a member of the party, I cannot say.

Mr. OWENS. You said, “A former comrade,” so I asked that.

Mr. MULKEY. For all practical purposes he could be considered that way.

Mr. OWENS. So he was in a position to know?

Mr. MULKEY. Barney was in a position to know most anything that happened, as far as the Communists were concerned. I have conferred with him for a number of years on these problems and have always found that his information was very correct.

Mr. OWENS. He gave you that information when?

Mr. MULKEY. He asked that question.

Mr. OWENS. When was that?

Mr. MULKEY. That was in the late summer of '45.

Mr. OWENS. You mean right after the war was terminated with Japan?

Mr. MULKEY. No; it was before that time, because I made another trip to the Hawaiian Islands and returned on VJ-day.

Mr. OWENS. It was before that?

Mr. MULKEY. Yes.

Mr. OWENS. Would you say it was between the time the war ended in Europe and the war ended in Japan?

Mr. MULKEY. Yes; that is right.

I asked Barney Mays at that time if he would make contact with the IA and see if we couldn't settle the situation down there, and if there was a possibility, I would try to convince our people that it should be settled.

He did make that contact and came back to me and said it was possible to make a deal there whereby we would be well taken care of, and if I could convince our office he would go ahead and consummate the thing.

Mr. OWENS. Of course, at that time your group was free of either the IA or the CSU, was it not?

Mr. MULKEY. No, not at that time, not during the 1945 strike, they were affiliated with the CSU.

Mr. OWENS. I tried to bring that out from you before.

Mr. MULKEY. I stated before, Mr. Chairman, that they were affiliated right along about the time of the 1945 strike. I don't know just when it was, but it was not several months before, but some time before the 1945 strike.

Mr. OWENS. Oh, I understand.

Mr. KEARNS. Your reference to Barney Mays, is he still in that capacity there?

Mr. MULKEY. He is.



Mr. KEARNS. His name was not submitted in any way as being communistically minded to date; is that correct?

Mr. MULKEY. No. He was mentioned in one of the reports as a former Trotskyite, but he has been one of the fellows who has carried the fight, like myself, against the Communist infiltration.

Mr. KEARNS. You are certain of that?

Mr. MULKEY. I am positive of that. I have had enough experience to know that Barney Mays is out there battling every minute.

Mr. KEARNS. When did he leave the party?

Mr. MULKEY. I could not give the date. He was the information director for the water-front association there. I do not recall just what the name was, but it was the affiliation of all the CIO maritime and longshoremen groups up and down the Pacific coast.

Mr. KEARNS. He was there longer than you?

Mr. MULKEY. Yes; but he was not associated with the party at that time. He was kicked out of that job because he would not take the party line.

Mr. KEARNS. It is after 12. I think we had better recess until 2 o'clock.

The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:05 p. m., a recess was taken until 2 p. m. of the same day.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will please come to order.

I will ask Mr. Mulkey to please resume his testimony.

#### TESTIMONY OF GEORGE A. MULKEY—Continued

Mr. KEARNS. At the time we recessed for lunch I think counsel had just mentioned that he had a few questions he would like to ask you, Mr. Mulkey, before reading some questions furnished by other counsel.

Mr. McCANN. As I understood you to say, the Communists had nothing to do with the inciting of the 1945 strike because they were opposed to it?

Mr. MULKEY. I did not make that as a definite statement. I said I drew the conclusion by reading the literature they were circulating around the country in an attempt to discredit the American Federation of Labor and they pointed to this as one of the horrible examples.

Mr. McCANN. And you have no evidence personally from your previous connection with the Communists which would cause you to have any other opinion than that which you have expressed?

Mr. MULKEY. Well, reading their publications and talking with some of the people that were carrying along the party line and taking some ribbing from them, I came to that conclusion at that time.

Mr. McCANN. And you have not learned anything since then to change your mind?

Mr. MULKEY. Well, I did in the late part of the summer, as I testified, that it had changed completely.

Mr. McCANN. I am not referring to July 2, 1946.

Mr. MULKEY. No, this was '45. I say later in the summer the strike was still going on. Later in the summer the line changed from one of

attack on the American Federation of Labor generally, to an attack on the people working in the studios.

Mr. McCANN. You are judging that from the literature you read?

Mr. MULKEY. And from contacts with people following the party line and information coming to us through our contacts for that purpose.

Mr. McCANN. Have you maintained your contacts with the party-line leaders to the present time?

Mr. MULKEY. To the party-line leaders, no. We have, of course, developed some information lines in and around Los Angeles but not to a great extent.

Mr. McCANN. The second question I wanted to ask you—and I am sorry it has taken three or four to develop this fact with respect to 1945—is this: Did you not state in your testimony in response to questions asked by the Congressman that you received a call from Mr. Tindall in August of 1946 saying that the clarification was going to cause things to break open in Hollywood?

Mr. MULKEY. Yes; there was a discussion on the clarification, and he said it was going to cause the whole thing to “flare up again.” I believe those were the words he used.

Mr. McCANN. Have you any information from Communist sources or from any other source which would make you believe that the strike or the lock-out which began in September of 1946 was due to any other cause than the issuance of the clarification on August 16, 1946?

Mr. MULKEY. I have no personal knowledge of it, but I will say without any reservation at all that the same element grabbed onto this situation in order to create more disturbance in the movement there.

Mr. McCANN. Now, Mr. Chairman, he says he has no personal knowledge of it, and then he elaborates to say something which is not evidence. I move that the latter part of his statement be stricken from the record.

Mr. OWENS. Well, Mr. Chairman, in view of the fact that we only consider material evidence, that is evidence material to the issue, I do not think that is necessary.

Mr. KEARNS. No; I do not think that is necessary.

Mr. McCANN. That is all, Mr. Chairman. There are some other questions that have been submitted.

Mr. KEARNS. Mr. Mulkey, did you want to elaborate on your comment?

Mr. MULKEY. I would like to a little bit, because by reason of being very familiar with the tactics of these people I have developed some thinking along the line; and although the people I suspect of being very instrumental in this have been underground and have not divulged anything that would indicate there was any movement on their part, still in a situation like that you cannot put your finger on any particular individual or any group. You have to gather it together from here and there and by statements made supporting certain party-line actions taken during the controversy. The reversal between the calling of the March strike, March 1945, and September 1946 brought out that certain groups were alined one way at one time and alined another way at another time.

Now we were alined with people we believed to be sympathetic with the Communist cause, and at other times it was the fellows who sincerely believed in the action taken by a majority vote of the union and supported that. Certain people were with them 100 percent after the midsummer of 1945 that were not with them or against them in the early part of 1945.

I hope the Congressmen will realize this is a very hard situation on which to get concrete facts. Believe me, I have had plenty to do in Hollywood with the settlement, getting people back into the studios, getting the replacements in the organization and trying to blend them in with the membership, and still arrive at an understanding that will build a foundation for better understanding in the future.

MR. KEARNS. I take it you are trying to impress upon us that it is an undeterminable situation that you do not know how they are going to throw their power; is that right?

MR. MULKEY. That is correct.

MR. KEARNS. You never can say that you have it; it vanishes and then springs up, throwing its weight in another direction; is that right?

MR. MULKEY. That is right. Certain people follow the party line, and others we know are not alined with it will be alined with it one time and at another time will not be alined with it.

MR. KEARNS. Mr. Counsel, do you have questions from other counsel?

MR. McCANN. Yes; I do. I would like to ask a question or two that just occurred to me that I do not believe a member of the committee has asked.

Have you signed a non-Communist affidavit, sir?

MR. MULKEY. No; I have not had an opportunity to sign it.

MR. KEARNS. His international organization would sign that.

MR. MULKEY. Our international organization has.

MR. McCANN. You do not have to sign that as an international representative?

MR. MULKEY. No.

MR. LANDIS. Do you recall anything from 1926, when they were going to have the general strike—that is, I understood they were going to have a general strike throughout the United States? When it materialized in California—that is the time when Samuel Darcy and a fellow by the name of Dunn, I believe—

MR. MULKEY. Bill Dunn; yes. There was quite a number of them. As I recall it, the movement in California was built around Billings and Mooney. It was more or less of a protest. As I recall at that time, we were supposed to further the movement in California on more or less a protest or liberation for Mooney and Billings.

MR. LANDIS. I think that same year in Pennsylvania Hapgood and Brophy were after John L. Lewis to take over the presidency of the United Mine Workers?

MR. MULKEY. Yes. In 1926 I went to Seattle. There was some contact with Cle Elum. I don't remember just what it was, but I remember talking to a couple of fellows who had come back over. They did not keep the road open in the wintertime, and it was snowed in, and so they had to ride a freight back through the tunnels. They were telling about their experiences and what they had been able to

accomplish over there. It was grossly exaggerated. They had done some work in Cle Elum.

Mr. LANDIS. I understand that Harry Bridges was taking orders from Sam Darcy and Dunn at that time—that he really led the fight in California.

Mr. MULKEY. No, Harry Bridges at that time was not connected in any way that I know of.

As a matter of fact, up until sometime after that Harry Bridges was not popular at all in the Communist Party.

Mr. LANDIS. He may have joined them in '34 or '35. The testimony given before the Un-American Activities showed that.

Mr. MULKEY. I think that is about the time Harry Bridges became associated with them.

Mr. LANDIS. It may have been about that time instead of in 1926.

Did you ever meet James B. Currey, United Electrical and Radio Workers Union?

Mr. MULKEY. Carey?

Mr. LANDIS. It is C-u-r-r-e-y here.

Mr. MULKEY. I met Carey here, but Carey is not a Communist at all. He is very anti-Communist.

Mr. LANDIS. I don't mean Carey, I mean Currey. Back in those days the Trade Union Educational League was in existence. Do you recall the Trade Union Educational League?

Mr. MULKEY. Yes; I do recall it. I was never very close to it. When I went to Seattle there was an attempt to take over the labor college in Seattle, which is down on First Avenue. We had some of those people in Seattle to assist in getting the so-called reactionaries out of control over the labor college and take it over.

Mr. LANDIS. Did you ever come in contact with the Screen Cartoonists Union or craft headed by Maurice Howard, or did you ever come in contact with Maurice Howard?

Mr. MULKEY. No; I have not. I was in Los Angeles at the time of the trouble at Disney's, but I had no connection at all with anybody out there.

Mr. LANDIS. And the Screen Analysts—Matty Madison and Miss Frances Millington?

Mr. MULKEY. No; they are all after my time.

Mr. LANDIS. I believe that is all, Mr. Chairman.

Mr. OWENS. Just one question, Mr. Chairman.

There was really no one in a better position than you, was there, Mr. Mulkey, to judge whether anyone with Communist leanings influenced the strike in 1946?

Mr. MULKEY. I don't believe there is anybody in our organization better qualified; I am sure there is not. There probably were people right in Hollywood that might be better qualified; I don't know. Most of my information came more or less second-hand; or, you might say, by remote control. I was not in charge, but I was very much concerned all the way through over the Communist situation.

Mr. OWENS. Well, there would be a world of difference, of course, between one instance where someone would have communistic leanings or so-called fellow travelers would go along with some difficulty started by others, and one that was inspired by themselves, would there not?

Mr. MULKEY. Yes; there would be quite a bit of difference there.

Mr. OWENS. That is what we are trying to find here. Yet your answer to Mr. McCann's question was virtually "no"; in other words, that the original strike was not for any reason other than the so-called clarification.

Mr. MULKEY. I was only quoting what Tindall told me over the telephone—that the clarification was the thing that was going to blow the whole thing up and start another round.

However, Barney Mayes—and I was very close with Barney Mayes at that time—told me that the thing was coming and that we had better get our people in line or we were going to be involved in one this time and we probably wouldn't be lucky enough to get back into the studios.

Mr. OWENS. I can appreciate that the Communists or anyone else who might want to cause trouble—Communists or anyone—are going to take advantage of the fact that the labor leaders of the A. F. of L. don't know how to handle their own affairs. That is very apparent, isn't it?

Mr. MULKEY. Well, this was a situation that developed within Hollywood. It was not a question of one international or another international claiming jurisdiction.

Mr. OWENS. Oh, wasn't it?

Mr. MULKEY. No; it developed from that. It was on the ground that the local people were contending for jurisdiction.

Mr. OWENS. Except that your international was certainly taking control, because the clarification came right from the top of the A. F. of L. The three arbitrators said the clarification was forced upon them by the action of the executive council of the A. F. of L.

Mr. MULKEY. We were talking about two ends of the thing. I was talking about the beginning or the agitation for it. That was an attempt to straighten it out.

Mr. OWENS. The strike in the fall of '46 seems to have been due primarily to the action on the so-called clarification. Your own testimony seems to indicate that.

Mr. MULKEY. Yes; I believe you are correct there. I would only have to go by the record here and what I have, of course, read in the Shield. The last contact I had with the '46 strike was, as I stated, when I asked Barney Mays if he would again contact the IA and see what we could do. That was in the '46 strike.

It was very shortly after that, probably in the early part of November, that they were probably out. I gave him a very complete picture. He told me at that time it was possible.

But just at that time the Joe Keenan angle of the strike came in. In other words, Joe Keenan was going to be the arbitrator to arbitrate the strike, and naturally we were not interested in interfering with anything that Joe Keenan was going to do, so I was not very close to it until then. Then, of course, there was the time I had the talk with President Tracy in San Francisco, when he stated he would get into the matter—one of the first things he would do when he got into the office was to get into that matter; and it was.

Mr. LANDIS. If there is any advantage or what you think would be an advantage to the Conference of Studio Unions, could you tell us that?

Would it act the same way as a central labor union? There is an organization for every craft in that union, isn't there?

Mr. MULKEY. I think an organization of all the crafts, where they could meet and talk over their problems, would be very helpful in the industry. I believe that the pattern of the CSU is not the one that would do it. I think it would have to be local unions carrying on their own labor relations with management direct, and coordinated by some council, something like you state as a central labor council.

But for a council itself to negotiate it would be too easy for the large organizations, through per capita payments or through actual strength, to dominate such a council.

I am in full accord with the suggestion someone made here a council of all the organizations be in one council, and then have a coordinating committee that would steer all these things and see they got the proper adjudication. I believe that can be done.

As a matter of fact, we have given a great deal of thought to that. I have talked to a number of people and have found every one of them sympathetic to it. Every one of the leaders in the labor movement in Hollywood has been sympathetic to it; that is, those that I have talked to.

Mr. KEARNS. Mr. Mulkey, in 1942 you were connected with the labor movement, were you?

Mr. MULKEY. Yes; very definitely.

Mr. KEARNS. With your background and connection with the Communist Party, did you see clearly through the pattern that was being established and the infiltration, as you might say, through certain ranks of labor when the war of June 2, 1942, changed from an imperialistic war, when Hitler started to move into Russia—did you notice the pattern then having a direct influence on the situation throughout the Nation?

Mr. MULKEY. Very definitely, Mr. Kearns. I spoke that many times before I ever heard it from anyone else. That is the question of the "Yanks aren't coming" program and the "Yanks hurry up" program just afterward.

I happened to be in the organization campaign of the Pacific Gas & Electric against the UWOC. The UWOC was picketing the Pacific Gas & Electric Building in Oakland in June of 1941. The main pamphlets being passed out at that time were, The Yanks aren't coming; Imperialist Roosevelt; Imperialist England, and all those pamphlets that are very well known to all the committee.

On June 24 I was in Stockton, and some of the people that were heading up and setting up this picket line down in Oakland were taking a completely different view, even on the 24th of June.

Mr. KEARNS. That was 1941?

Mr. MULKEY. Yes; 1941.

Mr. KEARNS. Mr. Levy corrected me on that.

Mr. MULKEY. I had the opportunity to debate with Lyn Haynes. I believe his title was organizational director for the UWOC—Utility Workers Organizing Committee, CIO. He was criticising me on the stand we were taking on wages and working conditions. He went into a long narration on the patriotic thing to do, and so on, and so forth, and I called his hand. I told him I had two brothers in the Air Corps at that time and that I believed I was as patriotic as anybody else, but I felt it my duty as a labor leader to try to preserve some of the conditions they had helped build before they went into the Air Corps.

I recalled to him his stand a few months before and asked him the question, "Why did you take such a sudden about face?" I referred to a letter which he denied writing, which had a paragraph in it, and he produced the letter to show the paragraph was not in it and I found it for him, showing that he had instructed his organization on how to go along with the "Yanks aren't coming" program, not to spill blood on foreign soil, and so forth.

Mr. KEARNS. The pattern was definitely established?

Mr. MULKEY. That is right.

Mr. LANDIS. I would like to clear up one more point, Mr. Chairman.

Just before the days of the NRA Foster brought back a new line from Russia to form a separate union out of the A. F. of L. The NRA came along and they could form unions. Then after the NRA broke up some of the unions, if I remember right the Communists, had organized about 60,000 workers into their union outside the A. F. of L. Of course there was no CIO at that time.

After the A. F. of L. was formed and unions were joining up under the NRA we got word again from Moscow to put the Communists back in the A. F. of L. Is that about correct?

Mr. MULKEY. That was just after I had lost the confidence, you might say, of the people in the party, so I got very little information on it. The only information I would have on it would be information coming through the central labor council in Seattle and reports from timber workers that such a program was going on.

I might say right there I talked to quite a number of old associates, one of them who had been a very strong Communist and afterward took to Hitler's nazism, by the name of Westfall. Westfall was under attack from the party. That was in the city hall in Seattle. Westfall wanted to rib me a little bit and he said, "You are just the fellow I wanted to talk to."

He said, "I am looking for a Jim Crow car, I got an order for it from Hitler. I want to send it over to Germany and let them see how certain people ride in this country." That was just a little gesture.

A fellow by the name of Dennis from New York came in on the conversation at that time. That brought on a line where he was trying to convince me that the party line had changed completely from that of the destruction of the American Federation of Labor, because of their experience under Hitler. They found out when they destroyed a labor movement, then fascism took over.

But he did not convince me at all, and I know, as everyone else knows, that it was not true, that that was only a selling point to try to flirt with some of the people in the American Federation of Labor who were very much opposed to communism for only one reason, and that was that they were for the destruction of the American Federation of Labor.

There used to be a question asked many times, "When will the revolution happen?" If you were a member of the American Federation of Labor—and this was more or less of a joke they would spring—as soon as we put that instrument known as the American Federation of Labor out of business, the only instrument that makes the capitalistic system bearable to the worker. It is only prolonging his misery.

I am giving you just the general line. The dates would be right after that beer-hall putsch and right after Hitler taking over and burning the Reichstag. That is where they claimed they had changed the party line from that of destroying the American Federation of Labor to one of cooperating. At that time they were trying to infiltrate back into the American Federation of Labor and were doing a pretty good job in some places.

Mr. KEARNS. Mr. Mulkey, you spoke this morning of the experiences you had at Seattle when you were a member of the party.

Mr. MULKEY. Yes, sir.

Mr. KEARNS. Do you consider Seattle as a stronghold of the Communist Party?

Mr. MULKEY. No; because of their boldness there the labor movement cleaned them out. I believe the year was 1937. I was talking to a man last night at the Hamilton Hotel who was there during that "battle of Seattle" as we always referred to it.

The central labor council went into executive session. They did not allow any visitors or the press for a period of months after that. It was quite a riot in there when we cleaned them out, and I assisted in that program very much.

Mr. LANDIS. Really, though, a fellow traveler could do as much damage as an actual card member?

Mr. MULKEY. Yes; we have spoken of Hugh DeLacy. Hugh DeLacy jumped up on a chair in the central labor council and screamed to Claude O'Riley, the chairman, "Stop that; they are murdering those people up there." It was the gallery he was talking about. He screamed his lungs out in the most dramatic way. Claude O'Riley paid no attention to him at all, and would keep calling for order. Nothing was happening, the people were just leaving. They were being asked to leave and they were leaving from the gallery. They then asked the ones down on the floor to move out, and they moved out without any trouble after they cleaned out the gallery.

Mr. KEARNS. Mr. Mulkey, are you now located permanently in Los Angeles?

Mr. MULKEY. No; I am not located permanently any place. As soon as the job is done in Hollywood, I don't know where I will be.

Mr. KEARNS. How long have you been there now?

Mr. MULKEY. In Hollywood, since September.

Mr. KEARNS. Have any of the former party members or colleagues followed you from Seattle down to Los Angeles to make it embarrassing to you, to any extent?

Mr. MULKEY. Yes; to a degree. It has not bothered me any. We had a conference in San Francisco known as the progress conference. The delegates to that conference were contacted and told about my being run out of Seattle, and so on, and so forth, how I was no good, that I would line up with the vultures, and so on, and so forth.

Mr. KEARNS. Did what they say carry any weight?

Mr. MULKEY. No; it carried no weight at all. It was reported back to me, and I reported it on the floor of the local union. I wanted the people that might be carrying the tale to know that I had it and it kind of stopped them.

Mr. KEARNS. During the recess period did you recall the gentleman's name from Boston?



Mr. MULKEY. No; for the life of me I cannot. There are many ways he could be identified.

Mr. KEARNS. Did you know him under his Communist name or his own legitimate name?

Mr. MULKEY. He was going by his right name. He was a graduate of Harvard. His father was very well known there. I don't know whether he had a Communist name or not, but I doubt that very much.

Mr. KEARNS. Mr. Mulkey, do you have any information, or can you present any testimony here that would in any way be of assistance to the charges already made that Herbert K. Sorrell is a Communist?

Mr. MULKEY. I never met Herbert K. Sorrell until I met him in this room, and I could not make any statement or judge anybody from the conversation we have had here. I have played pinocle with him and like the fellow a lot, because he is very congenial, but I could form no opinion at all along that line, and it would be of no value to the committee.

But you asked me a question there on a point of identification. This particular individual from Boston is a very fine talker. His speech in Seattle at this particular conference where I was chairman was entitled, "It Smells Like Oil." The theme was the break of Chiang Kai-shek with the Communists. He told where Chiang Kai-shek had been held up as the savior of the great race of yellow people, all at once he had become the butcher of the peoples of Asia, and all at the hands of the Standard Oil. That was his speech. I would say it was a very fine speech, or very well delivered.

Mr. KEARNS. That is quite interesting.

All right, Mr. McCann, you may proceed.

Mr. McCANN. Mr. Chairman, everytime the Congressmen ask some questions I think of another one. I might ask one or two more.

You never had a Communist name yourself?

Mr. MULKEY. No.

Mr. McCANN. Have you ever testified concerning your Communist membership and acts prior to today?

Mr. MULKEY. I don't know whether you would call it testimony or not, but I went into the Hawaiian Islands when they were under marshal law. General Morrison was, for all practical purposes, the military governor. General Richardson had too much to do on the outside. I was told by one of the G-2 men, in a very friendly suggestion, that I should go up and have a talk with Colonel—he was then Colonel Morrison.

I went up and had a chat with him and told him the whole situation. I told him the date was 1929 and he said 1930, so I picked up my ears, because I knew then they had the record. So I said, "Well, I would swear it was in 1929, but if you are in doubt I can peg the date, because as we walked out at the noon recess, Neilsen's and Borland's bodies were coming down the street," after they were killed over in Siberia in an airplane accident. We stood there while they went by.

The remark was made by this same individual from Boston when I went down to a hamburger place to have a hamburger with him, he said, "Two fine boys killed on strictly a financial venture." They had gone over there to fly furs.

Mr. McCANN. Were you under oath when you talked to Colonel Morrison?

Mr. MULKEY. No.

Mr. McCANN. You were not testifying there?

Mr. MULKEY. No.

Mr. McCANN. Have you ever testified at any place on this subject?

Mr. MULKEY. Oh, I have testified under oath at the National Labor Relations Board hearings, when I think they have mentioned something about, "Weren't you associated," or something in that way. I said I had had contacts with the Communist Party. I believe you will find that in the charges of the Pacific Gas & Electric.

This hearing lasted for days, and there was so much thrown back and forth between Sawyer, of Gladstein, Margolis & Sawyer, the attorneys, and our attorney, Charlie Jannigan—Charlie Jannigan being very anti-Communist, and Mr. Sawyer being very sympathetic, and I believe he is professed to be a Communist himself.

Mr. KEARNS. I will have to interrupt at this time. We will have to recess to answer a quorum call.

(A short recess.)

Mr. KEARNS. The hearing will come to order.

We will go along with the witnesses as quickly as we can. We have to stay here anyway to vote on a bill, so I don't care how long we have to stay tonight.

Mr. McCANN. Returning to the unasked questions, Mr. Chairman—

Mr. MULKEY. May I clear up a question there when I was interrupted?

Mr. KEARNS. Certainly.

Mr. MULKEY. To be perfectly clear, Mr. McCann asked me the question if I had ever testified under oath on this question. I answered that I may have during the NLRB hearings held in San Francisco and Fresno, Calif., in 1941, starting in November.

The reason I said I may have is that I want to be absolutely correct in my testimony here. There was a great deal of talk tossed from one to the other in this hearing. It is altogether possible that some of it may have gotten into the record. I rather think it was all off the record, but if not I want to be absolutely sure that the testimony here is correct.

Mr. McCANN. You do not know of any other time that you may have testified under oath on this subject?

Mr. MULKEY. I can't recall any other time, Mr. McCann. I am really sure there isn't any other time.

Mr. McCANN. There was a comment by you earlier this afternoon that I would like to ask you about. I believe you stated in your testimony before lunch that when the September 1946 strike or lock-out began there was an overwhelming vote of the members of IBEW in favor of that.

Mr. MULKEY. I believe I testified that Tindall said there would be, and there was. That is correct. Whether I so testified or not, that is true.

Mr. McCANN. Now, were there, to your knowledge any Communists in the IBEW local at that time?

Mr. MULKEY. Mr. McCann, to answer that question and to prove that there were Communists would be impossible for me. I say, from my experience there very definitely, that there was tremendous in-

fluence for the party line. There was this constant agitation that had been carried on after Joe Keenan came out to the coast. They started an attack on Joe Keenan and how he packed his bags and went back to Chicago. I defended Keenan among well-meaning people that were repeating some of this. There was no other place it could come from except from people who absolutely wanted to constantly agitate and disrupt the situation in Hollywood.

Mr. McCANN. I wanted to get at this: Do you know of any action being taken by your local in Hollywood prior to or subsequent to September 1946 to discharge, to discipline, or to expel members of your local IBEW 40 for Communist affiliation?

Mr. MULKEY. No; I am sure there was not any.

Mr. McCANN. Is there in your bylaws or constitution anything similar to the provision which Mr. Lindelof has called attention to, and which Mr. Hutcheson has called attention to, to the effect that to be a member of your organization one must be an American citizen and no Communists may be a member of the organization?

Mr. MULKEY. No, neither are in our constitution. We have Canadians and we have locals in Canada.

Mr. McCANN. In other words, a Communist may be a member of the IBEW at this time?

Mr. MULKEY. According to the constitution he may be. We have always construed it that the Communists were a dual organization and had as its purpose the destruction of the American Federation of Labor. Therefore, any proven Communist would not be eligible to get membership or retain membership in the IBEW.

Mr. McCANN. Do you have that rule in your organization?

Mr. MULKEY. It has been construed that way, Mr. McCann, and it has been operated that way.

Mr. McCANN. Have they applied that rule that a known Communist must be discharged from the IBEW?

Mr. MULKEY. Who do you mean "they"?

Mr. McCANN. I mean your officials, your locals, or your international organization.

Mr. MULKEY. No, I would not say there is any set rule. We know the policy of the president. It has not varied since 1920, that I know.

Mr. McCANN. Has your organization ever thrown a Communist out of it?

Mr. MULKEY. Oh, yes.

Mr. McCANN. It has?

Mr. MULKEY. Oh, yes.

Mr. McCANN. How many would you say it has thrown out of the organization?

Mr. MULKEY. I would have no idea at all.

Mr. McCANN. Has it ever thrown a Communist out of IBEW Local 40?

Mr. MULKEY. I don't believe there was ever anybody thrown out on that ground.

Al Speed had quite a battle with some of the people who were carrying the Communist program into the local a few years ago, but I have no personal knowledge of the actual action taken by the local at that time.

Mr. McCANN. How many years ago was that?

Mr. MULKEY. Oh, I think it was about 1937, '38, '39. It went along for quite a ways, over quite a period of time.

Mr. McCANN. Now, Mr. Chairman, if it is permissible, I will read the questions that have been submitted.

Mr. LANDIS. Mr. Chairman, every time he asks a question I want to ask one. The point came to me that you said you were an alternate delegate in 1930, I believe.

Mr. MULKEY. That is right.

Mr. LANDIS. Did you make a trip to Russia?

Mr. MULKEY. No, I did not make the trip. It immediately started at that meeting.

Mr. KEARNS. That is when you were given the brush-off?

Mr. MULKEY. Yes, that is right. I was told by some who thought I wanted to go to the conference that I had better get in line.

You see, rigid discipline had not come into the party, especially in the Northwest. I understand California came in quite a bit earlier. I believe it was Harry Grebs—there are two of them and I get them mixed up all the time; anyway, it was Jan Valtin, his pen name—who had made a trip into California. He had whipped them into line down there and made a report that they were toeing the line.

You will understand that up to that time the question of boring from within in the American Federation of Labor was carried on in the vein of making them adopt a progressive policy. That was from the outside, to get rid of a lot of the old reactionaries and get a more progressive line.

The question of confining the membership to people who were in favor of the destruction of the American Federation of Labor was one of the things that had to be done to bring about the revolution—those people who did not believe it were still tolerated. But after 1929, that was not the case in the inner circles. That was definitely the first program they had to accomplish, because, as I stated before in this answer they always gave the destruction of the American Federation of Labor was the first aim of the Communists. Of course, we in the labor movement were very close to that and that is where the change is made to the point where the evolutionists and the revolutionists were no longer tolerated.

Mr. LANDIS. That is really one of the first mistakes they made.

Mr. MULKEY. Yes. Then after Hitler took over they claimed to have changed back, but they never changed back one bit. Their program is just as much today as it was in 1923, to destroy the American Federation of Labor.

Mr. KEARNS. Did they feel the best approach to overthrowing the Government was by overthrowing the labor party?

Mr. MULKEY. They believed, as they stated, that the American Federation of Labor was the organization that made it tolerable for the workers. It gave them a mere existence. The great things this country could produce, its resources, and all of that, were bottled up in monopolies, with certain people taking the rake-off, and you know the regular line they follow.

Mr. LANDIS. Now, the line is to get in the A. F. of L. and run it?

Mr. MULKEY. Well, boring from within.

Mr. LANDIS. Yes, boring from within.

Mr. OWENS. I do not quite get the principle of that. How do they figure that a craft union had anything to do with upholding the average workman? It seems to me it gave a certain number of men a good existence.

Mr. MULKEY. Well, that was our contention that all these things could be brought about by constant improvement of the system and to bring it into line gradually with the Karl Marx theory—skipping the revolution part of Karl Marx.

But the theory of the Communists in the Northwest at that time became very definitely that the people had to be hungry. The people had to be hungry, and that is all there was to it.

Mr. OWENS. I appreciate the fact members of the craft unions could not be called the hungry ones, because they were getting enough to make a good living.

Mr. MULKEY. Yes.

Mr. OWENS. But that would seem to me to be a poor place to start.

Mr. MULKEY. The American Federation of Labor represented at that time, and set the wage scales, for the American workmen to a large degree.

For instance, the Standard Oil argued that they paid a dollar a day more than the teamsters' scale. Any time the teamsters got a raise their workers got a raise. They even set their scale higher than the scale.

Other people argued that their scale was the same as the American Federation of Labor because their people got vacations, and so forth. We heard that all the time throughout the country in organizing during that period.

I am quite rusty on some of the arguments that were put forth, but they seemed to be very logical at the time.

Mr. OWENS. Well, you were quite young then?

Mr. MULKEY. Yes, I was quite gullible, too. I would like to say this. You will recall that in 1923 there was the tremendous open-shop drive in Los Angeles and probably the worst working conditions and lowest wages that existed any place, except in the deep South. A lot of different movements sprung up from all different angles, and most of them underground, because you could not carry a union card in Los Angeles on most jobs, if it was known. An employer that even wanted to be friendly to organized labor would be criticized and possibly his business would suffer, if he worked union people.

Mr. OWENS. That is why we needed a labor act, isn't that true? At least in the State, if not nationally.

Mr. MULKEY. Yes. The NLRB did a great deal to correct that, especially in the mass production industries and in the low-paid industries in that area.

The labor movement in Los Angeles came up from a few thousand to 500,000. That happened during that period, and the NLRB undoubtedly had tremendous influence.

Mr. LANDIS. Do you know Julius Emspak?

Mr. MULKEY. No, I do not know him personally.

Mr. LANDIS. Do you know what organization he is affiliated with?

Mr. MULKEY. He is with the ACA, I am pretty sure.

Mr. LANDIS. This morning you mentioned the UWOC, the International Longshoremen and Warehousemen, and then another one that started with "A."

Mr. MULKEY. That was the ACA, American Communications Association. I believe that is Emispak's organization. I am pretty sure it is considered by everybody to be Communist-dominated.

Mr. LANDIS. All right, Mr. McCann.

Mr. McCANN. Questions by Mr. Bodle addressed to Mr. Mulkey:

Under your present arrangement with the producers, are you continuing to work a 6-hour straight-time day, or an 8-hour day?

Mr. MULKEY. Six hours; overtime after 6 hours.

Mr. McCANN. Is it your testimony under oath that advertisements of the CSU appeared in the Daily Worker?

Mr. MULKEY. No. I might explain that. This advertisement in the Daily Worker was brought to my attention in a dozen different places by people that were friends of ours, people that were concerned over this and believed that we were right in the studio strike. They could not understand how we could be appearing there. It was the People's World. I said the Daily Worker but it was the People's World that this advertisement appeared in.

I brought that to the attention of the San Francisco office and they stated at the time they had no knowledge of it.

Mr. McCANN. You mean the CSU said that?

Mr. MULKEY. No, the San Francisco office. I never pursued it any further. Whenever it came up I always gave the answer that the thing was being investigated and I had not heard just what the outcome of it was. But I believe it more or less died in the San Francisco office due to the shift of people on assignments going out, or something like that, and it was not investigated.

Last September I called Roy Tindall. I wanted an explanation. I approached him on a very friendly basis. I said, "I want to know how you got broke into this thing." Tindall gave me this answer, "It's like this," he says, "we were up against it pretty much, and when I say 'us' I mean the CSU. We had some help from those people. They made a request through us for names and they were supplied by the CSU."

Now that was Tindall's answer to me justifying his name appearing on that.

Mr. McCANN. Tindall's justifying it?

Mr. MULKEY. Yes. He said he had to go along. He said, "You know, I had to go along over there. After all, we were all on strike and we were grasping for any straw we could get."

Mr. McCANN. Let's ask that question again and see if you can answer it either "yes" or "no," because I have forgotten what your answer was.

Is it your testimony under oath that advertisements of the CSU appeared in the People's World?

Mr. MULKEY. No. It was not meant to be that.

Mr. McCANN. Were you in Hollywood at the time such advertisements appeared, assuming they did appear?

Mr. MULKEY. No, the first one was brought to me in the San Francisco Central Labor Council, but they came to me in a number of different places. I was attending a meeting of the telephone workers in San Jose when one of the telephone operators brought one of them

up to me and showed it to me. They said it had been shown around the office that day.

Mr. BODLE. Mr. Chairman, may I raise this point?

Mr. LANDIS. No. You may testify later.

Mr. MULKEY. To clear the record, I want to be sure of this: The money I am talking about was an advertisement for a money-raising drive with a list of names down the side and quite a number of them being associated with the CSU. The business manager of local 40 had his name there.

Mr. OWENS. But you have not stated what paper that appeared in.

Mr. MULKEY. It was the People's World.

Mr. OWENS. But you said you did not see them.

Mr. MULKEY. Oh, yes, I saw them in the paper. The paper was shown to me many times.

Mr. McCANN. Mr. Levy presents a photostatic page showing the document referred to. I will ask the witness, with your permission, if this is a true copy of what he refers to?

Mr. MULKEY. This is a copy, referring to the \$125,000 annual drive.

Mr. McCANN. I notice this page of the Daily People's World is an advertisement signed by Al Richmond, executive editor. Was Al Richmond the executive editor of the People's World?

Mr. MULKEY. I am not sure whether he was or not, Mr. McCann. That could be ascertained. I always thought he was.

Mr. McCANN. I am going to ask you to look at this page that has already been received in evidence, as I understand it, as a reference exhibit, and ask you whether or not you find that the CSU is made a sponsor of that drive?

Mr. MULKEY. I am sure that they are not, Mr. McCann, but there are quite a number of people in the CSU and it went into the CSU file. This particular advertisement went in there.

In my reference to it as coming from there, it was only from the explanation that Tindall gave me to justify his name being on it. He stated the CSU was up against it: those fellows had helped them out when things were tough and he said, "You know how it is, we have to more or less go along over there. I didn't like it any better than you did." That is the way he wound it up.

Mr. McCANN. As a matter of fact, that is an explanation for the appearance of Mr. Tindall's name, but not any affirmation on your part that it was paid for by the CSU or that it was an advertisement by the CSU?

Mr. MULKEY. No. I am sure it was not an advertisement by the CSU. It was only listing the sponsors of this drive.

Mr. McCANN. Now I will return to the questions. Those I have just asked were based upon this communication and are my own.

Now I return to Mr. Bodle's questions:

Is Roy Tindall a business agent of one of your IBEW locals in Hollywood?

Mr. MULKEY. No; definitely not.

Mr. McCANN. Was not Roy Tindall—

Mr. MULKEY. Excuse me just a minute. I am a little fuzzy, I guess; I got the names confused. Yes, Roy Tindall is business manager of local 45, of the radio technicians.

Mr. McCANN. Of the IBEW?

Mr. MULKEY. Yes, of the IBEW.

Mr. McCANN. Was not Roy Tindall business agent of local 40 until January, 1947?

Mr. MULKEY. Yes; that is correct.

Mr. McCANN. Was not local 40 affiliated with the CSU?

Mr. MULKEY. Yes; that is correct.

Mr. McCANN. Was he not a delegate and member of the strategy committee of the CSU until the withdrawal of the IBEW from the CSU in January, 1947?

Mr. MULKEY. I would not have any personal knowledge of that. I know he was on the strategy committee at one time. Whether or not he was up until 1947 I do not know.

I want to make this statement: That the local union affiliated with the CSU—there was no way the international could affiliate or not affiliate. They had local autonomy of the local to affiliate.

Mr. McCANN. That has been testified time and again.

You testified that at the outset of the 1945 strike the Communist members, press and so forth, bitterly attacked the leadership of the strike. You mentioned that Hutcheson and the president of your organization were attacked for participation in that strike. Since Sorrell was the reputed leader of the strike did you not hear and read attacks on him by the same press?

Mr. MULKEY. I don't recall reading that, but it could very well have occurred. I was more interested in the general situation of what the Communists were going to try next and how the party line was going to change.

Mr. McCANN. You can answer that you do not know, if you do not know.

Mr. MULKEY. No; I don't know.

Mr. McCANN. It is true, is it not, as you have testified, that the Communist Party line in March, 1945, at the time when the '45 strike started, was opposed to strikes?

Mr. MULKEY. I could not answer that yes or no, because there was a lot of confusion in the party line at that time as to just where they were going. It had just started at about that time to change.

Mr. McCANN. Now, Mr. Chairman, I am returning to a question of my own based upon your previous question.

You stated a while ago in your testimony in response to a question by Chairman Kearns that you were familiar with the party line in 1940.

Mr. MULKEY. I was familiar with the party line in 1940.

Mr. McCANN. And that you were familiar with the party line then after Pearl Harbor "The Yanks are not coming?"

Mr. MULKEY. That is correct, before Pearl Harbor.

Mr. McCANN. When did you cease to be familiar with the party line?

Mr. MULKEY. I believe I was fairly familiar with it but there was considerable confusion among them themselves at that time. I believe the Communists in Hollywood or on the coast very definitely figured they were following the party line, and I believe that they were, but I am not definite, I am not positive.

Mr. McCANN. Wasn't the party line opposed to any strike during the war?



Mr. MULKEY. Yes.

Mr. McCANN. All right, that answers the question.

Mr. MULKEY. Up until just about that time during the war. There was some change in the party line. I just want the record to be straight.

Mr. McCANN. Returning to the questions of Mr. Bodle:

It is true, is it not, that each of the locals affiliated with the CSU by vote of its membership voted to participate in the July strike, 1946?

Mr. MULKEY. That I don't know.

Mr. McCANN. How long did the strike last?

Mr. MULKEY. Two days.

Mr. McCANN. Is it not true that the unions obtained a 25 percent wage increase?

Mr. MULKEY. That is correct.

Mr. McCANN. Is it not true that the threat of strike was publicly served on the producers 4 months prior to the strike?

Mr. MULKEY. I wouldn't know that. There were so many threats and rethreats I would not know about that.

Mr. McCANN. Is it not true that the newspapers had published stories on the threatened strike for a period of 4 months prior to the strike?

Mr. MULKEY. No; I would not know that. I did not see any item in the papers of a threatened strike.

Mr. McCANN. It is true, is it not, that anyone who saw such stories could have repeated them?

Mr. MULKEY. Oh, yes, surely.

Mr. McCANN. Is it not true that the last wage increase granted conference unions had been in 1944?

Mr. MULKEY. Yes; that is correct. There may have been one of them but I don't believe any of them had any increase after 1944.

Mr. McCANN. Is it not true that local 40, IBEW, participated in the strike?

Mr. MULKEY. I think I could answer that yes, because I think it participates in all of them.

Mr. McCANN. Is it not true that local 40, by vote of its membership, supported the strike?

Mr. MULKEY. I have so testified.

Mr. McCANN. It is true, is it not, that the Hawaiian newspapers carried news stories from the mainland?

Mr. MULKEY. Certainly they carried news stories from the mainland, but I want to say this, as far as the question of there being a strike in Hollywood is concerned, it may have been carried in the newspapers, but I do not recall it.

Mr. McCANN. Well, if you do not recall it, that is the answer.

Mr. MULKEY. Yes, but I want to be sure this is straight. The information I had there was the first information I had received and it was stated by people who had just come back from the Pacific coast, where they had attended a meeting of the longshoremen.

Mr. McCANN. Are you opposed to the use of economic forces by unions to obtain their wage demands?

Mr. MULKEY. I certainly am not. My record will speak for itself.

Mr. OWENS. Is that force or forces?

Mr. McCANN. Well, he says "forces," sir. I am trying to read the English as it is given to me.

Is it your testimony that local 40, IBEW, was Communist-dominated in 1946?

Mr. MULKEY. No; that is not my testimony.

Mr. LANDIS. Could we have that question again, please?

Mr. McCANN. Is it your testimony that local 40, IBEW, was Communist-dominated in 1946?

Mr. MULKEY. No; it was not my testimony.

Mr. McCANN. May I ask a question there, sir?

Mr. KEARNS. Proceed.

Mr. McCANN. Was it Communist-dominated in 1946?

Mr. MULKEY. No.

Mr. McCANN. That was my question. Returning to Mr. Bodle's questions:

Did local 40, IBEW, affiliate with the CSU while Roy Tindall was business agent?

Mr. MULKEY. I believe that they affiliated while Al Speed—I am sure they affiliated while Al Speed was business manager.

Mr. McCANN. It is true, is it not, that Roy Tindall supported such affiliation by local 40?

Mr. MULKEY. I would not know because he was only a member.

Mr. McCANN. That answers the question.

You have testified, have you not, that Roy Tindall is not a Communist?

Mr. MULKEY. To my knowledge he is not a Communist. I have been fooled before, of course, but I do not believe he is a Communist.

Mr. McCANN. It is true, is it not, that the clarification was issued by the three-man A. F. of L. committee?

Mr. MULKEY. The testimony here would be better than any testimony I could give.

Mr. McCANN. You testified that in the opinion of Roy Tindall the clarification would cause trouble.

Mr. MULKEY. Well, to say yes would not give the whole answer. Roy Tindall said there had been constant agitation since Joe Keenan had left California, and that this was the thing that was going to touch it off.

Mr. McCANN. Since the clarification, according to your testimony, was a major cause of trouble and since the clarification was the work of three vice presidents of the A. F. of L. is it your testimony that they are Communists?

Mr. MULKEY. Ridiculous; certainly not.

Mr. McCANN. Inasmuch as the refusal of the carpenters to work on "hot" sets was a factor in the mass discharge of September 23, 1946, is it your testimony that the carpenters' local was or is Communist-dominated?

Mr. MULKEY. There was no testimony, so far as I am concerned, about the carpenters local at all. I have no personal knowledge of the carpenters local as to whether they are Communist-dominated or not; so I could not answer.

Mr. KEARNS. Mr. Counsel, the question has been raised by other counsel to be careful of the use of the term "lockout."

Mr. McCANN. Mr. Chairman, if the question written and submitted by counsel to me has that word, should I not use it?

Mr. KEARNS. Well, but don't you use it until there is further proof.

Mr. McCANN. Well, Mr. Chairman, if using the terms "strike" and "lockout," which I have used together—

Mr. KEARNS. If counsel sends it in, don't use the term at all. I am just saying what we will do.

Mr. McCANN. I just want to find out how we were to do it, Mr. Chairman.

Mr. KEARNS. We will not refer to it as a lock-out.

Mr. McCANN. I may run into problems, but I will do my best.

Mr. KEARNS. All right.

Mr. McCANN. These questions are questions by Mr. Levy:

The clarification as issued was the result of agitation at the local level, wasn't it?

Mr. MULKEY. It has been so testified here, and from my examination, I agree that it was. It was at the local level that the agitation began for a clarification.

Mr. McCANN. And then the top leaders of the A. F. of L. Executive Council took up the matter?

Mr. MULKEY. That is correct.

Mr. McCANN. Did local 40 of IBEW inform the IATSE in March 1946 that it was asking one Felix H. Knight for a so-called verification on jurisdiction covered by the December 26, 1945, award?

Mr. MULKEY. No. There were no communications exchanged between the two locals on the question that I have seen. That question was raised to me one time.

I might state it a different way. It was stated to me they had both jointly asked. I investigated and found out there was no record at all of the IA petitioning for a clarification in any way. It was strictly our request for a clarification.

Mr. McCANN. Isn't it a fact that no word or notice or hearing whatsoever was given the IATSE on this matter between December 26, 1945, and March 13, 1946?

Mr. LEVY. That last date was the date of the letter.

Mr. LANDIS. Read the next one and then come back to that.

Mr. LEVY. The last date, March 13, 1946, is the date of the letter, a copy of which Mr. McCann showed this witness as having been received.

Mr. McCANN. This is off the record.

(Discussion off the record.)

Mr. MULKEY. There was no formal communication and I know of no contact made. There is no record of any contact made with the IA.

Mr. McCANN. The next question by Mr. Levy:

Did the Communists support and influence the 1945 strike at any time up to October 1945, after the war ended?

Mr. MULKEY. I have no personal knowledge and I believe my testimony was complete on the fact that the line had changed sometime in the late summer.

Mr. McCANN. If you have no personal knowledge you have answered the question.

Did the Communists support and influence the September 1946 strike?

Mr. MULKEY. I personally believe they had a great deal of influence on it and the concern of Tindall in our organization becoming in-

volved. I gathered from his conversation that was one of the things he was more afraid of than anything else that, as he called it, "These babies are really working down here."

Of course a lot of this discussion was had with people who were very familiar with the situation, such as Barney Mays, Pat Somerset, and several of the members of local 40.

Mr. McCANN. Barney Mays was a former member of the party?

Mr. MULKEY. I stated I did not know that he was a former member of the party but he was—

Mr. McCANN. A Troskyite you called him?

Mr. MULKEY. He was active and the legislative committee stated he had been a Troskyite.

Mr. McCANN. When you refer to the other man is there any identification as to his being a Communist?

Mr. MULKEY. Pat Somerset, no, definitely not, but Pat was familiar with the situation there. We had quite a long talk with him at one time at his apartment. Barney expounded at great length on the situation, the infiltration and the agitation that was going on there.

Afterward when I met him in San Francisco he stated, "Now, if that outfit up there in the Central Tower gets mixed up in this one they will probably never get back into the studios. So if you are going to do something you better do it now."

Mr. McCANN. Now, your answer in response to this question is that from the information given to you by the two persons you have named you believe that it was true?

Mr. MULKEY. Yes. There was another man who came to the San Francisco office from local 40 and spent all afternoon with me. I cannot recall his name. I know the fellow when I see him, but I do not know whether I would recognize his name or not.

He spent all afternoon in the office and that was his theory. I am not so sure but what he remained in the studio. I think he did; he did not support the strike for that reason.

Mr. McCANN. Mr. Chairman, that exhausts the questions that have been submitted.

Mr. OWENS. One question, Mr. Chairman.

You were in a far better position to know what the situation was than the men who were not even at the scene, were you not?

Mr. MULKEY. I believe I was, because I became interested in it from that angle and from that angle only, the Communist infiltration and agitation there.

Mr. OWENS. But I mean you were in a position to know. Certainly you did not have to get information or belief from somebody else when you were in a better position to know than they.

Mr. MULKEY. Oh, no, I was not in a better position. Sometimes it takes many heads to chase down all the angles. If a man were on the scene all the time he would still have to have some help from other people in order to tie the ends together so that they would make sense.

Mr. OWENS. But you, like I should be able to tell someone from my own profession what they would be able to do, you with your background were able to tell who were Communists and who were not, were you able to do that?

Mr. MULKEY. I did not have contact with the individuals to that extent to know them all. As a matter of fact, it was limited.

Most of them came to me because I happened to be in the territory or happened to be in the San Francisco office when they came in.

Mr. OWENS. Can you name one Communist functioning in the Hollywood set-up of your labor organizations?

Mr. MULKEY. Again, Mr. Owens, I certainly do not want to evade your question. I will name one, but I do not want to be held responsible for proving it in a court of law, but I will name Elmar Bergman.

Mr. OWENS. Who is he associated with?

Mr. MULKEY. He is a member of local 40.

Mr. OWENS. Of the IBEW?

Mr. MULKEY. Yes.

Mr. OWENS. Was he active in any way in the difficulties that took place out there?

Mr. MULKEY. Yes, but a very smooth operator.

Mr. OWENS. You mean difficult to catch and tie to a thing?

Mr. MULKEY. He knows who I am and he does not expose himself in any way to me.

Mr. KEARNS. Will he be expelled then from your union?

Mr. MULKEY. I might have to be the judge on that, Mr. Chairman. I might have to hear it.

Mr. KEARNS. But you will not tolerate Communists in the group?

Mr. MULKEY. We will not tolerate any known Communists in the group.

Mr. McCANN. One question by Mr. Cobb.

Mr. KEARNS. Proceed.

Mr. McCANN. This is the only question asked by Mr. Cobb:

Am I correct in understanding that you do not accuse any carpenter of being a Communist?

Mr. MULKEY. I do not accuse any carpenter of being a Communist.

Mr. McCANN. That answers the question.

Mr. MULKEY. Wait just a minute, but I am not saying there isn't any carpenter in the Hollywood local. I have worked with carpenters who are Communists, and I think you will find them any place else. I have worked with doctors who are Communists, manufacturers, lawyers and quite a number of them.

Mr. LANDIS. If it is possible to get it for the record I would like to have the name of that Harvard graduate.

Mr. MULKEY. I will get that. It will probably take a letter to Seattle to get the name.

Mr. KEARNS. Mr. Landis is personally interested in that.

Mr. LANDIS. I would like to have that for the record.

Mr. McCANN. Mr. Chairman, I have called upon the National Labor Relations Board to produce the record as to whether Mr. Mulkey testified before them with respect to his Communist activities. They inform me that the record is now in the Archives. I wonder if the Chair would request Mr. Mulkey to keep himself available until there is an opportunity to check that record?

Mr. KEARNS. Were you planning to leave town?

Mr. MULKEY. I certainly was planning on leaving. I cannot understand why there is so much importance attached to that. The only reason I stated I may have was that there was considerable discussion and barbs thrown, that's all they were. It is just possible it may have been in that record and I did not want to be mistaken here.

Mr. KEARNS. Mr. Counsel, I think inasmuch as we have the testimony we can refer to that.

Mr. McCANN. Mr. Chairman, I am very averse, as you may have ascertained, to read any document or record without affording a person an opportunity, if there should be anything in there that is contrary to his testimony offered today, to have that testimony referred to unless he is present to testify in respect to it.

Mr. MULKEY. It would not be contrary, I know. There would be no statement there that I had never been a Communist or anything of that nature.

Mr. KEARNS. You are willing to wait until any such material as we want to introduce in this record is present? It is not necessary for you to be present to have that introduced in the record?

Mr. MULKEY. No, not at all.

Mr. McCANN. I am asked to read these questions again. This is the only question asked by Mr. Cobb.

Mr. KEARNS. He just asked one a moment ago.

Mr. McCANN. He has asked me to reproduce it in connection with the next question, so I am doing so.

Mr. KEARNS. All right, proceed.

Mr. McCANN. This is the only question asked by Mr. Cobb:

Am I correct in understanding that you do not accuse any carpenter of being a Communist, I mean any carpenter in Hollywood or in connection with the motion picture industry?

Mr. MULKEY. That is correct.

Mr. McCANN. That is all.

Mr. KEARNS. Mr. Mulkey, in behalf of the committee I want to thank you for your testimony. Personally I want to say for the record I think you have made a great contribution to the youth of America in that testimony given by you where you felt that following the so-called party ideals at the age of 23, you showed clearly and definitely in your testimony that over that long period of ten years you broke away from the party because it did not after all have the philosophy which you thought was good for America.

I think probably the statement you have made here today will certainly save many other people from taking that long step.

Mr. MULKEY. Thank you, Mr. Chairman.

Mr. KEARNS. Eight years, I believe that was.

Mr. LEVY. May I ask that Mr. Walsh take the stand?

Mr. KEARNS. Mr. Walsh will take the stand.

#### TESTIMONY OF RICHARD F. WALSH, PRESIDENT, IATSE—Recalled

Mr. KEARNS. Mr. Walsh, Mr. Landis wants you to testify in respect to questions asked Mr. Mulkey pertaining to what IA members do now that was formerly work of the electricians.

Mr. WALSH. I requested your permission to get on the stand after Mr. Mulkey because of the agreement mainly that had been drawn up there and the uncanny way counsel has of confusing in my mind something that you do which is right. He seems to pick on everything you try to do that is right and I just wanted to get up here and explain what we think about the agreement that was drawn up between the electrical workers and ourselves.

I was wondering why counsel wasted your time in taking it up here. I could not understand it.

Mr. KEARNS. We would be glad to hear that.

Mr. WALSH. This agreement drawn up between the IATSE local soundmen out there and local 40 of the IBEW, is an agreement which settles a dispute that has been going on between our organizations since 1933. If it was the cause of the 1933 strike.

The local union through its representative out there sat down with the representatives of local 40 of IBEW and they drew up this agreement as to who should work on what in the sound department.

After the officials of the organizations has drawn up the agreement they took it to the membership of the Organization and read it to them. The membership of the organization agreed that that was a workable agreement.

After that had been done it had been taken up with the international representatives out there, Brother Brewer and Brother Mulkey of the IBEW and Brother Brewer of the IATSE. They signed it and agreed to it.

After that was done it was brought to the international president, Brother Tracy, of the IBEW, and myself of the IATSE. We approved it.

Now I understand that is the method of procedure Congress would like to have us carry out, to have it done at the local level and then approved by the officials.

Mr. KEARNS. Local arbitration, if you want to call it that.

Mr. WALSH. It was not arbitration, it was an agreement.

Now I got the impression from counsel this morning that we were doing something wrong, that he was kind of peeved about it. If that impression is going to be left to stand here that that is wrong, regardless of which side loses jurisdiction, whether I lose membership or the other side loses membership, if that is going to be left to stand I don't know how I am going to be able to settle with the painters and carpenters if I ever get them to sit down.

Mr. Chairman. I thought counsel's remarks have been not settled and I know he has brought people into his office and has tried to take out of them the fact that the IATSE is stealing this and stealing that. I am a little peeved at counsel and I want you to know it.

Mr. OWENS. The committee is the one that has to decide this. I made a statement, and I believe it was agreed upon by the other members, that it appeared like a very good method of settling matters.

Mr. WALSH. I hope that counsel will let that sink in.

Mr. KEARNS. I personally feel, Mr. Walsh—naturally you know my stand—that I don't think anyone has tried harder than I have to try to get you together. When you gentlemen can sit down to a table and bargain and decide this, that, and the other thing, that is the very thing I want to see done within the American Federation of Labor.

Mr. WALSH. I have no doubt that is the opinion of the committee and your opinion as chairman. I will not be so much afraid to sit down and make an agreement along those lines, because I was a little confused this morning as to what that agreement was doing in here.

Mr. KEARNS. You will recall out in Los Angeles on October 21, where I even sent you and Maurice Hutcheson up to another room to

sit down and get together and talk. You evidently did not get very far, but yet that was the very thing you did with the electricians.

Mr. WALSH. That is right.

Mr. KEARNS. I think that clears the record pretty well so far as the committee is concerned.

Mr. WALSH. And I hope as far as counsel is concerned.

Mr. LANDIS. The point I thought he was trying to bring out was that the electrical workers were losing some work by the agreement. Of course, whether that had any bearing on the case or not, I don't know.

Mr. WALSH. That is what I was wondering about, what difference would it make whether the electrical workers lost it or we lost it.

Mr. LANDIS. Just as long as there was agreement between the two, probably somebody had to lose.

Mr. WALSH. Certainly, but some people might get the impression we should not do that again.

Mr. KEARNS. It was true in this agreement you signed, some of the work you had been doing it was agreed you should continue to do, and they got other work they probably had not had before, and so forth.

Mr. WALSH. Mr. Mulkey explained it very well. The main thing we sold to ourselves was the fact that in this sound department the high paid jobs were controlled by the IATSE. That was jurisdiction that we had. The lower paid jobs where the people belonged to the IBEW, that came under their jurisdiction.

These men were qualified to go up the ladder, and some day they might get on one of these higher paid jobs if they belonged to the IATSE. The agreement was made for that reason.

Mr. KEARNS. Mr. Counsel, there is one thing I think you should bear in mind. Mr. Walsh gave testimony here that he would like to have every job in the studio and did not make any bones about it, is that correct?

Mr. WALSH. Of course I didn't make any bones about it but everybody does not agree with me. That is the trouble I have with it.

Mr. LANDIS. Isn't the expansion of some unions due to the progress in industry?

Mr. WALSH. There are many causes out there, Congressman. Originally the IATSE had all the jobs in the studios when we started out but they were small studios and as the industry grew and new methods grew, new trades came in there.

At the present time we have a slight dispute out there over plastics. Plastics are something new. Things that we used to make out of plaster we are now making out of plastic. Things we used to make out of metal we are now making out of plastic and covering with metal, so that will cause a little dispute between us, but we expect to iron it out among ourselves.

We can do it if people will leave us alone and not agitate the thing too much.

I have been here for quite a time, Congressman. There is an executive board meeting called by law in our IATSE which starts Monday morning. I have to be there to preside over that. I did want to have our counsel there. Now I understand you are going to meet next week, is that correct?



Mr. KEARNS. That is correct.

Mr. WALSH. I would like to be excused to go there.

Mr. KEARNS. We can excuse you and if Mr. Levy can finish up the material he wants to present for the record this afternoon—

Mr. LEVY. I would like Mr. Walsh to continue on two phases of that matter before he leaves, then I will talk to you about my testimony in a moment.

Mr. Walsh, I know, went to Mexico in view of the Toledano situation and also went abroad, and I think he went to London. Before Mr. Walsh gets away—and I am talking about my own client—I would like to have his testimony in the record on that.

Mr. KEARNS. We would be very glad to have his testimony at this time.

Mr. WALSH. After Toledano had been to Hollywood and had threatened to take certain action in Mexico as to motion pictures down there and said he was going to give support to whatever friends he had in Mexico, I flew down to Mexico City to see if it was right, to see if there was any connection between Toledano's forces in Mexico City and the Hollywood studio situation.

Mr. KEARNS. He was a known Communist there?

Mr. WALSH. Toledano is a known Communist; yes. I was interested in it to find out whether his speech before this meeting in Hollywood meant anything or not, and to convince myself as to whether the Communists had anything to do with it.

I was much surprised when I arrived in Mexico City, because I found out he had already contacted his forces in Mexico City and had talked to them.

I found they were trying to close all the theaters in Mexico for 1 day as a token strike to support their comrades in Hollywood.

But I did find there was a fight in the labor movement in Mexico. They have troubles down there, too.

I found that in the motion-picture studios down there there was a man by the name of Gabriel Figoroa. After I met Gabriel Figoroa I found out who he was and what he was. He admitted to me that he was a Communist and he didn't care whether anybody knew it or not, and that his friend Toledano was also a Communist; that he had contacted him from Hollywood and asked him not to let his laboratory technicians in Mexico City develop any film that may be sent down from Hollywood; that he was going to support Toledano and his comrades in Hollywood. That he told me. There was no hearsay about it.

He wanted me to understand that he was going to give his support, and nothing was going to be done in those studios that he could stop. I found out he had great strength there and could stop them.

I found out there had been a split in the theatrical unions down there: the motion-picture employees and the operators in the theatres had the same type of employees that we have in the United States. They control the studio workers as well as the motion-picture operators and theatrical stage employees, but that this group of Gabriel Figoroa's had withdrew from there.

As the explanation was given to me, they took the studios over one day with machine guns and rifles. They chased everybody out that belonged to Carillo's organization. That would be the IATSE of the United States.

So I contacted Carillo and talked to him about the 1-day stoppage in the theaters. He told me they had had a falling out with Toledano, and that they were then squabbling with Toledano, so there would be no 1-day stoppage; that he had been contacted by Toledano and asked to support the comrades in Hollywood, but he had refused to do it.

I found out the situation, as far as the Communists were concerned, spread to Mexico City, and I was firmly convinced of it.

When I went to London to contact the studio workers over there, I found there were two groups of studio workers in London, one that belonged to an organization similar to the IATSE, and another that belonged to an organization which might be termed something like the Conference of Studio Unions.

I found the one that was likened to the Conference of Studio Unions was supporting their friends in Hollywood, the same as I found the ones in Mexico City supporting their friends in Hollywood, but the other group which was like the IATSE was against it.

When I asked questions about their political affiliations, I found that in Europe they were very closely associated with the Communist movement, if I might say that, and that they were going to support their friends in Hollywood just the same way.

Now, I heard today that that was the situation around Hawaii also, so it looks to me like it was an international affair.

Mr. KEARNS. You notice what they did in Czechoslovakia today, took over the theaters, the schools, all the manufacturing plants, and everything.

Mr. WALSH. This group had a meeting in Prague after I left there, and the minutes of this meeting convinced me of their political affiliations. I have those minutes.

So as the president of the IATSE I am firmly convinced that the Communist situation does prevail, so far as this Hollywood situation is concerned.

I believe with what evidence Judge Levy can present, and the evidence Roy Brewer can present, I do not believe there will be any doubt but that there is something to it.

Mr. KEARNS. Mr. Walsh, you personally do not want to make any statement as to the status of Mr. Herbert K. Sorrell?

Mr. WALSH. The only thing I could say about Herbert K. Sorrell is, if he is not a Communist he will do until one comes along.

Mr. KEARNS. Mr. Landis, do you have any questions?

Mr. LANDIS. That would be the same thing as a fellow traveler?

Mr. WALSH. Well, I would imagine so.

Mr. KEARNS. Mr. OWENS.

Mr. OWENS. My only remark is that there is a great deal of difference between Communists being about and taking advantage of troubles being fomented by labor organizations such as the A. F. of L., and trouble which is fomented by them in the first instance, in other words, Communist-inspired strikes like we had at the Allis-Chalmers plant where it was clearly shown. It makes a world of difference.

I thought that was what you were going to try to prove here.

Evidently you have given up your thought that you want to show that.

Mr. WALSH. I am not going to offer that proof, because I have not been close enough to it to offer that proof. But I think the proof that

will be offered through Mr. Levy and Mr. Brewer will at least show the reason why we think it was done.

All the proof will not be in here. It is going to take a while yet for all the proof to come out. No more than all the proof is in these United States about what the Communists are doing. I do not think any Government agency yet can give all the proof as to what is happening in this country.

I just saw a headline there that they caught 12 of them trying to destroy records in the Army. I don't think anybody can give all the proof today.

MR. LANDIS. It is your purpose not to attack any Communist, so far as that goes, but to show the part the Communists had in this jurisdictional dispute?

MR. WALSH. It is my firm belief that the Communists took a big part in the Hollywood studio trouble, and I think they took a big part in creating it originally.

I think the Communists would like to get control of the motion-picture industry in Hollywood. I think that is shown throughout the world.

If anybody knows Russia's procedure today, Russia has absolute control of the motion-picture industry in its country and any film that comes out of there will prove why they want the Hollywood film industry. I believe that will prove itself in the future.

MR. KEARNS. Mr. Walsh, I see no reason why you should be detained any longer. Of course, you are welcome to come back any time we have these hearings going on.

I want to reiterate again that I certainly do appreciate the cooperation you have given me personally, because you have spent a good deal of time. I asked you to appear, and you have appeared and have given testimony. I personally appreciate your cooperation.

MR. WALSH. Thank you.

I will leave the judge and Mr. Brewer here to see that our side of the story is covered, so far as we are concerned. If it becomes necessary for me to come back, I will do that.

MR. KEARNS. If I have any trouble with the judge I will send for you.

MR. WALSH. Just wire me.

MR. LEVY. That won't do too much good.

May I address a word to the committee off the record?

MR. KEARNS. Off the record.

(Discussion off the record.)

MR. KEARNS. I would like to call Mr. Hinst to the stand.

#### TESTIMONY OF PAUL HINST, MEMBER, LOCAL 946, BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

(The witness was duly sworn.)

MR. KEARNS. Mr. Hinst, I want it understood for the record, was not subpoenaed here as a witness. He and his wife drove across the continent to be here and to hear these proceedings.

For the benefit of Mr. Landis, Mr. Owens, and the other members of the committee, I want to hear how Mr. Hinst, after a long tenure of service in the motion picture industry, was a victim of the so-called

mass lay-off on September 23. I think his story is quite interesting and I thought it would be interesting for the committee to hear. You may be as brief as you would like to be about it, Mr. Hinst.

Will you identify the witness for the record?

Mr. HINST. My name is Paul Hinst. My residence is 3342 Cainfield Avenue, Los Angeles 34, Calif. My phone number is Vermont 8-7509.

Mr. McCANN. How long have you been employed in the studios prior to 1946?

Mr. HINST. I was first employed in the studios and continuously since August 4, 1925.

Mr. McCANN. You mean you were permanently employed from August 4, 1925, until the time of the strike, starting in 1945, and then the other strike in 1946?

Mr. HINST. I mean I was continuously employed. Permanently establishes too long a time.

Mr. McCANN. What organization were you working for?

Mr. HINST. I am a member of the Brotherhood of Carpenters and Joiners of America, Studio Local No. 946.

Mr. McCANN. By whom were you employed in the studios?

Mr. HINST. I was employed by the Metro-Goldwyn-Mayer studios.

Mr. McCANN. Will you proceed now and make your statement?

Mr. HINST. I believe in order to develop my statement I should preface it with the fact that due to the type of my work I did not absolutely follow the normal procedure in the studios in this way, in that the ordinary shift went to work at 6 o'clock in the morning. I did not go to work until 8 o'clock in the morning.

On the morning of September 23, 1946, I called for work and went to my place of employment, which was not in the carpenter shop. I was working in what is known as the Thalberg Building, which is the administration building of the studio.

At about 8:30 I received a telephone call to appear down at the carpenter shop. I got on my little bicycle, as it is quite a ways, and drove down there. Upon entering the door I saw one of the men known as a lay-out man or the gang boss talking with the personnel director of the studio, Mr. Bill Walsh.

I went over and asked him why I had been called down there. The lay-out man or gang boss told me, "Well, this is it."

I said, "What do you mean, this is it?" Mr. Walsh said, "Well, you are to get your money and leave."

Mr. LANDIS. What time of day was that?

Mr. HINST. This was about 25 minutes to 9. I had been at the studio approximately 35 minutes.

I asked Mr. Walsh if I was being discharged, and he said, "No; we are merely asking you to leave the premises." I said, "Well, it seems quite strange to me when a man is taken away in the middle of his shift, paid up to the minute with his final check—from my understanding that has always been a discharge. I feel I am being discharged." "Well," he said, "that isn't the case, we are merely asking you to leave."

I gave that a little thought and apparently a solution came to me why that was. So I inquired of Mr. Walsh. I said, "Well, I see what it means, if you are not discharging me I will not be able to draw my unemployment compensation."

And he said, "That is exactly what I mean."

So I said, "Well, what do I do next?"

He said, "The shop steward is over there taking the names of the employees that are leaving." He said, "You go over and give them your name then you can go in the office and get your compensation."

The I brought up the fact that I thought it was a little unjust, that I should have a little more time, because I had tools scattered all over the administration building and I felt I should have time to collect them.

Mr. WALSH said, "That is not necessary, you don't need to take your tools."

I said, "Why shouldn't I take them if I am being discharged?"

He said, "Oh, you'll be back in a few days and you can use them."

I said, "Well, I think I would rather take them, because knowing the type of people that is going to be brought in here when I leave I don't want to trust them to their tender mercies. Apparently I will have to do it on my own time."

So I signed my name with the shop steward and I was paid for exactly 45 minutes that morning.

They had a chart with all the time on it, and at exactly a quarter to nine I was paid off.

Mr. KEARNS. Was the check already made out?

Mr. HINST. The check for the previous week was made out. Ordinarily I would not get that check until Thursday, but this Monday morning they gave us those checks. It was already made out and for the 45 minutes I was paid in cash.

Mr. McCANN. Would you mind telling the committee what your regular work was in the studios?

Mr. HINST. I was a maintenance carpenter. I was in charge of the maintenance work for the administration building. There was an electrician, a painter, and of course the janitors and so forth there. I did all the repair work in the building.

I took care of the offices, the physical properties, the desks and so forth.

Mr. LANDIS. Did you ever work on one of the sets?

Mr. HINST. I did not work on a set after 1936. I might say there was testimony given here last week that in this particular studio, Paramount, I believe, that the maintenance men and the set men were considered the same.

But in the studio where I work by common practice that was not true.

At one time we were in the construction department. Around 1937 or 1938, we were taken from the construction department and put into the engineering department on a separate pay roll. We worked separately and had no connection with sets.

It was customary when there was overtime on the sets that they would divide that time among the men and never any time were we called to do any work on those sets and were not permitted to take it, so we were considered a thing apart.

The strange thing was that after we came back in 1945, and had been back to work about 2 months, for some strange reason we were suddenly thrown back into the construction department. That was not the wish of the construction department, because the superintendent had told me many times that he had a hard time accounting

for us because we did not do any work that added to the prestige of the construction department, and were just an expense to them. He was glad when we were taken away because it took us off his expense account and he was sorry when we came back. Why we were suddenly removed right after the 1945 strike, I do not know.

Mr. LANDIS. Have you received any unemployment compensation?

Mr. HINST. I have not, sir.

Mr. LANDIS. How long have you been out?

Mr. HINST. Since September 23, 1946. I applied for my compensation the same day.

Mr. OWENS. You say you applied for compensation and have not received any?

Mr. HINST. That is right.

Mr. OWENS. Why?

Mr. HINST. They refused to pay it. I appealed—I was granted a hearing on the appeal. I stated my case. The referee ruled it was a trade dispute and that I had no money coming. I tried to convince him of the fact that it was no part of mine, that I was put out; I had not quit; but he said they had letters in there from the studio saying I had left, that they were bound by those.

Since then, I still have an appeal pending before the final board, but that I have not heard from.

Mr. OWENS. I am not going into that case because you are a borderline situation.

Mr. HINST. That is true.

Mr. OWENS. But you did refuse to work that particular day?

Mr. HINST. No, sir.

Mr. OWENS. You say you were willing to work? You did not take the step like the others did with respect to the "hot" sets?

Mr. HINST. I was not asked to work on the "hot" sets.

What I would have done if I had been asked is mere conjecture. That is a couple of years ago and there has been a lot of water under the bridge, so I could not say.

The fact is I was not asked, I was merely told to leave the property.

Mr. OWENS. You mean to say the evidence in your case out there shows that at no time did you refuse to work, still you were paid off and you did not get unemployment compensation?

Mr. HINST. That is the evidence; I was never asked to work on a "hot" set.

In fact, it was developed later that the unemployment board took the position that the mere fact of membership in local 946 would bar you from compensation. That has been proven several times.

All of our members in 1946 did not work in the studios. We had around 2,000 or 1,500. Twelve to fifteen hundred were in other studios and the others did not.

Those who were working other places were laid off and they likewise were refused because they had membership in 946. The supposition was that they were mixed up in this deal.

Mr. KEARNS. Will the gentleman yield at that one point?

Mr. OWENS. Yes.

Mr. KEARNS. Now, he worked at Metro-Goldwyn-Mayer, which is one of the major studios. At all the independent studios that I visited, they were not involved as much as the major studios. On the sets they would have carpenters and IA men working there.

Then as I understand it, as the picture has developed in this length of time, when work has been slack they have laid the carpenters off, which is all right, because the producers had no work for them.

Now, they had been working maybe up to a week or 2 weeks ago, but as I understand the situation out there, when they went down to the board to get their compensation insurance and when they mentioned they belonged to 946, they too were unable to collect, even though they had worked months after this so-called strike, or the walk-out, or any other term you want to give it.

Mr. HINST. Of course, you are not interested in hearsay evidence, but if you are I would like to mention—

Mr. OWENS. I am interested in hearing first of all every conversation you had with anyone with respect to that particular affair before or after that particular date and on that particular date.

Mr. HINST. I would like to mention a conversation with the man who, as Mr. Kearns said, was working in one of the independents.

He was laid off. He went to get his compensation. He asked my advice in the matter. He was told that 20th Century-Fox had put in a stop order for his compensation. When he inquired why they took 20th Century-Fox's stop order, they told him that was customary.

The fact of the matter was that this man had not worked—

Mr. OWENS. Just a minute. You are getting into other conversations.

Mr. HINST. This is one which I had myself.

Mr. OWENS. I said conversations. I am talking about conversations with the people who were responsible for discharging him.

Mr. KEARNS. With the employer.

Mr. OWENS. Before we get into anything else, tell me who you talked with?

Mr. HINST. In regards to what?

Mr. OWENS. On the day of the discharge.

Mr. McCANN. Let's start at the very beginning, please. Tell who came over and got you and everything that was said between you. That is what you want, isn't it, sir?

Mr. OWENS. That is right.

Mr. HINST. Well, I was called on the telephone to come down to the shop and I did. As I said, when I went in the shop I saw Mr. Walsh, the personnel manager of the studio. Not Mr. Richard Walsh, but Mr. William Walsh. He told me I was to get my pay and leave.

Mr. OWENS. What did you say to him?

Mr. HINST. I said, "And I am being discharged?"

He said, "No, you are not being discharged, you are merely being asked to leave the premises." I told him my opinion was that when a man was taken off his work in the middle of a shift, was paid off, given his final pay, I felt that was a discharge. But he said, "We are not discharging you, we are merely asking you to get off the property."

Mr. OWENS. That is when you went and got your check?

Mr. HINST. That is right.

Mr. OWENS. When did you go back there again to go to work?

Mr. HINST. I never went back because they didn't ask me to come back.

Mr. OWENS. Why didn't you go back?

Mr. HINST. If you had been kicked out—

Mr. OWENS. You were not kicked out.

Mr. HINST. Would you come back on your own initiative or would you go back when they asked you to go back?

Mr. OWENS. You were not kicked out, were you?

Mr. HINST. I was asked to leave.

Mr. OWENS. You were expected to be there in a few days and leave your tools on the premises.

Mr. HINST. That was his statement.

Mr. OWENS. But if you had left your tools on the premises as he suggested, you would have gone back, would you not?

Mr. HINST. Well, that is problematical.

Mr. OWENS. But when you took your tools off the premises yourself after he suggested you leave them there, and you never went back again, how can you justify that step and not protect yourself better than that?

Mr. HINST. I can justify that very well, in my opinion.

The mere fact that he told me to get off the property—he also said, “You can leave your tools and you will be back in a few days.” led me to believe that if they wanted me back they would call me back.

It has been the custom for many, many years in this studio if they send a man home at night and tell him not to come back the next day, he does not come back until they call him back.

Mr. OWENS. But you leave your tools there. Do you go around from one night to the next morning and gather your tools up in the different places where they are located as you mentioned?

Mr. HINST. I did not, because I was not on any stated proposition. But there are men who carry their tools into the studio every day for weeks and weeks and weeks.

Mr. OWENS. I am talking about you.

Mr. HINST. Personally I leave my own there, ordinarily.

Mr. OWENS. I am afraid that one thing is what may be causing your difficulty here, because you knew at that time there was a movement on the part of the carpenters to declare those sets “hot,” didn’t you?

Mr. HINST. I did, yes.

Mr. OWENS. You knew that the men who were there from your own local were stopping work; that is, that they would not work on those particular sets that were to be “hot,” that is true, isn’t it?

Mr. HINST. I knew that was the intention up until that time, but I did not know that they had. As I say, I did not work right on the lots where the sets were.

Mr. OWENS. Had you had any meeting before that of your local where they discussed this subject?

Mr. HINST. Yes, sir.

Mr. OWENS. When?

Mr. HINST. We have a meeting every week.

Mr. OWENS. When did you have the meeting previous to this date—was it the 12th or 13th of September?

Mr. HINST. The 11th, I believe, was when Mr. Cambiano made the statement. I think we had had a meeting the Sunday before. The treasurer called a meeting. I do not remember what day the 11th was on, but I think it was on Thursday, or something like that.

Mr. OWENS. This day you were let out was on a Monday?

Mr. HINST. Yes, sir.

Mr. OWENS. When did you have the meeting before that?

Mr. HINST. The Wednesday before.



Mr. OWENS. And what did you decide at that meeting?

Mr. HINST. That was a general business meeting which we have every week. I mean, our membership is kept well informed. The progress of the ultimatum was reported to us and so forth, but there was no decision made outside of the fact that we were not going to work on the "hot" sets.

Mr. OWENS. Who made that decision?

Mr. HINST. That was a decision of the membership.

Mr. OWENS. They had a vote at that point?

Mr. HINST. That is right.

Mr. OWENS. And all members of the local participated in that situation?

Mr. HINST. Well, technically, yes.

Mr. OWENS. Did you record it in the minutes?

Mr. HINST. Oh, yes, sir; that is all recorded.

Mr. OWENS. Did the recordation of your minutes get into that situation and into the proceedings involving your requests for unemployment compensation?

Mr. HINST. I don't believe so.

Mr. OWENS. I am afraid maybe they did.

Mr. HINST. I don't happen to have them with me, but I have a brief or a record of the decision that was sent to me, and there is no mention made of that.

Mr. OWENS. You made yourself a party to a plan to participate in an agreement not to work.

Mr. HINST. Maybe I am wrong.

Mr. OWENS. You are not wrong but there is something wrong along the line there.

Mr. HINST. I felt in my particular case and in the case of a small minority in the union, that due to our type of work the "hot" set matter was not too pertinent to us because we did not work on sets and had no interest in them. Our work was highly specialized work. We felt if the men who did work on these sets and who were in the vast majority felt that way about it, that we would agree.

Mr. OWENS. Can you account for Mr. Hutcheson's statement a year ago, when he testified last March, that none of the men who worked in the studios were unemployed? You heard him testify to that the other day when I examined him, didn't you?

Mr. HINST. I probably heard it. I was here. I do not remember the exact statement.

Mr. OWENS. He testified last March that none of those men were unemployed. In other words, he said in that hearing, and I read it, that when their men were not wanted any place they went out and got work other places because there was plenty of work for them. Did you go out and get work other places?

Mr. HINST. I am afraid Mr. Hutcheson was misinformed, that they were not all working at that time and they are not all working now.

Mr. OWENS. Haven't you worked since that time?

Mr. HINST. I have worked some; yes.

Mr. OWENS. Did you go to work right away?

Mr. HINST. No; it was several months after.

Mr. OWENS. You did not go back and ask them for any work?

Mr. HINST. I didn't go back and ask them because I stated the custom for years is that you only work when they call you.

Mr. OWENS. Mr. Hutcheson made the statement yesterday that any man who would go back there would probably do work for them. Did you hear Mr. Hutcheson say that?

Mr. HINST. I heard him say that.

Mr. OWENS. Are you going to take him up on that?

Mr. HINST. I am in Washington now but when I get in Los Angeles I will settle it.

Mr. OWENS. I would be interested in knowing whether what he said is true or not and whether when you got there they would refuse you.

Mr. HINST. Personally, I don't know. I know some of the men have gone and asked for work. I know what they have told me, that is all. They did not get it.

Mr. OWENS. You have been a victim, but the question is who has victimized you. I will not pass on it right now, although I have my opinions.

Mr. HINST. With the chairman's permission I would like to make a short observation.

I noticed in the producers' testimony last week that they were very much concerned. Their concern was over money. I noticed from the labor leaders' testimony they are very concerned. They are concerned over what they think is the best for the men.

The thing I would like to know is when is someone going to get concerned over what the men think, what they want.

Mr. OWENS. My observation of the leaders was that they were concerned over their jurisdiction, not over the men.

Mr. HINST. I am going by their statements. I heard a statement this afternoon. Mr. Mulkey made the statement that he did what he thought was best for the men. That is very fine. But being in my union for as many years as I have I very well know what the men think and how they feel.

We are just dumb carpenters like Bill Hutcheson but we get around.

Mr. OWENS. He is not so dumb.

Mr. HINST. We have our ideas. What they think perhaps has a bearing on us, but we are more interested in what we feel and what we want, and I am interested in knowing when somebody is going to take an interest in us.

Mr. OWENS. Well, I will tell you this, Mr. Hinst, this Congress had taken an interest in you.

Mr. HINST. I am certainly glad of that.

Mr. OWENS. And the day is going to come when the men who are willing to work will be able to work and will not be kept from it by leaders fighting over jurisdiction. At least I can speak for myself to that extent.

Mr. KEARNS. One point there, Mr. Owens. Do you feel that in Mr. Hinst's situation, had he not taken his tools with him, that would have changed the picture?

Mr. OWENS. I think it would have changed the picture considerably in his own case. He took his tools and never went back there again.

After all, a firm has a right at any time to lay someone off. They told him they were not discharging him, that they were laying him off, that he would work in a few days.

Mr. HINST. No; he said I would be back in a few days.

Mr. OWENS. Yes, but you took your tools and never went back.

Mr. HINST. I might qualify it and say I was a little hasty when I said I took my tools. I did not take them all. I have several boxes of tools. I took the majority but I left a few and I got those about 4 months ago.

Mr. OWENS. When you went back 4 months ago you did not ask for any work?

Mr. HINST. I did not ask for any work. I just asked for my tools and got them.

Mr. OWENS. I just want to say: As I say, you are a victim. But you did go along with the vote of your union?

Mr. HINST. Yes, sir.

Mr. OWENS. They were fighting for jurisdiction and you are still a victim of the fight for jurisdiction.

Mr. HINST. Of course, I want to honestly say that I felt those men who had worked on the sets had a good case and I felt they were justified in what they did, even though I felt it would affect me, because I do feel they have a just case.

Mr. OWENS. I suppose you have a right to stick up for your men and you are not going to criticize your leadership—

Mr. HINST. I am not averse to criticising my leadership.

Mr. OWENS. As I say, you are a victim, but where we are going to apply the blame, that is the question.

Mr. HINST. I would like to know that, too.

Mr. McCANN. One question only, sir. Mr. Benjamin submits it: Have you reapplied for work at any time since you left the studio? If not, why not?

Mr. HINST. I have not. As to my reason why, I did not feel that I would get my work back. I may have been given work but not the work that I had and I would like to have had the work that I had been doing.

Mr. McCANN. Mr. Chairman, I have a question from Mr. Cobb.

Haven't you been told that any work for carpenters would have to be in an open shop and not under the 2-year Beverly Hills contract of July 2, 1946?

Mr. HINST. I understand from things I have heard previously and the testimony I have heard here that it would be open shop.

Mr. McCANN. No further questions.

Mr. LANDIS. Thank you, Mr. Hinst, in behalf of the committee for your testimony here.

Mr. HINST. I thank you for allowing me to be here.

Mr. LANDIS. Mr. Benjamin, do you want to take the stand?

Mr. BENJAMIN. If I may, please.

**TESTIMONY OF MAURICE BENJAMIN, LOS ANGELES, CALIF.,  
COUNSEL FOR MOTION-PICTURE COMPANIES AND ASSOCIATION  
OF MOTION PICTURE PRODUCERS, INC.—Recalled**

(The witness was previously sworn.)

Mr. McCANN. Whom do you represent at this hearing?

Mr. BENJAMIN. I represent the motion-picture companies in Hollywood and the members of the Association of Motion Picture Producers, Inc.

Mr. McCANN. Do you care to make a statement, Mr. Benjamin?

Mr. BENJAMIN. I do.

Mr. McCANN. Proceed.

Mr. BENJAMIN. I should simply like to make this very brief statement, Mr. Chairman.

Following the strike in September of 1946, the studios continued to operate their business and to that end, the carpenters having gone out on strike, having established a picket line, the studios employed other men to do the carpenter work in the studios. Those men were largely supplied by the IATSE.

The studios have no contract with the IATSE covering work prior to the strike that was in the carpenters' jurisdiction. We have no contract whatever covering that work.

For a considerable period of time, and I might say for a considerable period of time prior to the commencement of the hearings by this committee in Los Angeles, the members of any of the unions on strike—and here I include not merely the carpenters' union that originally went out on strike and established the picket line, but also the members of the other unions that joined in that strike by respecting that picket line—have been free to work in the studios by applying for employment. That employment is available to them as and when there are vacancies, without any discrimination in relation to their membership or non-membership in any union whatever.

During the past several months a considerable number of members of the unions that went on strike in September of 1946 have been so employed.

Employment in those crafts—as jobs arise, as vacancies occur, those jobs are filled from applications made at the studios and, as I said before, they are filled without any inquiry into or any condition of union membership.

A certain number of applications have been made from the various striking unions and a certain percentage of those applications have been accepted as vacancies occurred.

I should point out, as it has been pointed out heretofore, production in the studios at the present time is at a very low ebb, not in relation to the strike but in relation to the general economic situation of the motion-picture industry.

As a result of production being at low ebb consequently the amount of employment is reduced proportionately.

I simply want to make that statement in order to make it crystal clear that a carpenter, a painter, or what not who may have engaged in the strike in Hollywood, in the 1946 strike, is free to make application to the studio for employment. His application will be received and if, as, and when there is work for which additional workers are needed, he will be employed and employed without any discrimination whatever as to union membership or nonunion membership.

I need not point out to this committee in relation to the question that was last asked the witness, whether he had been informed that to go back to work in the studio meant that he had to go back to work under an open shop—I think the Taft-Hartley bill answers that question.

Now, while I am on the witness stand, I would like to make one other statement merely for the record.

Mr. LANDIS. Is it in connection with this?

MR. BENJAMIN. No, Mr. Landis; it is not in connection with this; it is in connection with previous testimony before this committee.

MR. LANDIS. On the same thing?

MR. BENJAMIN. No; not on the same thing. If you prefer me not to do it I will not.

MR. LANDIS. No, that would be all right, but I want to get this point clear that you just made. A carpenter would not have to join the IA if a job was open and available for him?

MR. BENJAMIN. Definitely not.

MR. LANDIS. He could still be a member of the carpenters' union?

MR. BENJAMIN. Definitely.

MR. LANDIS. I did not ask Mr. Hinst but is there a picket line at the plant now?

MR. BENJAMIN. There is a token picket line at the studios now.

MR. LANDIS. At all the studios?

MR. BENJAMIN. I believe at the most of the studios. If the individual carpenter sees fit to go through that line to get employment, that is up to him. If he sees fit to respect that picket line that is also up to him.

I should say this: The statement was made here a few moments ago that Mr. Walsh had testified to the same effect as I have now stated, and that perhaps this gentleman who last testified might take up Mr. Walsh on that proposition. That does not rest with Mr. Walsh.

That rests with the management of the studios. It does not rest with Mr. Walsh to say whether this gentleman or any other carpenter may work in the studios in carpentry work.

If there is employment available and he is the only applicant we have, he will be employed. It does not make any difference whether he is a member of the union or not; it does not make any difference whether he has joined the IA or not. We do not make any inquiry as to that.

MR. LANDIS. Do you know of any nonunion men employed or did you have any nonunion men employed before the strike that you know of?

MR. BENJAMIN. In what craft, Mr. Landis?

MR. LANDIS. I would say carpenters, painters.

MR. BENJAMIN. No; I don't think we had any nonunion carpenters or painters.

MR. LANDIS. But you had the privilege of employing them?

MR. BENJAMIN. Up to that time, Mr. Landis, I believe it operated more or less under a closed-shop arrangement. Then the strike came along and completely changed the picture. I would not say closed-shop arrangement; I would say closed-shop conditions.

MR. LANDIS. Did you want to make another statement?

MR. BENJAMIN. I do unless you want to ask some further questions?

MR. LANDIS. No; I think that is clear now.

MR. BENJAMIN. At the beginning of the hearings in Washington some considerable capital was made in relation to the deception of the three-man committee. That charge appeared in the opening statement of the chairman of the subcommittee. It appeared in the same statement in which were contained charges of conspiracy and collusion between the producers and the IATSE.

It would be a fair inference from that statement that the charge of conspiracy and collusion may have been related in some measure to the deception referred to.

I simply want to make this statement: I believe it has appeared without contradiction in the testimony before this committee in Washington that the three-man committee when it went to Hollywood to make its investigation had no contact with nor any discussion with representatives of the producers and that the producers did not participate in any way whatever in their investigation.

I have no knowledge at all other than what I have heard in these hearings, and in the meeting at Miami at which I happened to be present, of what took place before that committee in Hollywood. I was not present. I do not know what took place out there from any personal first-hand knowledge. I simply want to make it clear that whatever may have happened or may not have happened, as far as the three-man committee was concerned in its dealings with the various unions that appeared before it in Hollywood, the producers had nothing whatever to do with it.

Personally I do not believe there was any deception. I think the record has made that quite clear.

But even assuming there were it is hardly deception which can be tied into the studios.

MR. LANDIS. The committee that was appointed by the A. F. of T. directors made the decision?

MR. BENJAMIN. That is correct.

MR. LANDIS. I understand the statement that was made had the word "might" in it—"might lead to collusion." Of course, the board of directors set up this three-man committee who made this decision, then they handed down the directive and later made the clarification.

MR. BENJAMIN. That was all within the American Federation of Labor.

MR. LANDIS. That is correct. Mr. Counsel?

MR. McCANN. I have three or four questions I would like to ask Mr. Benjamin. In the first place, I would like to make the statement that so far as I know the record sustains him 100 percent on the position he has stated that there was no conference between industry and the three-man committee out there. I think in fact the total evidence on that subject was that they communicated with Pat Casey to secure permission to go into Paramount Studios. I may not be entirely correct, but that is my impression.

MR. BENJAMIN. I believe you are correct.

MR. McCANN. Now I would like to ask two or three questions that relate to the testimony of the last witness.

The minutes of the Producers Labor Committee of September 23, 1946, state:

Benjamin says studios have perfect right to lay off men because of no work.

Is that a correct statement?

MR. BENJAMIN. That probably, Mr. McCann, is a correct statement taken out of context.

MR. McCANN. That answers the question. Did you believe when you were there that they had a right to lay off a man who had not been asked to do any work, as in the case of the last witness?

MR. BENJAMIN. Mr. McCann, that assumes the truth of the last witness' statement and I cannot assume that.

MR. McCANN. Assuming that he told the truth, that he was called to the office, was not assigned to a job, and was told that he was to get his check, was that the sort of situation you had in mind when you made the statement I have referred to?

MR. BENJAMIN. The statement you referred to in the minutes has no relation whatever to the situation that you now speak of.

MR. McCANN. Isn't it a fact that at the meeting of the Producers Labor Committee Mr. Wright, of counsel to the producers, on that occasion stated:

The producers cannot morally or legally lay off maintenance men.

MR. BENJAMIN. Mr. McCann, I have seen that statement in the notes you have before you. I believe I was present at the meeting. Mr. Wright may have made that statement. I do not question that he did. That may have been his own personal viewpoint on a legal question that may have been propounded.

As of the moment I do not recall the statement having been made by him but I do not remember that he made it as it appears in the notes.

MR. LANDIS. Let me go one point further on that. Do you think they have the privilege of laying off men? Now that was Mr. Wright's statement?

MR. McCANN. That was Mr. Wright's statement, which I was not quoting verbatim. I was quoting it from memory.

MR. BENJAMIN. If you will ask me what my answer is, I will give it to you.

MR. LANDIS. No; I want to know his answer. The way I understood it you could lay off men if you wanted to. Now is that correct?

MR. BENJAMIN. Under what conditions, Mr. Landis? I would be glad to answer the question—

MR. LANDIS. Well, if there are conditions you can name your own conditions.

MR. BENJAMIN. Let me say this: The studios employed carpenters. They are all members of the carpenters' union. The assignment of work in the studio rests with management. That is one of the few prerogatives still left to management in the motion-picture industry.

If John Jones, a carpenter employed by Metro-Goldwyn-Mayer, is assigned to do certain carpenter work in the studio and he refuses to do that work, in my opinion his employer is entitled to ask him to leave the premises. I should hate to think of a business condition that did not permit that.

MR. LANDIS. That is correct.

MR. BENJAMIN. I might say this: We have no means of compelling John Jones to do any work we assign to him. It rests with him to determine whether or not he chooses to do that work, but he cannot expect both to refuse to do the work and to continue to be paid.

MR. LANDIS. That is correct.

MR. McCANN. Mr. Landis, I cannot find the statement at this moment in the records.

MR. LANDIS. Let's finish this point first and then go back to it.

The point I want to cover is this. Let's say they have hired 350 carpenters working on the job. Perhaps tomorrow there will only be

work for 300 carpenters. Do you mean to tell me you can't lay off the 50?

Mr. BENJAMIN. Of course you can.

Mr. LANDIS. Or do you have to keep the 50?

Mr. BENJAMIN. That is an ordinary economic business condition.

Mr. LANDIS. That is what I thought.

Mr. BENJAMIN. I should say this in all fairness: In connection with this strike situation, that isn't the kind of a situation we were dealing with.

Mr. LANDIS. In the testimony it was brought out that men were laid off at some of the plants—perhaps not all of them—in order not to have any trouble on the premises.

Mr. BENJAMIN. We were faced with this alternative, Mr. Landis.

It is quite true that as a matter of normal operation—let's talk about carpenters, because we were talking about carpenters—we had carpenters working the studios who would normally be called maintenance men. They were men who, by and large, we will say, did not work on sets. Nevertheless they are all carpenters; all members of the carpenters' union.

Now, we are faced with this ultimatum from the carpenters' union that commencing at 6 o'clock tomorrow morning "we declare 'hot' all sets erected by the IATSE." Now, that was an ultimatum from the carpenters' union. It is not an ultimatum from a section of the carpenters' union or from only that portion of the carpenters' union representing people that work on sets. The carpenters' union represented all of the carpenters working in the studios.

We were making motion pictures. It has been testified here, I believe by Mr. Kabane, quite clearly as to the work that has to be done in connection with the preparation of sets for pictures. You cannot prepare sets for pictures the night before. We were very fast running out of sets. We had to know whether we were going to build sets.

There isn't any mystery about the fact, there isn't any question about the fact, that because we had to know where we stood, because we had to know whether these men were going to do this work or not, we decided to put them to the test and find out. We had to know where we were going.

We had carpenters working in various phases of carpentry work in the studios. Some of them built sets. Some of them were maintenance men. Some of them did something else. We knew that if the carpenters were going to refuse to work on these sets, we would have to have that work done by others. We knew that as long as there were carpenters in the studios and we brought in replacements to do the work the carpenters' union refused to do, we would have trouble in the studios. We would have a strike in the studios instead of a strike on the streets.

A strike in the studios would mean not merely an attempted stoppage of work, it would mean violence in fact, it would mean property damage inside. That was one of the reasons why we felt it necessary to find out where we stood, to find out whether these men were going to do this work or not, and bring it to a head.

There isn't any mystery about it.

Mr. McCANN. May I continue with two or three questions?



Mr. LANDIS. Proceed.

Mr. McCANN. Mr. Chairman, for the benefit of the record I have found his statement which I want to read into the record. Minutes of September 23, 1946. It is entitled, "Maintenance Men," and reads:

Metro and some other studios have requested maintenance men to work on sets and upon refusal have dismissed them. Alfred Wright stated the studios cannot morally or legally assign maintenance men who never have worked as journeymen on sets, to set work.

I just give that for what it is worth, Mr. Chairman.

Mr. BENJAMIN. May I make a statement in relation to that, Mr. Landis?

Mr. McCANN. I think that you have.

Mr. BENJAMIN. I would like to make an additional statement.

Mr. LANDIS. Proceed.

Mr. BENJAMIN. We not only have a number of studios in Hollywood, but we have a number of lawyers, perhaps too many. I believe, as you can well understand, that faced with a strike situation as we were, inevitably there were a great many legal questions bound to come up.

You will find, I believe, at the meeting of September 23 to which Mr. McCann refers—I do not have it before me, but I am quite sure you will find that present at that meeting there were quite a number of counsel, were there not, Mr. McCann?

Mr. McCANN. I will read the names off that I recognize.

Mr. Price, I think, is counsel; Mr. Benjamin, Mr. Wright, and Mr. Silverberg. They are all counsel.

Mr. BENJAMIN. Yes.

Mr. McCANN. There may be others here on the list.

Mr. BENJAMIN. May I see it?

Mr. McCANN. Yes, right there.

Mr. BENJAMIN. Price, Benjamin, Wright, Silverberg are all lawyers. There may have been others.

The point I am making is this, Mr. Landis, that there are differences of opinion between lawyers, as well as between laymen. There was undoubtedly an extended discussion of what our legal position was in relation to the situation with which we were confronted.

Mr. Wright may have made the statement that is attributed to him in these notes. I do not recall it at the moment, but I do not question that he made it.

My own opinion then was and is now completely contrary to the opinion stated in those notes that may have been given by Mr. Wright. Apparently some of the other counsel must have also taken a contrary position, because in the handling of the situation with which we were faced, we did proceed along a different line.

Mr. McCANN. May I read one other statement in the record that I think is rather important at this point, in view of the last witness' testimony.

Under date of September 16, 1946, and Mr. Chairman, that is 7 days before the incident, I find this notation at the head of the "producers labor committee" minutes:

Unemployment compensation—Cragin of the Loeb office wanted instructions for the controllers as to what position the producers wanted to take on statement to be made to the State unemployment fund. It was agreed to say, "The

employee left his work on account of a trade dispute" and to ask the department to disqualify him from unemployment compensation.

MR. BENJAMIN. May I make a statement in respect to that, Mr. Landis?

MR. LANDIS. Go ahead.

MR. BENJAMIN. Mr. McCann was I present at that meeting? I do not believe I was. I believe I was in New York.

MR. McCANN. I don't believe that shows you present.

MR. BENJAMIN. Is that a meeting of the labor committee?

MR. McCANN. Yes, sir.

MR. BENJAMIN. Mr. Cragin is one of my partners. Mr. Cragin is a lawyer, specializing in tax matters. I doubt very much whether Mr. Cragin would have appeared before the labor committee and would have asked the labor committee what he should do in relation to unemployment insurance claims that he knew inevitably would be made.

I rather believe Mr. Cragin would have presented the situation to the labor committee and would have given them his judgment as to what the legal position was. That is my judgment. I do not believe I was at the meeting.

Bear in mind, that meeting, according to Mr. McCann, was a meeting on the 16th of September. The ultimatum from the carpenters was delivered on the 11th of September. The issue had been drawn by the carpenters. We were in a strike situation, although perhaps it had not fully crystallized. I believe we would have been very much remiss had we not anticipated the obvious, that we were going to be in a strike; that people would be out of the studios; that unemployment insurance claims would be made; and I believe it was only ordinary business caution to analyze and evaluate that situation and determine what our legal position was.

I do not have to state to Mr. Landis, nor should I have to state to Mr. McCann, that the right to unemployment insurance in the State of California is something that is determined by the law of the State of California.

The determination of whether an individual in a given situation is entitled to unemployment insurance, rests with the Unemployment Insurance Commission of the State of California, a State institution, a State agency.

The findings of the Unemployment Insurance Commission of the State of California I believe are the best evidence of the basis for the final opinions that they rendered.

MR. McCANN. May I ask some questions by Mr. Cobb, Mr. Chairman?

MR. LANDIS. Proceed.

MR. McCANN. Do you mean that there has been an open shop for carpenters ever since September 23, 1946?

MR. BENJAMIN. Mr. Landis, there is pending in the Federal District Court for the Southern District of California, a lawsuit instituted by Mr. Cobb as a lawyer on behalf of a certain group of carpenters as plaintiffs. I would prefer to leave that question to a determination in that lawsuit. We are not trying that lawsuit before this committee.

MR. LANDIS. You have that privilege.

Mr. McCANN. Have the carpenters been free to work for the studios since September 23, 1946, under the hours, wages, and working conditions specified in the Beverly Hills agreement of July 2, 1946?

Mr. BENJAMIN. Same answer.

Mr. McCANN. Have they been free to work under the employment features of the July 2, 1946, agreement?

Mr. BENJAMIN. Same answer.

Mr. McCANN. The minutes of September 20, 1946, recite—

Mr. BENJAMIN. September what?

Mr. McCANN. The minutes of the producers labor committee of September 20, 1946, recite: "Dead line. By 9 a. m., Monday, clean out all carpenters first, and then clean out all painters, following which proceed to put on IA men to do the work." Was that done?

Mr. BENJAMIN. Am I shown as having been present at that meeting?

Mr. McCANN. Yes, sir.

Mr. BENJAMIN. Will you state the last sentence in the question, please?

Mr. McCANN. Was that done?

Mr. BENJAMIN. Mr. McCann, as I stated before, I am a lawyer. I do not operate the studios. My offices are not at a studio, so that I cannot tell you just exactly what was done at each studio on any particular date. But I will endeavor to say that it is my understanding that in order to bring this thing to a head and to find out where we were, I think generally it is true that the studios called these carpenters in, and I believe subsequently the painters, and asked them to do work assigned to them, and if they did not do that work, they asked them to leave the premises.

Mr. McCANN. Mr. Chairman, may we adjourn?

Mr. LANDIS. Are you through?

Mr. McCANN. I am through.

Mr. LANDIS. Are you through, Mr. Benjamin?

Mr. BENJAMIN. I am through; yes.

Mr. LANDIS. On behalf of the committee, thank you for your testimony.

Mr. BENJAMIN. Thank you for the opportunity.

Mr. LANDIS. We will adjourn until Monday morning at 10 o'clock.

(Whereupon, at 6 p. m., the subcommittee adjourned until 10 a. m., Monday, March 1, 1948.)



# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

MONDAY, MARCH 1, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will come to order.

We shall proceed this morning with Attorney Levy, representing the IATSE, as the first witness.

## TESTIMONY OF MATTHEW M. LEVY—Recalled

Mr. LEVY. There are one or two odds and ends that I want to cover before I proceed with the main communication which I was privileged to send to the honorable chairman of this subcommittee on the 28th of November 1947. One of the questions which I was asked was the make-up of the membership of the Conference of Studio Unions, and I stated that I wanted to give the list more or less accurately rather than to rely upon memory. I think I made it clear that the Conference of Studio Unions was an organization not of international labor organizations but of certain local labor unions, and from time to time, the membership of the Conference of Studio Unions consisted of the following:

Studio Painters Local No. 644.

Screen Set Designers, Local No. 1421. That was affiliated with the painters' organization.

Cinema Lodge No. 1185, affiliated with the International Association of Machinists.

Local No. 40 of the International Brotherhood of Electrical Workers. My recollection is that local No. 40 withdrew in about February of 1947. The precise date of the joining of the Conference of Studio Unions by local No. 40, I do not have. I am not sure that it was one of the organizing local unions of the conference.

The Screen Office Employees Guild, which my records indicate withdrew by dissolution as of April 1946.

The Carpenters Local No. 946, which appears to have officially joined in early 1946.

The Studio Guards and Set Watchmen, Local No. 193, of the Building Service Employees International Union. That withdrew about July 1947.

Studio janitors, also affiliated with the building service employees organization. That withdrew about April 1947.

The sheet metal workers local union were members of the Conference of Studio Unions for a very short while preceding the 1945 strike.

The Plumbers Local No. 78, and the blacksmiths local while participating in the negotiations with the conference, its actual membership in the conference was doubtful.

The Screen Story Analysts Guild, which was affiliated with the painters organization. My recollection is that left the conference about the middle of the long 1946 strike.

And the Screen Publicists Guild, which was also affiliated with the painters organization, did not go on strike in 1946, and left the Conference of Studio Unions about a year ago.

Another incidental matter that I should like to have cleared up is the matter of the communications between International President Richard F. Walsh and the chairman of the House Labor and Education Committee, Hon. Fred A. Hartley. I read a letter from Congressman Hartley which refers to the telegram which had not been included, and I think the record can be made complete. On March 19, 1947, the following telegram was received by Mr. Walsh:

“Richard A. Walsh”—that is a misprint for the middle initial—

WASHINGTON, D. C.

INTERNATIONAL ALLIANCE OF STAGEHANDS,  
630 Fifth Avenue, New York:

I am advised that Mr. Lansford representing Mr. Roy Brewer of the IATSE has threatened to close the Eagle Lion Studios unless its president, Mr. Bryan Foy, discharges Mr. Oscar Schatte, who recently appeared before my committee. Kindly advise me if this information is correct and if it is the reason for this ultimatum.

FRED A. HARTLEY, Jr.,  
Member of Congress.

The following telegram on March 21, 1947, was sent from New York City:

HON. FRED A. HARTLEY, JR.  
Member of Congress, Washington, D. C.

Your telegram of March 19 received. Checked contents with our international representative in Hollywood, Mr. Roy M. Brewer. The information contained in your telegram is completely incorrect and as false as some of the statements made by Mr. Oscar Schatte in his recent testimony before the House Labor Committee. I desire to point out to you that on March 11 I sent you a telegram in your official capacity as chairman of the House Labor Committee pointing out Mr. Schatte's one-sided, false, misleading, prejudicial, and untrue testimony and urging a complete investigation for the benefit of the American people as a whole.

(Signed) RICHARD F. WALSH,  
International Alliance, Theatrical Stage Employees and Moving Picture  
Operators of the United States and Canada.

I bring these telegrams up now simply because in Congressman Hartley's letter to Mr. Walsh dated August 14, 1947, he referred to the subsequent telegrams which had not already been placed in evidence.

I desire to present to this committee a photostatic copy of a paid political advertisement in the Studio Call of June 30, 1938, on behalf of the Motion Picture Democratic Committee of Hollywood, Calif. I do not want to mention all the names that are listed as officers and executive committee members of the Motion Picture Democratic Com-

mittee, but I will mention two. One of them is Jeff Kibre and the other is Herb Sorrell.

Mr. McCANN. Mr. Chairman, I move that it be received in evidence for reference purposes only.

Mr. KEARNS. There is no objection.

(The document was filed with the committee.)

Mr. LEVY. Since this is the only photostat I have, I shall appreciate it if I may be given an opportunity during the day of having another copy of this photostat made before I turn it over to the clerk of the committee.

Mr. OWENS. That is the negative, and I think the positive of that would be better, anyway.

Mr. LEVY. Yes, sir. Thank you very much.

Now, Jeff Kibre's name has been mentioned, and it was mentioned in my testimony when I read the letter of November 28, 1947, and I mentioned Jeff Kibre and Herb Sorrell on this committee in 1938. I want to read to you from the testimony of the carpenters, given before the three-man committee, which has not yet been brought out, the three-man committee of the American Federation of Labor, on December 6, 1945, the testimony of Mr. Joseph Cambiano, on pages 3 and 4, and I quote:

We had an element in there (8 or 9 years ago in the studios) that was up to disrupt every decent organization in the industry. We were all pretty well disturbed over the situation, and while the carpenters themselves had some jurisdictional disputes, they were all set aside to clean up this disturbance. \* \* \*

Then on page 4, from Mr. Cambiano, we have:

Now, I referred to the "bad boys" in this language. There was a gentleman by the name of Kibre who was the ringleader of an opposition group, and I do not mind telling you in my own language that he was a Communist if there ever was one. But he was and is today, so far as I know, and he had quite an organization. \* \* \*

I mention that because our investigation has indicated not alone that Jeff Kibre was a Communist and was known to be a Communist and was exposed as a Communist and not alone that he had "quite an organization," but that the only prominent local leader of the American Federation of Labor in Hollywood who supported Kibre during this period was Herbert K. Sorrell.

On page 43 of the carpenters' presentation to the American Federation of Labor Executive Council committee of three, Mr. Cambiano states:

I am telling you gentlemen all this (as to jurisdictional conflicts) to show you that we want to clean up this situation once and for all time, because we certainly cannot carry on the way things are around here now. We will fool around here until somebody else comes into take over, which will happen just as sure as you are living, because such a moment is here already and implanted in those studios.

I mentioned that because that is the testimony for the American Federation of Labor Executive Council, presented by the carpenters' group.

I have a photostatic copy of the Provisional Committee for the People's Educational Center in Los Angeles, Calif., signed by William Wolff, its executive secretary. Among the persons who are listed here as participating on the advisory board are—and I will mention here for this purpose two or three names only: Helmer Bergman,

Herbert Sorrell, John Howard Lawson. I mention Helmer Bergman in this connection because Mr. Bergman was the gentleman who was referred to by Mr. George W. Mulkey, the international representative of the electrical workers as the person who in local 40 was, in his opinion, the Communist in that organization. John Howard Lawson's name is familiar to the gentlemen of this committee, and I asked in line with the previous requests that this document be marked as an exhibit, with permission to get it rephotostated, so that I can present the positive rather than the negative photostat.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. That should be marked as a reference exhibit.

I ask that there be received as a reference exhibit a photostatic copy of a circular entitled "The Case of William Schneiderman," issued by the so-called Schneiderman-Darcy Defense Committee, Los Angeles, Calif. The chairman of that committee is Leo Gallagher, who has heretofore been a Communist candidate for public office in the State of California.

Listed among the names of the sponsoring committee is that of Herbert Sorrell.

I ask that there be received as a reference exhibit a circular dated February 21. Our research indicates it is for the year 1940, and it is entitled, "In the Court of Public Opinion, State of California, City of Los Angeles, in the matter of the People against Martin Dies."

It says:

We command you, that all and singular, businesses and excuses being laid aside, you appear and attend at Philharmonic Auditorium in the Court of Public Opinion, State of California, in the city of Los Angeles, on Wednesday, the 21st of February 1940, at 8:15 p. m., then and there to hear testimony in the matter of "Dies and the Hollywood Dupes."

Then next to that is an article from the Los Angeles Times of February 22, 1940, on behalf of the Hollywood League for Democratic Action. It says in part:

Herb Sorrell, head of Labor's Nonpartisan League, used the strongest language in striking back at Dies, declaring "Mr. Dies is kind of yellow and ought to get a little red himself."

Sorrell asserted that "If Dies would concentrate on the Bund (the German-American Bund) instead of just the Communists, he would have less to hear of anyone overthrowing the Government."

I ask that be received as a reference exhibit.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. A news letter issued as of March 26, 1940, from the Motion Picture Democratic Committee, Hollywood, Calif., with reference to the delegation to the National Democratic Convention says:

Paired with Patterson in the sixteenth district, M. P. D. C. representative on the slate is the secretary, Maurice Murphy. Another member, Herb Sorrell, will represent craft members and Labor's Nonpartisan League.

This statement in News-Letter has been referred to in the earlier testimony with respect to the Patterson slate, and the programming of the Patterson slate in the primaries during the spring of 1940. I ask that that be received as a reference exhibit.

(The document was filed with the committee.)

I have here a Call, California Action Conference, sponsored by the so-called Civil Rights Council of Northern California and



the National Federation for Constitutional Liberties, Southern California Branch, Los Angeles. Among the sponsors listed in this pamphlet is Herbert Sorrell, Los Angeles, Calif. The National Federation for Constitutional Liberties is a Communist front has been established before a congressional investigating committee.

I ask that that be received as a reference exhibit.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. I want to go back a moment to the Patterson slate. This Patterson slate is mentioned in another circular date May 1, 1940, according to our research, with the Presidential primary on May 7. I want to say that that was during a period of the Stalin-Hitler pact, and its program, among other things, is as follows:

Peace, not war. No men—no arms—no loans to foreign powers. Stop intrigue leading us into war (Remember 1916—"He kept us out of war"??? in 1940, we must keep ourselves out of war).

On that program there was listed the liberal democratic delegation, so-called, among others Herbert K. Sorrell.

I ask that that be marked as a reference exhibit.

(The document was filed with the committee.)

Mr. LEVY. Some doubt was raised the other day by the international president of the painters' organization with reference to the petition which I stated was filed at the painters' convention in Columbus, Ohio, in 1941, to free Earl Browder, then the head of the Communist Party of the United States. I ask that that be marked as a reference exhibit, this photostat indicating an excerpt from the Communist newspaper, the Daily People's World, September 24, 1941, in which the following appears:

One hundred AFL delegates sign Browder plea.

New York, September 23.—More than 100 officers and delegates to the Sixteenth General Assembly, Brotherhood of Painters, Decorators and Paperhangers of America, held in Columbus, Ohio, signed the petition addressed to President Roosevelt asking for the immediate release of Earl Browder from the Atlanta Penitentiary, was announced today by the officers of the Citizens Committee to Free Earl Browder. \* \* \*

Amongst the officers and delegates to the painters convention who signed the petition were—

I will not mention them all, but there appears the name of Herbert Sorrell, business agent, local union 644, Hollywood, Calif.

I ask that that be marked as a reference exhibit.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. Now, bringing it down to date a little bit more, here is a communication on behalf of the Communist west coast newspaper, the People's World, dated July 5, 1946, calling a conference to build the People's World. Among the persons who are listed as the Los Angeles sponsors for this drive for \$125,000 for the Communist newspaper is Herb Sorrell, president, Conference of Studio Unions, AFL.

I ask that that whole list of names, including Albert Maltz, John Howard Lawson and others, be marked as reference exhibit.

Mr. KEARNS. Are you including all the names that are listed on that, even though you did not mention them?

Mr. LEVY. No. I am perfectly satisfied to have them all listed as a reference exhibit.

Mr. KEARNS. Very well, sir. It is so ordered.

(The document was filed with the committee.)

Mr. LEVY. I ask that there be received as a reference exhibit the ad from the Los Angeles Illustrated Daily News of November 2, 1942, entitled, "Tenney Betrays."

It continues:

Why Jack Tenney must be defeated: Because he is sabotaging President Roosevelt's program through the scurrilous attacks upon our allies and disruption of national unity; because he heads the California (Little Dies) Committee; because he is the triggerman for the Warren-Hoover-Hearst camp at a time when every loyal Democrat should uphold our Commander in Chief and our Governor.

And in support, in the Illustrated Daily News, of November 2, 1942, is: "Elect LaRue McCormick State senator." And LaRue McCormick is a known Communist in California, and supporting LaRue McCormick are Leo Gallagher, who is also a Communist candidate, John Howard Lawson, Dalton Trumbo, Herb Sorrell, and others.

I ask that that be marked as a reference exhibit.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. I ask that there be marked as a reference exhibit this circular from the United American Spanish Aid Committee of July 1941, the national officers like Dr. Edward K. Barsky, as chairman. I believe his name is familiar to the Congress. And among the national and west coast sponsors is listed Herbert K. Sorrell. I ask that that be marked as a reference exhibit.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. I ask that there be marked as a reference exhibit the article from the Los Angeles Times, dated May 25, 1941, for the testimonial dinner for Mr. Leo Gallagher, a candidate of the Communist Party in California, and among those listed as sponsoring that dinner is Herbert K. Sorrell. I ask that that be marked as a reference exhibit.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. There is another recognized Communist front known as the American Committee for Protection of Foreign-Born. As late as October 25 and 26, 1947, there was a conference, so-called, at the Hollenden Hotel, Cleveland, Ohio. Among the persons listed as sponsoring that call is Herbert K. Sorrell. I ask that this photostat be received as an exhibit.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. In February of 1945 letters were sent out from the so-called provisional committee, provisional A. F. of L. for Bridges committee, in which it is stated that a "Small group of us who are affiliated with the A. F. of L. met informally last week to discuss the possibilities of setting up an A. F. of L. committee for Bridges." It is signed "Herb. Sorrell, provisional chairman."

Among the members of the committee, and I mention these names, are Herb. Sorrell—eight names mentioned—in February 1945, before any of the strikes, except the October "quickie" strike in 1944 in the Hollywood studios. I mention these names and inquiries could be sent to them:

Herb. Sorrell, Willis Hill, Jack Williams, George Bradley, Lloyd B. Taylor, Maurice Howard, Emil Freed, and Norvall Crutcher.

Mr. KEARNS. Mr. Levy, do you have the addresses of those men?

Mr. LEVY. Emil Freed; Mr. McCann stated that because of the fact he was a known Communist and had been convicted for violence on the picket line, he did not want his address.

Herb. Sorrell: You know where he can be reached.

Norvall Crutcher was a former member of IATSE, and a pro-Communist protagonist in local 683 of the technicians guild.

My recollection is that Willis Hill—I withdraw about Willis Hill.

Maurice Howard has long been participating in pro-Communist fronts in Hollywood, and has been placed by Mr. Sorrell as the head of the cartoonists guild.

I shall try to make inquiry about some of these others.

Mr. McCANN. Mr. Chairman, may I comment on the exhibit which has been received for reference purposes of October 25 and 26, 1947, and state that among the sponsors of the National Conference for Protection of Foreign-Born are Hon. Adolph J. Sabath, Hon. Vito Marcantonio, Rt. Rev. Arthur W. Moulton, Rev. Eugene W. Lyman, and Hon. Robert W. Kenny. There are so many professors and honorables and reverends that it would be very difficult to read them all. But I thought that it might be of interest to note that two Members of the Congress were also sponsors.

Mr. LEVY. I am very glad, Mr. Chairman, that Mr. McCann has seen fit to bring that out. May I see that, Mr. McCann, please? There is no doubt that those who have studied the Communist situation know that there are important people, nice people, innocent people, who are brought in in these conferences. I do not dispute it.

Mr. McCANN. Would you—

Mr. LEVY. Would you pardon me, please? Let me finish my statement in my own way.

I do not say that every person who is a sponsor for the American Committee for Protection of Foreign-Born in this National Conference for Protection of Foreign-Born is a Communist. I want to make my position extremely clear. I think Mr. McCann unintentionally misunderstands me.

You have got to take, in order to determine whether a person is a Communist or a fellow traveler, recognition of the fact of how difficult it is in this underground situation to get direct, live evidence in support of Communist affiliations. You take a man's career through a period of years, and when you find that he has, through thick and thin, during the storm and in sometime participated in most every important Communist front involved in situations as these, I say that you have a right to say that that kind of a person is a person who is utilizing the legitimate organized labor movement for ulterior purposes.

Mr. KEARNS. It goes back to the duck story.

Mr. OWENS. In other words, you would not include him in one of the 10 persons who are influenced by 1 Communist, as Mr. J. Edgar Hoover mentioned; your inference is that he is the 1, not 1 of the ten?

Mr. LEVY. I think that is a fair statement. I think, sir that innocent people are from time to time dragged into these, simple people,

if you want to use Mr. McCann's expression, dragged into these Communist fronts, and the reason why you find that many innocent, decent, even simple people withdraw after a while is because it is recognized after a while that they are Communist fronts.

But the old standbys always remain, and those old standbys, in all of these Communist fronts are participated in by admitted Communists and by Herbert K. Sorrell.

Mr. FISHER. Would you not also judge their motives and purpose in being in a particular organization largely, too, by the consistency of their adherence to other organizations that are known to be Communist, and are actively Communist?

Mr. LEVY. I agree with you, Congressman Fisher. I think that is an important criterion.

Mr. OWENS. Could there be any copperheads among them?

Mr. LEVY. I suppose there could be. I am in no position to say more than how we have undertaken to ascertain the facts upon which we rely in arriving at our conclusion. I want to emphasize that this was not a captious conclusion at which we had arrived in this genuine labor difficulty in Hollywood through the years. It is something that we were driven to as a result of the mass of undoubted evidence involved in the matter.

I am informed by Mr. Brewer, under whose auspices, as the west coast representative of the IATSE, most of this investigation and research was done, that George Bradley, whose name I mentioned, and Congressman Kearns asked me if I knew his address, participating with Sorrell and Freed and Crutcher, was a candidate for Senator on the Communist ticket in the State of Washington in 1934.

I mentioned earlier during my testimony the American Youth for Democracy, and the fact that that was a change of name, a recognized change of name from the Young Communist League.

Here is a letterhead, "Salute to Young America Committee, honoring second anniversary, American Youth for Democracy."

We received it on February 1, 1946. Among the members of the sponsoring committee, and you can blandly look at it in all of these front organizations, you find the name of Herbert K. Sorrell.

The Los Angeles Times on November 26, 1944, 2 years before, indicated that there was a Salute to Young America Anniversary Dinner in honor of the American Youth for Democracy at the Hollywood Roosevelt Hotel, and it is stated that the American Youth for Democracy has a local branch of which Myer Freed and his secretary, as a part of the national organization, formed in New York in October 1943, a few days after the Young Communist League met there and dissolved, and among those mentioned was Herbert Sorrell as sponsoring the dinner program.

I ask that these two documents be received as reference exhibits, and if the record does not show it, I ask that the provisional A. F. of L. for Bridges committee of February 16, 1945, be also marked as a reference exhibit.

Mr. KEARNS. No objection.

(The documents referred to were filed with the committee.)

Mr. LEVY. Here is the National Federation for Constitutional Liberties, another recognized Communist front. I want the Congressmen to understand that the Communists work in devious ways. Another committee, I think, of this House, has indicated in the morning papers, as I

saw it, as I was coming over to the hearing this morning, issued a report indicating some of the devious ways in which the Communist international and the Communists in this country work. Here is an open letter sponsored by the National Federation for Constitutional Liberties, "600 Prominent Americans ask President to Rescind Biddle Order."

Among those listed are Herbert K. Sorrell, business representative, Moving Picture Painters Local 644, Los Angeles, Calif. I ask that this be received as a reference exhibit.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. I could go on and on and on. I am not going to do it. I want to leave some material for later consideration.

I want to go now, if I may do so, to another phase of this problem which, in my judgment, is definitely tied up with the Communist situation. That appears in heading No. 4 of my letter of November 28, 1947. The jurisdictional strikes against the IATSE, particularly in 1945 and 1946, were conducted by the Conference of Studio Unions, the Communists and their allies, with a maximum of violence, disorder, and violations of law, and of court orders. I suggested respectfully in my letter that the congressional committee will certainly obtain the records of the producers, the Conference of Studio Unions, its allied organizations, and of the local law enforcement officials from which will be gathered proof in support of the foregoing.

I regret to say, and I realize that my letter did not receive the attention which I thought it deserved, but I understand now why, that even that phase of it was overlooked in the investigation of this Hollywood jurisdictional trouble.

Therefore, on January 6, 1948, I wrote Congressman Kearns another communication directed specifically to the matter of violence, which I should like to read into the record.

Hon. CARROLL D. KEARNS,

*Chairman, Subcommittee on the Hollywood Studio Labor Strikes, Committee on Education and Labor, House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN KEARNS: On November 28, 1947, I mailed to you a statement on behalf of my client, International Alliance of Theatrical Stage Employees, and Moving Picture Machine Operators of the United States and Canada, together with certain exhibits for insertion in the record of the Hollywood hearings. In that letter item 4 reads as follows:

I do not want to have to repeat it now. After that I state:

I have just received a letter from Mr. Roy M. Brewer, the Hollywood representative of IATSE, to the effect that he and Michael G. Luddy, Esq., of Los Angeles, west coast counsel for the IATSE, believe that the following documents should be submitted to you for inclusion in the printed record in support of the foregoing item 1, report dated February 18, 1946, from Subcommittee on Law and Order of the California Assembly Committee on Governmental Efficiency and Economy.

2. Pamphlet entitled "This is the Record of Terrorism Against Fellow Unionists by the Conference of Studio Unions, Hollywood, 1945-46."

3. Report of violence, personal injury, and property damage suffered by the members of the American Federation of Labor not participating in the recent motion-picture-studio strike, but which came as a result of the strike, and the mass picket lines established by the CSU September 1946 to January 1947.

I hope you will include this letter and enclosed material together with my letter of November 28, 1947, and the material sent to you then in printed record of the proceedings.

With kindest personal regards, and with best wishes for the new year (which I repeat).

Very sincerely,

MATTHEW M. LEVY.

Those documents I want to present to you, sir. I think it is important. I ask that there be received as a reference exhibit a pamphlet entitled "This is the Record of Terrorism against Fellow Unionists by the Conference of Studio Unions, Hollywood, 1945 and 1946."

Not alone do I ask you to receive it as a reference exhibit, members of the committee, I would like for you please to look at it now, as I proceed with my testimony.

Mind you, the IATSE, the Teamsters, the Actors, the Culinary Workers, the Plasterers, the Utility Employees, the Musicians were not on strike. They wanted to work. They wanted not to violate their contracts. They wanted not to violate their no-strike pledge during the 1945 strike. They wanted to work.

What I am presenting to you now is what I consider to be the phase of Communist violence in order to oppose those who want to work.

Let me emphasize that the record here shows that the carpenters' organization and the machinists' organization have had jurisdictional differences since 1914. Notwithstanding those jurisdictional differences, and notwithstanding the fact that the machinists were either suspended from or withdrew from the American Federation of Labor because of those differences, there was no violence in that difference between the carpenters and the machinists. There were no mass picket lines preventing Americans from being permitted to perform their contracts, to perform their pledges, and to work. Those jurisdictional differences which I indicated earlier of a more normal, more or less difficult, nature could easily have been resolved were it not for the interposition of violence, mass violence, smear campaign, Communist tactics so well known by those who have been active in the labor movement.

And this was investigated by the California Assembly committee, not the Tenney committee, which had no jurisdiction from the standpoint, apparently, of investigating the matter of violence.

Another subcommittee of the California Legislature was appointed. That committee consisted of C. Don Field, chairman, Don A. Allen, George R. Butters, Thomas M. Erwin, John W. Evans, Albert I. Stewart, Thomas H. Werdel.

What does this committee say?

During the month of October 1945, it came to the attention of the members of the Assembly Committee on Governmental Efficiency and Economy (created by H. R. 225, 56th regular session) that there appeared to have occurred a serious break-down in the maintenance of law and order in the county of Los Angeles. It was reported in the newspapers of Los Angeles and elsewhere that numerous acts of violence were being committed in the vicinity of certain motion-picture studios; that many persons had been injured by mob violence; that on several occasions a section of a public street was blocked to public traffic at both ends; that automobiles were being overturned and damaged; and that law-enforcement officers were standing by with their hands at their sides and doing nothing while various of these acts were being committed in their presence.

I think it will interest this congressional committee to note that a lawsuit was instituted against this committee, C. Don Field, Don Allen, Thomas Erwin, and others, in the Superior Court of California, to enjoin this committee from making the investigation, the report of which I brought to your attention in my letter of January 1948, and which I am presenting to you now.

That lawsuit was instituted by a number of persons with the firm of Katz, Gallagher & Margolis.

Mr. OWENS. To the supervisor of the chancery court?

Mr. LEVY. Yes, sir; to enjoin this committee from making this investigation. I may say that the lawsuit was ineffective.

Mr. OWENS. There was no damage requested—you just use the word “lawsuit” generally?

Mr. LEVY. That is correct. I would say it was a complaint for an injunction.

The attorneys for the plaintiffs in this lawsuit were Katz, Gallagher & Margolis, and Bodle, Pestana & Esterman, with the complaint signed by Ben Margolis.

Mr. OWENS. Is that Mr. Sorrell’s attorney you are speaking of, that last name?

Mr. LEVY. I understand that it is, sir.

Members of the Assembly Committee on Governmental Efficiency and Economy deemed themselves charged with notice of a condition of affairs which they as members of the committee were in duty bound to investigate, and to ascertain if there was a break-down in the maintenance of law and order, and if so, what changes in the law might be necessary to increase the efficiency and the effectiveness of the law-enforcement agencies of the State and local governments in the maintenance of law and order in this State, that any break-down in the maintenance of law and order in this State might be prevented and avoided in the future.

Thereupon, the members of the committee went to the places where the aforesaid acts of violence reportedly had occurred, and observed conditions at first-hand. It appeared therefrom that there was reasonable cause to believe that a serious break-down in the maintenance of law and order had occurred and which the committee was obligated to investigate and analyze for the purposes aforementioned, and to do so before such time had elapsed that competent witnesses might not be available.

I do not want to go into several passages of it. I intend to ask you, please, to mark this as a reference exhibit, but I do want to point out a certain part of the record.

At said hearings it appeared from the testimony of competent witnesses that a serious break-down in the maintenance of law and order had occurred in the county of Los Angeles, commencing on October 5, 1945, and continuing through October 25, 1945, to such a degree that mobs took over the control of the area in the vicinity and adjacent to certain motion-picture studios, and that a flagrant disrespect for law and justice and the courts prevailed.

Evidence presented at the hearings indicated that a strike at the motion-picture studios in the cities of Los Angeles and Burbank and elsewhere in Los Angeles County began about March 12, 1945, and continued until about the 25th day of October 1945. It appeared that this strike was what is known as a jurisdictional strike, a strike resulting from a jurisdictional dispute between the International association of Theatrical and Stage Employees and the Conference of Studio Unions. But it also appeared that certain subversive elements, desirous of getting control and leadership of old and well-established unions, took advantage of the strike situation and conspired to induce mass picketing and acts of violence and a break-down in the maintenance of law and order.

During the period from the beginning of the strike on March 12, 1945, to October 5, 1945, there was picketing at most of the studios and some violence incident thereto, and it was necessary, as will hereafter appear, for the various studios to institute legal proceedings and obtain restraining orders and temporary injunctions limiting the number of pickets stationed at or near their respective properties.

Mr. OWENS. Do you have in mind as to which is the worse of the two, the ones who brought the strike out in the first instance, or those who conspired to carry it on?

Mr. LEVY. Mr. Congressman, I say that Mr. Brewer, who has been on the scene since March 12 or 13 of 1945 is expected to present to this

committee an answer which I want you to consider in addition to what I am going to say.

Your question indicates that perhaps the strike was brought on by one person or group of persons, and that violence was brought on by another person or group of persons.

It is our considered judgment that there was, so far as the beginning of the 1945 strike was concerned, that that was too brought on by the persons who later participated, urged the violence. And Mr. Brewer, when he takes the stand, will indicate to you the reasons behind our judgment.

Since I do not want to interfere with the testimony which we have outlined for him, I ask you to permit him to answer that question.

Mr. OWENS. In other words, what you are saying is that it then was only a jurisdictional strike on the surface?

Mr. LEVY. I would say on the surface it was in 1945 a strike to compel recognition by the producers of the 77 set dressers. On the surface the shout was that these people are urging the maintenance of their right to recognition. That was what the pamphlets indicated, that was what the literature of the Conference of Studio Unions indicated.

I stated to you that in 1945 there was another strike involved in the set dressers for 2 or 3 days. Why did they not proceed then? In my judgment, and this is purely a matter of judgment, in October of 1945 this marriage of convenience, or this alliance between the Conference of Studio Unions and the carpenters had not yet been formulated or congealed, and consequently, when the War Labor Board, in 1944, urged the strike to end, Sorrell and the Conference of Studio Unions were quickly anxious to grasp at that and to go back to work.

In 1945 that arrangement had already been made, as I indicated in my earlier testimony, quoting from Mr. Tambiano, that the strike was made to order for us. He did not say he created the strike. The letter from Hutcheson to Mr. Pat Casey: "We want to settle a lot of things."

We have to keep in mind, because of the devious ways in which Communists work, these two factors. Today maybe one factor would be in the ascendancy in the determination of what is the real basis for the strike. Tomorrow another factor may be. We are trying to present to this responsible committee of Congress all of the factors and let you decide what you think is the real basis for the strike.

Mr. OWENS. I cannot get fully from your statement, at least yet, what—whether or not you are trying to point out that these people wanted to get a foothold in the industry there, or whether they were just trying to cause trouble. That is why I asked the question with respect to the jurisdictional strike, and the difficulty which occurred later.

Mr. LEVY. That I have no doubt about, sir. They want to get a foothold in the moving-picture labor because of the importance of the moving-picture industry to the Communist line, and because of the importance of any labor organization to the Communist Party.

I want to say that, after nearly a quarter of a century of interest, and professional activity for labor organizations, the one way in which the Communist Party in this country can most effectively obtain their desires is to smash the labor movement. That is, in my judgment, then, No. 1-A.



And if necessary I can present to you official documents from the Communist Party in support of that position. That is the first step, to annoy, to harass, to disturb, to create difficulties, to have violence, the purpose being to get control by whatever method being not important. When they get control of the labor organizations, they will then be prepared to move on in support of what I consider to be their nefarious and traitorous schemes.

Continuing with the report of the Assembly committee:

The evidence discloses that on the 5th day of October 1945 what has been described as "mass picketing" began at the Warner Brothers studios in Burbank, Calif., and continued daily with the exception of Sundays, down to October 25, 1945. This picketing was accompanied by serious disorders and numerous acts of violence resulting in the injury of many persons and great damage to property. Mob rule held sway; persons who wanted to go to work in the studios were prevented from doing so by the pickets and their adherents, and the law-enforcement officers were unable to control these mobs.

The evidence discloses that during this period there were crowds of persons numbering at times as many as 4,000 walking and marching in front of the studio property and barring ingress to and egress from the studio. Eugene Biscailuz, sheriff of Los Angeles County, appeared as a witness before the sub-committee and testified as to the number of pickets and others present at the Warner Bros. studios during the strike period and the number of law-enforcement officers assigned to handle the situation. In this connection, his testimony discloses the following:

I do not want to read that entirely, but it varied from 200 to 2,500 in number of pickets, and varied law-enforcement officers from 33 to 145.

Then other witnesses testified that there were about 4,000, a great many from Lockheed, and various other plants.

And then to go a little bit further:

The witness, Leroy Printz, testified that he was a dance director at the Warner Bros. studios and that he made an effort to get into the studio to go to work.

A dance-director, Mr. Chairman.

The following is an excerpt from his testimony on this subject:

"Answer. At that, Sorrell came up. I said, 'Sorrell'—I introduced myself. I said, 'I am Leroy Printz. I am a dance director. I don't belong to your union or the other union. I can't understand why I can't go in.' Sorrell said, 'You or no other —— don't get in there today.'

"Question. What did you reply?

"I replied, 'Mr. Sorrell, you or no other —— is going to keep me out.'"

Then the committee says in parentheses:

The Sorrell referred to is Herbert Sorrell, who was the head of the Conference of Studio Unions, and according to evidence before the joint fact-finding Committee on Un-American Activities in January of this year was a member of the Communist Party in 1937 under the name of Herbert Stewart and who, according to the testimony, was the leader of the strikers.

Mr. OWENS. Was Mr. Sorrell given an opportunity to answer that, in that same case?

Mr. LEVY. I understand, sir, that Mr. Sorrell was requested to appear. That is my information.

Mr. OWENS. Does the record show that he was given the opportunity to appear?

Mr. LEVY. All I can say, sir, is that my information is that he was requested to appear.

Mr. OWENS. That testimony was under oath, was it?

Mr. LEVY. Yes, sir.

Mr. McCANN. Mr. Chairman, at this time I believe that I should rise to request that there be a deletion from the record of the obscene words that have been read into our record. So far as I know, I have never seen such language used or reproduced in a congressional hearing.

I have no reason to make this motion except that I think congressional records have maintained a high standard of decency. I have no objection to putting blanks there, but I do not believe that it is the kind of language that we would want to go into our record. I make these comments solely as a suggestion for the exercise of the judgment of the Chair.

Mr. KEARNS. The only thing is, Mr. Counsel, I would expect to ask Mr. Sorrell, when he takes the stand, if he made any such statement as that.

Mr. LEVY. I am as unaccustomed to that language, sir, as any gentleman in this room. I read it merely because it was in the record of the California Assembly Committee.

Mr. OWENS. The point that Mr. McCann is making is that if you put that document in for reference, we would have it just as well and could ask questions on it without putting it in the committee record itself.

Mr. LEVY. The control of the record is within your province, sir; I simply felt if I left it out I would be making a serious deception of the committee.

Mr. KEARNS. We will rule on that as a committee before it is printed.

Mr. McCANN. I just wanted to suggest it to keep our record clear.

Mr. KEARNS. You know how I feel about it, so we do not have to reemphasize it from that standpoint.

Mr. LEVY (reading):

There was testimony adduced at the hearings that numbers of pickets sat down in the public streets in front of the Warner Bros. studios, thus blocking the traffic of the public upon such streets, and that it was necessary for the law-enforcement officers to remove those persons bodily in order to open the streets to traffic. One of the picketers at the studio was John Howard Lawson, known Communist.

As a result of the violence and disorders at the Warner Bros. studios during the strike, many persons were injured and some of the casualties were very serious, involving fractured bones and cerebral concussions. There was evidence that on one particular day there were 32 casualties and on another day 67 casualties caused by violence.

Let me parenthesize by saying, sir, that this record shows that the International Brotherhood of Electrical Workers, and the International Alliance of Theatrical Stage Employees have had jurisdictional differences for many, many years. No proof of any violence involving those differences. I mentioned the carpenters earlier. We are still in disagreement with the carpenters. I mentioned the electricians because we have made, finally, after a couple of decades, a very effective settlement.

Mr. McCANN. Mr. Chairman, we have listened today to perhaps a dozen little side speeches that do not have anything to do with the Hollywood strike, with whether Communists have incited the strike and that do not tend to prove or disprove any of the issues here. I suggest to the Chair that the witness refrain from continuous side speeches that do not affect this issue one way or the other.

The witness is a former judge and a lawyer. He knows that there is no probative value in a great many of these side speeches. I am not going to say another word. He may read the Scriptures to us, as far as I am concerned, but I do suggest, Mr. Chairman, that the witness be requested to continue with the subject and not get off on extraneous matters.

Mr. KEARNS. Mr. McCann, your point may be well taken. However, I told the judge, when he was to be the witness, that he could feel free to put in whatever he wants.

Mr. McCANN. That is all, Mr. Chairman.

Mr. LEVY. I think the statement by Mr. McCann has indicated that in my responsibility to my clients I must say without cavil and without fear that Mr. McCann has indicated throughout these proceedings from the beginning that he is the protagonist for one side, and that anything that anybody says on a proposition that he does not like, he jumps up to object to it. Anybody who says that what I have stated upon the stand is not material to the issues is ignorant of what the investigations are.

Mr. KEARNS. Let us proceed with the hearing.

Mr. McCANN. Mr. Chairman, I move that his last statement be stricken from the record as an attack not only upon counsel of this committee but upon the chairman of the committee.

Mr. LEVY. Not at all. It is not an attack. It is a statement of fact with respect to counsel's conduct, and do not try to pass the buck to the chairman.

Mr. McCANN. Mr. Chairman, I must say at this time, and I want to say it with very precise language, that since the beginning of this hearing, and I refer to the witness on the stand, to Mr. Benjamin, and to Mr. Zorn, the three lawyers for the producers and the IATSE—

Mr. LEVY. I object to that. I am not a lawyer for the producers, and I do not like that type of amalgamation which counsel is trying to perpetrate.

Mr. ZORN. I think we have had enough of Mr. McCann's conduct throughout this hearing, and I think it ought to be exposed fully.

Mr. McCANN. I want to say that one question was presented by Mr. Zorn, to be asked of Mr. Hutcheson that was a reflection upon the Chair and upon counsel. He withdrew that question, fortunately for Mr. Zorn. I want to say that there has been every effort to needle me and to needle the Chair, and we have listened patiently for 2 days to hearsay evidence that these men know does not prove anything, and I rely upon the Chair and upon Mr. Owens for confirmation of that. We were first informed that they were going to prove that there was communism here, and yet for 2 days we have listened not only to totally hearsay evidence, but we have listened to reflections, to criticisms, and to personal abuse.

Now, Mr. Chairman, I ask the Chair to protect us against that and to protect its counsel. So far as we are concerned, we would gladly receive any direct evidence on any of the charges which these men have made for 2 days.

And, Mr. Chairman, so far as I am concerned, I do not care now, and I have never cared, where the chips may fall, nor what evidence is introduced, nor will I deviate one iota from following the truth that is received in this record. I think that we have listened to

so much abuse, and particularly to the statement made by Mr. Levy here in the last few minutes, that the Chair should take notice of it and should strike his statements from the record.

MR. KEARNS. I would like to say that the committee grants to anyone permission to make any statement they wish for the record. I think the Chair will establish the prerogative, however, that he will stay directly within the issue and conform to our thoughts along those lines. That is all I can see that we can do. If there have been any remarks made by any individuals, Mr. McCann, Mr. Zorn, or any of the other counsel, Mr. Cobb, Mr. Bodle, Mr. Levy, I hope that it will all be taken in a professional way and that you will not hold any personal animosities toward anybody.

MR. OWENS. Mr. Chairman, I do not recall hearing any aspersions cast upon the counsel or members.

MR. McCANN. You were not here, sir, at that time.

MR. OWENS. I would be the first one, I am sure, to rise against it, but during the 2 weeks that I have been here I have not heard anything of that nature.

MR. McCANN. Mr. Chairman, may I ask that the record be read back to Mr. Owens and ask whether he is still of that opinion?

MR. KEARNS. If Mr. Owens wishes to have it read, it will be read.

MR. OWENS. I will read it later. I will not hesitate to strike it out if I think it should be stricken.

MR. KEARNS. Mr. Counsel, and the witness, we will as a committee decide upon that testimony, then.

MR. ZORN. Mr. McCann has made some remarks about me, sir.

MR. OWENS. You will have an opportunity to answer, Mr. Zorn. There is no use breaking into the record at this point, when you have a chance to take the stand.

MR. ZORN. I would be very happy to. There are a lot of things I would like to say for the record.

MR. LEVY. Continuing from the report of the assembly committee:

Paul M. McWilliams, superintendent of medical service at Warner Bros. studios testified that on October 5, 32 persons were treated for injuries received during the disturbances incident to the picketing at the studio.

According to his testimony, the injured included 89 Warner Bros. employees, 3 Burbank city police, 3 Burbank city firemen, 1 Los Angeles city police officer, 6 pickets, and 2 IATSE representatives.

Let us go down a little bit further:

Another witness, James Balash, employed as a paper hanger for Warner Bros. Studios, testified that he was attacked by Herbert Sorrell the morning of October 5, as he, Balash, was trying to enter the studio to go to work. He stated that Sorrell had brass knuckles on his right hand and he struck Balash in the jaw, fracturing it in three places. Portions of his testimony in this connection are as follows:

"Question. Who smacked you with the knuckles?

"Answer. Sorrell.

"Question. What kind of knuckles did he have?

"Answer. They had a piece of bar right here on them [indicating].

"Question. Metal knuckles?

"Answer. Yes, and brass.

"Question. Where were you struck?

"Answer. Right under the jaw, broke all around here [indicating].

"Question. When did the breaking of the ribs take place?

"Answer. Right there on the ground when they took my hair and pounded my head against the ground, and they kicked me yet.

"Question. After you were knocked down with the brass knuckles and you were on the ground, that is when they kicked you?

"Answer. Yes, sir."

This witness further testified that although police officers were present at the time he was attacked and injured, they did not offer to take him to a hospital nor did they render him any assistance at all, but that one officer called him a scab painter and the officers told him that if he knew what was good for him, he would "scram" and get out of there.

Mary Balash, wife of James Balash, testified that on the day her husband was operated upon—

This was an unknown telephone call, so I will not go into that.

Mr. OWENS. Is there anything in the record to show that any proceedings were brought in court, charges arising from those so-called disasters?

Mr. LEVY. I understand, sir, that Mr. Sorrell has been prosecuted several times. The precise charges, the conditions, and so on, we are getting from California, to present them in documentary form, rather than to rely upon memory. But there have been, Mr. Sorrell has been arrested several times, he has been prosecuted for a number of things, and that record will be presented to you. But I would rather have it from the court records than from my testimony.

Mr. OWENS. Of course, you appreciate the fact that he will be on the stand very shortly. We ought to have those records before he takes the stand.

Mr. LEVY. We have been in communication with California, sir, as frequently and as rapidly as necessary, for the purpose of getting this material, and we intend to present this.

Mr. KEARNS. That is my understanding, that they are trying to get this evidence.

Mr. LEVY. You will remember that the American Federation of Labor executive council called off the strike on October 25, 1945. Here is the Labor Herald, the official California CIO newspaper of October 26, 1945:

Film strikers win; City-wide support brings victory; cancel plans for 15,000 CIO pickets.

That is the day after the executive council called off the strike. When I say to you that notwithstanding the fact that Mr. Sorrell purported to be an official of the local union of the American Federation of Labor, and that the Conference of Studio Unions purported to be a group of A. F. of L. unions, this CIO connection brings in a picture with respect to the Communist infiltration in the studios.

Mr. OWENS. Do you have any proof of that, other than that newspaper, that would be antagonistic in making that statement, or else trying to show that the CIO was bringing about some aid there?

Mr. LEVY. It is the fact that we will have proof to show you that CIO money participated in the conduct of the 1945 strike by statements made out of the mouths of the persons who conducted the CSU strike.

Mr. OWENS. We are still at the point where we have none of this proof, as Mr. McCann said; we are still going along on general charges.

Mr. LEVY. I do not fully understand.

Mr. OWENS. I realize you are setting the ground work, possibly, by these general charges, but each time you have reached what I thought was a good point and I have asked for it, you said you would submit the proof.

Mr. LEVY. If X says that I received so much money from Harry Bridges in support of my strike, and X is the leader of the Conference of Studio Union, I think that is admissible proof.

Mr. OWENS. Those are the things we are waiting for.

Mr. LEVY. All right, sir; you will get them.

I think it should be pointed out that during the investigation, quoting from the assembly committee again :

During the course of the investigation it developed that students from the University of California at Los Angeles and from the Los Angeles City College had joined the strikers' picket lines at the Warner Bros. Studios, and that their conduct in this regard had received widespread publicity. The evidence also discloses that certain professors teaching at the University of California at Los Angeles were also instructors at the Communist school in Hollywood known as the Peoples Educational Center, and that in the pamphlet listing the courses and instructors in that school the connection of these professors with the University of California at Los Angeles was prominently mentioned.

Mr. KEARNS. They have proof for that?

Mr. LEVY. Yes, sir.

Then there were a number of recommendations made with respect to amendments to the law, which it is not necessary for our present purposes to go into. That was an investigation of the 1945 strike. There has been no investigation, to my knowledge, by the California Legislature, of the violence in the 1946 strike.

I have here a report of violence, personal injury, and property damage suffered by the members of the American Federation of Labor not participating in the recent motion picture studio strike, but which came as a result of the strike and the mass picket lines established by the Conference of Studio Unions from September 1946 to January 1947. Names are mentioned; addresses are mentioned; the injuries are mentioned.

And I ask that that be received as a reference exhibit as well as the report of the subcommittee on law and order of the Assembly Committee on Governmental Efficiency and Economy in the State of California, reprinted from the Assembly Journal of February 18, 1946.

Mr. KEARNS. No objection.

(The documents referred to were filed with the committee.)

Mr. LEVY. I want to point out two other matters which have not yet come up, and then I will ask that Mr. Brewer be permitted to testify. The two matters which have not yet come up revolve around the following. I think the committee will remember that I stated that there was constant irritation in the studios between the end of '44 and September of '46, among studio labor. There was one strike in October of '44, very short duration, another strike in 1945, from March until October.

Strikes were being fomented and talked about in February of 1946, to such an extent that the unions in the American Federation of Labor and studios not affiliated with the Conference of Studio Unions, had to issue a message to studio workers. That has not been brought into evidence. I think it is material when you study these irritations of which I speak.

A message to studio workers. The undersigned unions of the American Federation of Labor have contractual commitments with the Hollywood motion-picture producers.

A group of unions affiliated with the Conference of Studio Unions has served public notice that it intends to call a strike at the Hollywood studios on Monday, February 18, 1946.

This strike ultimatum was issued without any consultation with the undersigned A. F. of L. unions and without any recognition of the rights and interests of the members of our unions or the rules of the Los Angeles Central Labor Council.

Mr. OWENS. Is that something published by IA?

Mr. LEVY. This is something not published by the IA alone. I will read you the subscribers in a moment:

We have been notified in telegrams from the Los Angeles Central Labor Council that:

"In reply to your inquiry regarding threatened strike at motion-picture studios, no strike has been authorized by the council nor has strike procedure been followed in connection with present threats. Under these circumstances the Central Labor Council does not approve of strike action."

This is February 1946. It is signed, "W. J. Bassett, secretary, Los Angeles Central Labor Council."

We have also been notified that the following telegram has been sent to unions that have issued the strike ultimatum.

"I have been instructed by the executive board of the Los Angeles Central Labor Council to notify your union that the calling of a strike in the motion-picture industry without first making application to the Central Labor Council would be contrary to the adopted strike procedure. Unless the proper procedure is followed such a strike cannot be supported by the council or its affiliated unions."

It is signed, "W. J. Bassett, secretary, Los Angeles Central Labor Council."

On the basis of these facts and the official action of the Los Angeles Central Labor Council, in declaring this threatened strike illegal, the undersigned unions hereby declare that they intend to comply with their contractual obligations to go to work on Monday, February 18, 1946.

(It is a misprint, and states '45, but it should be '46.)

It is signed, "Culinary Alliance; Screen Actors Guild; Screen Extras Guild; Studio Plasterers No. 755; Studio Utility Employees No. 724; IATSE and MPMO; Studio Drivers No. 399; and American Federation of Musicians."

Mr. OWENS. Why did you not include the painters and carpenters?

Mr. LEVY. Because the painters and carpenters were in the Conference of Studio Unions, and the Conference of Studio Unions were the ones that were fomenting this trouble for the purpose of having another strike after the 1945 settlement.

Mr. OWENS. That was just immediately after Mr. Hutcheson's pleas were turned down?

Mr. LEVY. I think so, sir. But my information is that this strike was, public notice having been stated, and we will have that public notice here, we have the issues of the trade papers in which those public notices by the Conference of Studio Unions have been published as advertisements.

Mr. OWENS. You heard him admit the other day that he had the key to the situation, that he would not unlock the door until he was given what he felt they had a right to have.

Mr. LEVY. That is today. He did not have the key, sir, in 1945 and in 1946. I want to make that clear, that getting the two effects of the situation, one day Mr. Hutcheson thinks he has the key, the

other day the Conference of Studio Unions and the Communists think they have the key. You have to follow both lines.

Mr. OWENS. I am still waiting for the proof.

Mr. LEVY. I do not expect, sir, to find a confession signed by anyone to the effect that, "I am a Communist, and I control the strike." If that is the kind of proof that you expect to receive, then I cannot supply it.

Mr. OWENS. You have Mr. Hutcheson admitting that he controls it.

Mr. LEVY. I understand that. If you can get a Communist to admit anything, that is up to you. I will not undertake to get a Communist to admit anything.

Another situation arose in April of 1946, an ultimatum, April 18, 1946:

The undersigned unions, representing 26,000 A. F. of L. studios workers, are now negotiating, or have completed contracts successfully with the Hollywood producers. We are determined to obtain for our memberships the best wages and conditions.

Our present negotiations were delayed and disrupted because of an 8 months' jurisdictional strike staged in 1945 by a rump group representing less than 5,000 people, known as the Conference of Studio Unions. Actually, these delays have deprived every worker in the industry of substantial sums of money that should have been in their pockets some months ago.

We hereby serve notice on all concerned that we no longer will tolerate disruptive tactics by this small minority, the CSU, which has no standing or recognition in the A. F. of L. and which hides behind the A. F. of L. name—but defies A. F. of L. policy.

Once again, this disruptive minority threatens to call an illegal strike and to picket the studios. They have refused to submit the issues in dispute to the proper A. F. of L. councils, or to follow established procedure which every A. F. of L. council in Los Angeles County has adopted, whereby the councils, through collective action of all A. F. of L. unions, make every effort to adjust disputes without recourse to strikes.

This system has been so successful that the Los Angeles A. F. of L. has established the outstanding record of winning contract and wage gains without strikes in 95 percent of all local disputes.

If that small minority of studio workers carries out its threat to picket the studios without first submitting the dispute for consideration by the proper A. F. of L. councils, the strike will be an outlaw strike, and none of our members will respect the illegal picket lines.

There are nearly 8,000,000 men and women in the American Federation of Labor who support established and successful A. F. of L. procedures. As a part of that national family, we demand that this small minority now threatening another wildcat strike abide by A. F. of L. rules or withdraw from Hollywood.

We will fully support any bona fide request for assistance in matters of wages, hours, and conditions.

The A. F. of L. in the motion-picture industry has no place for labor leaders who defy A. F. of L. policies. If these leaders do not immediately take steps to get in line with the A. F. of L., we pledge our efforts to see that they are replaced by responsible leadership, and thus make it possible to establish sound collective bargaining in the interest of the working membership of A. F. of L. unions employed in the film studios.

It is signed, "Harry Shiffman, business representative, Federal Labor Union No. 23968; Walter Cowan, international representative, Hotel and Restaurant Employees International Alliance, and B. I. L. of A.; Roy M. Brewer, international representative, IATSE and MPMO; A. Smith, representative, international laborers; George Murphy, president, Screen Actor's Guild; Ed. X. Russell, president, Screen Extras Guild; Joseph P. Tuohy, business representative, Studio Drivers, No. 399; and Ben A. Martinez, Studio Plasterers, No. 755."



Mr. OWENS. Was that ultimatum filed with the A. F. of L.? Did they ask for a hearing with the leadership of the A. F. of L.?

Mr. LEVY. In the executive council of the American Federation of Labor? I do not think so.

Mr. OWENS. Do you not think that is where it should have been filed?

Mr. LEVY. I think it was filed with the Central Labor Council in Los Angeles, which would be the appropriate procedure.

Mr. OWENS. Would that include the other groups that were with the CSU?

Mr. LEVY. It would.

Mr. OWENS. What was done about it in the Central Labor Council?

Mr. LEVY. The Central Labor Council officially refused to support the April 1946 threatened strike.

Mr. OWENS. Did they issue any statement?

Mr. LEVY. No strike was called, sir, in April of 1946. I am trying to indicate to you that not alone were there four strikes, 2 months' duration, but that there were also these irritations in which strikes were threatened.

Mr. OWENS. And you would have one group of A. F. of L. unions issuing an ultimatum when other A. F. of L. unions were responsible for the strikes that were taking place, and the threatened strikes, when they should have gone into their own ranks and settled it without issuing any ultimatums to the public?

Mr. LEVY. I will say that it does seem odd, and unless you understand, as I think you are doing, or trying to do, the nature of the dual set-up, I say that it does not seem odd. That oddity can be explained by what I conceive to be the dual set-up in the Hollywood studio unions.

Mr. OWENS. Right there from that, can we as legislators, or anyone, lay the blame on the door of anyone but labor and the leaders of labor, the A. F. of L.?

Mr. LEVY. I think, sir, the blame can be laid upon both factors, which I mentioned in the opening statement.

This was carried down to as far as 1947, February 5, 1947.

With this I close my testimony. This is a communication from 25 A. F. of L. unions representing 25,000 workers in Hollywood motion-picture industry, dated Hollywood, Calif., February 5, 1947. This gives a picture, signed by the Hotel and Restaurant Employees International, Local 17284, 440, 468, and 639; the Screen Actors Guild; the Screen Extras Guild; the American Federation of Musicians; the International Brotherhood of Teamsters, Local 399; the International Hod Carriers, Building and Common Laborers Union, Local 724; the Operative Plasterers and Cement Finishers International Association, Local 755; the Studio Technicians, Local 23968.

Then the following, in addition to those I have indicated, signed this communication in February of 1947, the following locals of the IATSE, and since this is the first time that the locals have been named in the IATSE, I think it is appropriate to do so now:

Affiliated Property Craftsmen, Local 44; Studio Grips, Local 80; Studio Projectionists, Local 165; Studio Mechanics, Local 468; International Photographers, Local 659, IATSE; Film Technicians, Local 683; International Sound Technicians, Local 695; Costumers, Local 705; Make-up Artists and Hair Stylists, Local 706; Motion Picture

Laborers and Utility Workers, Local 727; Motion Picture Electricians, Local 728; First Aid Employees, Local 767; Film Editors, Local 776.

This was a communication which was sent throughout the entire country, because efforts were being made by the Conference of Studio Unions, not alone in Mexico and in France, as has been indicated by earlier testimony, but also throughout the country.

This communication was sent by the undersigned American Federation of Labor unions representing more than 75 percent of the workers in the Hollywood motion-picture studios, who wish to give you the facts on the current labor situation in Hollywood.

I ask that this letter be received and read into the record. I do not think it is necessary for me to read the entire letter at the present time, but this much I want to point out to you:

This very small group—

Meaning the CSU—

of striking unions are now trying to gain sympathy for themselves by circulating throughout America, particularly in the labor press, statements which seek to place us, the majority of the A. F. of L. unions in Hollywood, in the position of collaborating with the Motion Picture Producers Association in an alleged attempt to break other unions. The facts do not support any part of this unfounded propaganda, and we, the undersigned A. F. of L. unions, representing the very great majority of the workers in the studios, feel it is imperative that you should know the facts.

Now, Mr. Chairman, I want to close by reading into the record the testimony of Mr. Walter Disney, of Disney Productions, given before a committee of this Congress in October of 1947—a very short portion of it. I mention this because Mr. Sorrell testified about Mr. Disney when he was on the stand here during the early part of these proceedings.

The CHAIRMAN. In other words, Mr. Disney, Communists out there scared you because you wouldn't knuckle under?

Mr. DISNEY. I wouldn't go along with their way of operating. I insisted on it going through the National Labor Relations Board, and he told me outright that he used them as it suited his purposes.

I will come back to that.

Mr. SMITH. As a matter of fact, Mr. Disney, you experienced a strike at your studio, did you not?

Mr. DISNEY. Yes.

Mr. SMITH. Is it your opinion that the strike was instituted by members of the Communist Party to serve their purposes?

Mr. DISNEY. Well, it proved itself so with time, and I definitely feel it was a Communist group trying to take over my artists, and they did take them over.

The CHAIRMAN. You say they did take them over?

Mr. DISNEY. They did take them over.

Mr. SMITH. Will you explain that to the committee, please?

Mr. DISNEY. It came to my attention, when a delegation of my boys, my artists, came to me and told me that Mr. Herbert Sorrell—

Mr. SMITH. Is that Mr. Herbert K. Sorrell?

Mr. DISNEY. Herbert K. Sorrell was trying to take them over. I explained to them that it was none of my concern; that I had been cautioned to not even talk to any of the boys on labor. They said it was not a matter of labor, it was just a matter of them not wanting to go with Sorrell, and they had heard that I was going to sign with Sorrell, and they said they wanted an election to prove that Sorrell didn't have the majority. And I said that I had a right to demand an election. So when Sorrell came to me, I demanded an election. Sorrell wanted me to sign on a bunch of cards that he had there that he claimed were the majority, but the other side had claimed the same thing. I told Mr. Sorrell

that there was only one way for me to go, and that was an election, and that what the law has set up, the National Labor Relations Board, was for that purpose. He laughed at me, and said he would use the Labor Board as it suited his purposes, and that he had been sucker enough to go for that Labor Board ballot, and that he had lost some election—I cannot remember the name of the place—by one vote.

He said it took him 2 years to get it back. He said he would strike; that that was his weapon. He said, "I have all the tools of the trade sharpened"; that I—Disney—couldn't stand the ridicule or the smear of a strike. I told him that it was a matter of principle with me, that I couldn't go on working with my boys feeling that I had sold them down the river to him on his say-so. And he laughed at me and told me I was naive and foolish. He said, "You can't stand this strike. I will smear you. And I will make a dust bowl of your plant."

The CHAIRMAN. What was that?

Mr. DISNEY. He said he would make a dust bowl out of my plant if he chose to.

I told him I would have to go that way; sorry; that he might be able to do all that, but I would have to stand on that. The result was that he struck. I believed at that time that Mr. Sorrell was a Communist because of all the things that I had heard and having seen his name appearing on a number of Commie-front things.

When he pulled the strike, the first people to smear me and put me on the unfair list were all of the Commie-front organizations. I can't remember them all. They changed so often, but one that is clear in my mind is the League of Women Shoppers, the People's World, the Daily Worker, and the PM magazine of New York. They smeared me. Nobody came near to finding out what the true facts of the thing were, and I went through the same smear in South America, through some Commie periodicals in South America, and generally throughout the world all of the Commie groups began smear campaigns against me and my pictures.

Mr. McDOWELL. In what fashion was that smear, Mr. Disney? What type of smear?

Mr. DISNEY. Well, they distorted everything. They lied. There was no way you could ever counteract anything that they did. They formed picket lines in front of the theaters, and, well, they called my plant a sweatshop, and that is not true, and anybody in Hollywood will prove it otherwise. They claimed things that were not true at all, and there was no way you could fight back. It was not a labor problem at all, because—I mean, I never had a labor trouble, and I think that would be backed by anybody in Hollywood.

Mr. SMITH. As a matter of fact, you have how many unions operating in your plant?

The CHAIRMAN. Excuse me just a moment. I would like to ask a question.

Mr. SMITH. Pardon me.

The CHAIRMAN. In other words, Mr. Disney, Communists out there smeared you because you would not knuckle under?

Mr. DISNEY. I would not go along with their way of operating. I insisted on going through the National Labor Relations Board, and he told me outright he used them as it suited his purposes.

The CHAIRMAN. Supposing you had given in to him. Then what would have been the outcome?

Mr. DISNEY. Well, I never would have given in to him, because it was a matter of principle with me, and I fight for principles. My boys have been there, have grown up in the business with me, and I did not feel like I could sign them over to anybody. They were vulnerable at that time. They were not organized. It is a new industry.

The CHAIRMAN. Go ahead, Mr. Smith.

Mr. SMITH. How many labor unions approximately do you have operating in your studios at the present time?

Mr. DISNEY. Well, we operate with around 35. I think we have contracts with 30.

Mr. SMITH. At the time of this strike, you did not have any definite grievances or labor trouble whatsoever in your plant?

Mr. DISNEY. No. The only real grievance was between Sorrell and the boys in my plant. They demanded an election, and they never got it.

Mr. SMITH. Do you recall having had any conversations with Mr. Sorrell relative to communism?

Mr. DISNEY. Yes; I do.

Mr. SMITH. Will you relate that conversation?

Mr. DISNEY. Well, I didn't pull my punches on how I felt. He evidently heard that I had called them all a bunch of communists, and I believe they are. At the meeting he leaned over and said, "You think I am a Communist, don't you?"

And I told him that all I knew was what I had heard and what I had seen. And he laughed and said, "Well, I used this money to finance my strike of 1937." And he said that he had gotten the money through the personal check of some actor, but he did not name the actor.

I did not go into it any further. I just listened.

Mr. LEVY. Now, Mr. Chairman, I want to express to this committee the appreciation of the IATSE in determining, first, that one of the factors which we claim was an important factor in this strike, Communist influence in the Hollywood labor situation, was opened up. More than once I have been asked to present what would be called in legal terms proof; and as I close my testimony, I should like to direct your attention to that.

In the event there was a legal trial in which it was necessary to present evidence in accordance with the rules of evidence, we would present other material and a different kind of case; where, before this investigating body, the position of the Conference of Studio Unions was that they were justified that there was collusion between the producers and the IATSE, no live proof has been presented of any collusion and no live proof has been asked for by the committee counsel in support of the collusion. I mention that in passing only because I think that if the Conference of Studio Unions felt that there was collusion, they had a right to bring that charge, let the evidence be presented before this committee, and pass upon the material as presented to you.

There are lawsuits pending, lawsuits involving \$43,000,000 in one situation and, I think, \$27,000,000 in another—lawsuits against the IATSE. Legal proof in the technical sense will be presented by the various parties and certainly will be presented by the IATSE on the matters involved in those lawsuits. But legal technical proof in the technical sense, it seems to me, is not yet requested, is not required, before a congressional committee. And all that a congressional committee is obligated to undertake, as I see it, in this phase of the matter, is this: In view of the material that has been presented, and more will be presented through Mr. Brewer, who was on the ground, and of a more intimate nature, was the IATSE justified in saying, one, that the strikes were jurisdictional; and two, that they were inspired or influenced by Communists?

I repeat that no one who has listened to the record that we have presented can gainsay the proposition that it is reasonable to draw the conclusion, and it would be unreasonable to draw any other conclusion that these strikes in Hollywood were jurisdictional, No. 1; and were, No. 2, influenced, if not inspired, by Communists.

Where the line of cleavage is to be drawn, Mr. Chairman, is not an easy matter. The debacle of governments, of governments of democratic nature throughout the world, is mute evidence of the difficulty of drawing the line in situations where Communists come in. Now, I do not propose to be able at this moment to draw the line. I do want to direct your attention to the fact that we have shown, I think, that Mr. Sorrell, through the record that has been presented before other committees of California—governmental committees—and of this House, that Mr. Sorrell was a member of the Communist Party. I

think that we have shown that he followed the Communist line. I think that we have shown that the Conference of Studio Unions has followed the Communist line. I think we have shown, on the other hand, too, that the carpenters want their jurisdiction.

To use Mr. Hutcheson's expression, "He's got the key, and he won't turn it until he gets what he wants."

This marriage of convenience to which I referred at the opening ought to be dissolved. A divorce suit would be very appropriate, and it might well be that the tribunal which might decree that divorce could be the congressional committee investigating the Hollywood studios.

I am prepared to submit to questions. I think, however, that a lot of time would be saved if Mr. Brewer were to take the stand, and then I could come back for questioning, or he will.

It makes no difference to me what you want. But a lot of time could be saved by Mr. Brewer's presenting his evidence.

Mr. OWENS. Mr. Chairman, I think that would be all right. But I would like to ask a few questions first and get a brief answer rather than an extended answer. I will just ask a few questions that I think you can answer very briefly.

Mr. LEVY. I shall try to do so.

Mr. OWENS. I will ask these few questions. They should take only 1 minute.

So far we do have Mr. Hutcheson testifying that communism was not a part of the situation out there, in his opinion, and that he would be the one who has the key; that is correct, is it not?

Mr. LEVY. That is right. I do not think he knows the situation in Hollywood.

Mr. OWENS. No?

Mr. LEVY. That is right.

Mr. OWENS. You can explain at the end.

Mr. LEVY. I will; yes, sir.

Mr. OWENS. Now, we do have Mr. Casey saying that communism was not a factor there; that is true, too?

Mr. LEVY. Yes, sir.

Mr. OWENS. We do have the unquestioned fact that there is a jurisdictional strike, jurisdictional trouble; that is correct, also?

Mr. LEVY. Yes, sir.

Mr. OWENS. And we have up to this time heard from you, as you have read the statements, the hearings and newspapers, general charges by people that they believed Sorrell was a Communist; right?

Mr. LEVY. That is not all.

Mr. OWENS. But you so far have not put in any proof that he was a member of any definite organization or a member of the Communist Party, or his admission made to you that he was Communist; correct?

Mr. LEVY. I do not remember that I have ever spoken to Mr. Sorrell, on the basis of which I testified.

Mr. OWENS. I am trying to sum up your testimony and how you feel so far.

Mr. LEVY. I do not remember that I have ever spoken to Mr. Sorrell.

Mr. OWENS. Then the statement I made is substantially correct?

Mr. LEVY. No, sir.

Mr. OWENS. What do you say is correct?

Mr. LEVY. I think that the documentary proof shows that Mr. Sorrell was a member of the Communist Party in 1937 and 1938.

Mr. OWENS. But that is why I said, by reference to newspaper articles—

Mr. LEVY. No, sir.

Mr. KEARNS. You are raising the question of the handwriting?

Mr. LEVY. Yes, sir.

Mr. OWENS. I mean, with all due respect to you in every way, that you would not expect to take that as any proof?

Mr. LEVY. I would expect you, sir, to take that as sufficient proof, to respect the presence of the handwriting experts who gave the testimony. In the event that there were a legal trial in which technical proof was to be presented, we would present such testimony. Our problem is a—

Mr. OWENS. Suppose we were even assuming, back at that time—and that was way back in 1937 or 1938—the proof on that point, even if we were to assume that is true?

Mr. LEVY. If we were to discuss law, Congressman, it is a presumption of law that when a certain state of facts exists, that state of facts is presumed to continue unless there is an indicated cleavage or line of demarcation.

Mr. OWENS. I will grant you that there can be circumstantial evidence which, while not establishing guilt, does do a great deal toward showing that a person is not innocent.

Mr. LEVY. Yes.

Mr. OWENS. But no circumstantial evidence by itself establishes guilt; is that not true?

Mr. LEVY. That is an interesting question of law which I will not agree with, and I would like to give you an example, if I may.

Mr. OWENS. It will be too bad for this Nation if we ever reach the point where it is not.

Mr. LEVY. Let me put it this way: There is a field, and on that field is no snow whatsoever. During the night, a lot of snow falls. And the snow stops at midnight. And I wake up at 7 o'clock in the morning and see footprints on that snow. I did not see anybody go, but I see footprints on that snow. I would be blind if I were to say that I do not think somebody walked across that snow.

Now, I am not now talking about conviction. I am not asking you to convict Mr. Sorrell. I am asking this committee to find out what were the causes behind this strike.

Mr. OWENS. If you take any illustrations from nature, we wake up every morning and we know that the sun has risen and it is light and it becomes dark at night and the planets go about in their own place and turn year after year and century after century. But are persons blind who say that no one caused that?

Mr. LEVY. That is right.

Mr. OWENS. That is all, Mr. Chairman.

Mr. LEVY. I want to say something about Mr. Casey and Mr. Hutcheson, in view of your question, and it will take just a moment.

I am sorry to say that with all my regard for the first vice president of the American Federation of Labor, Mr. Hutcheson is not personally acquainted with the Hollywood situation. We have tried to get Mr. Hutcheson personally to come to Hollywood—when I say “we,” I

think Congressman Kearns has tried, I think Mr. McCann tried, and I think Mr. Walsh tried. I think Matthew Levy tried. Mr. Hutcheson does not want to go near the Hollywood studios, and so far as our investigation indicates, he has not been there in many a year.

I am not going to rely upon Mr. Hutcheson's statement with respect to Communist influence in Hollywood labor. So far as Mr. Casey is concerned, I have two things I would like to say about that. And let the record be made clear. The producers and we are at definite odds on this question of Communist infiltration in the studios. The producers before the Un-American Activities Committee started off on the assumption that everything was nice and sweet and rosy and that there was no Communist problem in the studios. The producers have always taken that position. It may be that they do not know it. It may be that they feel that they do not want to know it because that might hurt their product, the films, which they produce out of Hollywood. But it takes a labor organization, really, to know Communist infiltration in labor.

Now, so far as Mr. Casey is concerned, if you look at the record, you will find Mr. Casey did not recognize Jeff Kibre as a Communist for many years until after the IATSE exposed him as one and he finally admitted it.

So when Mr. Casey tells us that he thinks that Mr. This or Mr. That is not, with all due respect to Mr. Casey's experience, both as a producer representative and being a little unacquainted with the situation, I cannot rely upon his testimony.

MR. KEARNS. Mr. Levy, regarding this one phase here about the handwriting as being proof, of course, you realize yourself, through your vast experience that we have handwriting experts that fool the other handwriting experts?

MR. LEVY. I will be glad to listen to any handwriting expert or anyone else who will say that the signature of Herb Stewart on this Communist Party card is not Herbert K. Sorrell.

MR. KEARNS. Well, Mr. Sorrell will have that opportunity himself, of course.

MR. LEVY. All right.

MR. KEARNS. And then we will follow the plan of having Mr. Brewer on the stand immediately after lunch.

MR. LEVY. Thank you very much.

MR. BODLE. Mr. Chairman, I have a number of questions of Mr. Levy, and I would like to ask that we not depart from the procedure that has been laid down in these hearings, and that we be permitted to question Mr. Levy's conclusions.

MR. KEARNS. Very well. We will ask him those. Mr. Levy only suggests that he thought there would be duplication there.

MR. LEVY. That is right.

MR. KEARNS. And that is why I can see his plan.

MR. LEVY. And I think a lot of time could be saved that way. However, I have no objection to answering questions.

MR. KEARNS. I will ask you, then, to come back at 2 o'clock.

MR. LEVY. I will be here.

MR. KEARNS. We stand in recess until 2 o'clock.

(Recess from 12:10 p. m. to 2 p. m.)

## AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will please come to order.

We will ask Judge Levy to take the stand again, and in the absence of the other members of the committee, I think it would be perfectly all right if the various counsel would submit their questions to the committee's counsel for reading.

## TESTIMONY OF MATTHEW M. LEVY—Continued

Mr. McCANN. This question is by Mr. Cobb:

Without referring in detail to the various documents and exhibits you have presented or referred to:

1. You do not charge that any carpenter in Hollywood Studio Local No. 946 is a Communist, do you?

Mr. LEVY. My recollection is that one of the documents indicated that there was a member or an officer of the carpenters local who participated in the Communist fronts. I will have to examine the records in order to give you the precise answer.

Mr. McCANN. You do not charge that any carpenter in the United Brotherhood of Carpenters is a Communist, do you?

Mr. LEVY. I think the record speaks for itself on that.

Mr. McCANN. Referring to the exchange of telegrams between Chairman Hartley and Mr. Walsh regarding Mr. Oscar Schatte, which you have just read into evidence, do you know that Mr. Schatte has since been discharged by the Eagle Lion Studio?

Mr. LEVY. No; I do not know.

Mr. McCANN. That completes Mr. Cobb's questions.

Are there any further questions?

Mr. BODLE. Yes, sir; I gave you some right there.

Mr. McCANN. I am sorry. I did not know they were here.

These are questions from Mr. Bodle:

Were you a member of the unemployment conference?

Mr. LEVY. I do not know what counsel refers to.

Mr. BODLE. That is the conference which you mentioned in your testimony.

Mr. LEVY. Not to my knowledge.

Mr. McCANN. Did you attend any of its meetings?

Mr. LEVY. Not that I recollect.

Mr. McCANN. Are you familiar with the unemployment survey which it made?

Mr. LEVY. No.

Mr. McCANN. You state that the unemployment conference was formed in 1939. Who was the president of the IATSE in 1939?

Mr. LEVY. George E. Brown.

Mr. McCANN. Who was the chief representative of the IATSE in Hollywood in 1939?

Mr. LEVY. I did not represent the IATSE at that time, and I do not know. I understood from newspaper reports that have been presented that it was Mr. William Bioff.

Mr. McCANN. You have testified that in 1939 the IATSE was the chief bulwark against Communist supremacy in Hollywood. In view of the fact that Brown and Bioff were the heads of the IATSE in



1939, is it your belief that the best defense against communism in unions is racketeering?

Mr. LEVY. No, sir. I think I can supplement that by saying that one of the best aids to communism is a racketeering trade-union, and if there has been any indication of any racketeering in the IATSE since November of 1941 when Mr. Walsh was elected president, it ought to be presented, because on that basis Mr. Walsh has indicated that he will stamp it out, and he would be happy to have counsel's help to do so.

Mr. McCANN. Do you know of your own personal knowledge of any dealings by Sorrell with Hentschel?

Mr. LEVY. If by that you mean as to whether I was personally present when Mr. Sorrell and Mr. Hentschel were in conference, the answer is "No."

Mr. McCANN. Do you even know of your own knowledge whether Sorrell knows Hentschel?

Mr. LEVY. I have no knowledge on that subject.

Mr. McCANN. You state that the CSU has followed the Communist Party line. Was it the party line to strike in wartime?

Mr. LEVY. That requires more than a mere answer of yes or no.

Mr. OWENS. It depends on which war; does it not?

Mr. LEVY. It depends on which war, and it depends also as to whether or not it was considered that the studio was under a war regime. Is it similar to an airplane plant after the Nazi-Stalin pact was broken? Then, of course, there are a number of cross-currents which would require study in that situation. Mr. Brewer is expected to develop that thoroughly.

Mr. McCANN. Were you a member of the Motion Picture Democratic Committee?

Mr. LEVY. I was not.

Mr. McCANN. Do you know of your own personal knowledge that Sorrell was?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. You state that the Motion Picture Democratic Committee opposed—

Mr. OWENS. The record would not be your own knowledge?

Mr. LEVY. The record that has been presented speaks for itself. I was not a member of that committee. I have avoided as best I could getting into any Communist front. I think I have succeeded.

Mr. McCANN. You state that the Motion Picture Democratic Committee opposed Roosevelt for a third term. Do you testify under oath that Sorrell opposed Roosevelt for a third term?

Mr. LEVY. All of my testimony is under oath, Mr. Counsel, and in response to Mr. Bodlé's question, I would like for him to read the record as to my testimony in which I pointed out that while Mr. Sorrell was opposed to Mr. Roosevelt during the period of the primaries and supported the Patterson pro-Communist slate in accordance with the Communist line at that time, Mr. Sorrell was purported to have supported President Roosevelt during the election. And I so testified.

Mr. McCANN. Do you know of your own personal knowledge whether or not Sorrell was present at the executive meeting which considered the Douglas and Dunne resolutions?

Mr. LEVY. I was not present at that meeting.

Mr. McCANN. Do you know of your own personal knowledge—

Mr. LEVY. I know that he was a member of the executive committee, and that the executive committee by a vote of 19 to nothing rejected the Melvyn Douglas resolution, and that Mr. Sorrell did not resign from that committee or publicly denounce it.

Mr. McCANN. Do you know of your own personal knowledge what role if any Sorrell played in the Motion Picture Democratic Committee?

Mr. LEVY. No.

Mr. McCANN. Did you attend the meeting of the Motion Picture Democratic Committee in September of 1940?

Mr. LEVY. No.

Mr. McCANN. Do you know of your personal knowledge whether or not Sorrell attended the meeting of the Democratic committee on April 6, 1940?

Mr. LEVY. No.

Mr. McCANN. Were you a member of the Hollywood Democratic Committee?

Mr. LEVY. I was not.

Mr. McCANN. Did you attend any of its meetings?

Mr. LEVY. No.

Mr. McCANN. Do you know of your own personal knowledge that Sorrell was a member of its executive board?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. You testified that on June 6, 1945, the Hollywood Democratic Committee became the Hollywood Independent Citizens Committee of the Arts, Sciences and Professions. Do you know of your own knowledge of this change?

Mr. LEVY. I did not participate in the change. I had nothing to do with the change. I am convinced that that change was made because that is the practice and procedure of Communist fronts when government investigating bodies or public reaction catches up with name X, the next procedure is to change it to name Y, and then we have to go after Y, and when we catch up with the name Y, then they go into Z. And that is the history of the Communist movement since the time of Lenin.

Mr. McCANN. Was Sorrell a member of this committee?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Were you a member of Labor's Non-Partisan League?

Mr. LEVY. I was not.

Mr. McCANN. Did you attend any of its meetings in Los Angeles?

Mr. LEVY. I did not.

Mr. McCANN. Do you know of your own knowledge that Sorrell was a member or president?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Were you a member of the so-called Patterson slate?

Mr. LEVY. I was not.

Mr. McCANN. Were you active in politics in California in 1940?

Mr. LEVY. I was not.

Mr. McCANN. Do you know of your own knowledge that Sorrell was on the so-called Patterson slate?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. If said slate was headed by Patterson, how could Reuben W. Borough be chairman of the ticket?

Mr. LEVY. I cannot answer that question.

Mr. OWENS. When you say the record speaks for itself, that means that you have shown by your testimony all the way through that you have known none of this of your own knowledge?

Mr. LEVY. That is correct. I do not claim to have anything more than what the documents show, in addition to Mr. Brewer's forthcoming testimony, and to my study and researches on the situation.

In order to make it clear. I did not participate in any of the Communist fronts. And that applies to all of them, with or without Mr. Sorrell.

Mr. OWENS. In other words, you know that just as you know that George Washington lived?

Mr. LEVY. That is right.

Mr. McCANN. Were you a member of the Workers Alliance?

Mr. LEVY. No.

Mr. McCANN. Did you attend the mass demonstration at 245 Southwestern Avenue on March 7, 1940?

Mr. LEVY. No.

Mr. McCANN. Do you know of your own knowledge that Sorrell spoke on such occasion?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Do you know of your own personal knowledge what Mr. Sorrell said?

Mr. LEVY. No.

Mr. McCANN. Do you know of your own personal knowledge under whose auspices he spoke, assuming that he spoke?

Mr. LEVY. That is too legalistic a question. I do not know the answer.

Mr. McCANN. Do you know of your personal knowledge how long he spoke?

Mr. LEVY. No.

Mr. McCANN. Did you see LaRue McCormick and Emil Freed or either of them at the meeting?

Mr. LEVY. They are no friends of mine, and I would not recognize them if I saw them. They are colleagues of Mr. Sorrell.

Mr. McCANN. You testified that Emil Freed was expelled from the machinists union because he was a Communist?

Mr. LEVY. I testified that that was the record that I had obtained, yes.

Mr. McCANN. Is Machinists Local 1185, IAM, affiliated with the Conference of Studio Unions?

Mr. LEVY. The machinists local from which Mr. Freed was expelled, I understand, was No. 311. It was not No. 1185. I would be glad to look at the exhibit and the record to point that out to you. My recollection is it was No. 311.

Mr. McCANN. Do you know of your own personal knowledge that Sorrell was a member of the National Federal for Constitutional Liberties?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Did you attend the alleged meeting held at UCLA on April 18, 1940?

Mr. LEVY. No.

Mr. McCANN. Is the Henry F. McGrath mentioned in connection with the Schneidermann defense committee actually the Henry F. McGrath, formerly special ambassador to India?

Mr. LEVY. I do not know.

Mr. McCANN. If not, who is Henry F. McGrath?

Mr. LEVY. I do not know.

Mr. McCANN. Were you a member of the Schneiderman committee?

Mr. LEVY. Definitely not.

Mr. McCANN. Did you attend any of its meetings?

Mr. LEVY. I did not.

Mr. McCANN. Did it have any meetings?

Mr. LEVY. I do not know.

Mr. McCANN. Do you testify of your own personal knowledge that Sorrell was a member of the committee?

Mr. LEVY. The record speaks for itself as to Sorrell's report of the Communist Schneiderman and the Communist Gossler.

Mr. McCANN. Are you a member of the Brotherhood of Painters?

Mr. LEVY. I am not.

Mr. McCANN. Did you attend the sixteenth general assembly of the brotherhood at Columbus, Ohio, September 23, 1941?

Mr. LEVY. I did not.

Mr. McCANN. Did you see Sorrell sign a petition calling for the release of Browder?

Mr. LEVY. I did not see Mr. Sorrell sign that petition. I do know that it was widely publicized and that Mr. Sorrell never stated that he did not sign that petition for the release of Browder.

Mr. OWENS. Do you know that he never signed that?

Mr. LEVY. We searched to try to find out whether or not there were any denials by Sorrell and the California press as to whether these things were denied by Sorrell.

Mr. OWENS. It did not come to your attention?

Mr. LEVY. That is correct. A clear, honest, and complete search indicated that Mr. Sorrell never denied these affiliations.

Mr. McCANN. Did you see any such resolution purporting to have his signature on it?

Mr. LEVY. I did not.

Mr. McCANN. Do you testify of your own personal knowledge that Sorrell signed such a petition?

Mr. LEVY. I never saw Mr. Sorrell's signature on that petition. The record speaks for itself.

Mr. McCANN. Were you a member of the United Spanish Aid Committee?

Mr. LEVY. Definitely not.

Mr. McCANN. Did you attend any meetings of the committee?

Mr. LEVY. I did not.

Mr. McCANN. What part, if any, did Sorrell play in the work of the committee?

Mr. LEVY. The record will speak for itself.

Mr. McCANN. Was Yehudi Menuhin a member of the committee?

Mr. LEVY. I do not know.

Mr. McCANN. Do you testify of your own personal knowledge that Sorrell was a sponsor or member of the committee?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Did you attend the so-called testimonial dinner for Leo Gallagher?

Mr. LEVY. Definitely not.

Mr. McCANN. Do you testify of your own personal knowledge that Sorrell was there?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Do you testify of your own knowledge that Sorrell was a sponsor?

Mr. LEVY. Same answer.

Mr. McCANN. You said no, did you not?

Mr. LEVY. I said the same answer. The record speaks for itself.

Mr. McCANN. Do you allege that Gallagher has long been well known for his defense of the Communists and their cause, and this testimonial was given in recognition of his services on this respect?

Mr. LEVY. I want to make my position clear. I think that a lawyer has a right and sometimes has a duty to represent litigants, whatever their attitudes, faiths, or beliefs. And my statement with respect to Mr. Gallagher was not because he was a lawyer for a Communist. My statement with respect to Leo Gallagher was that he was a candidate of the Communist Party, and in that regard he transcended, it seems to me, the matter of profession of law, and that was the reason why I pointed out that there was a testimonial dinner given to Mr. Gallagher in which the record indicated Mr. Sorrell participated.

Mr. McCANN. Do you know of your own knowledge that this was the purpose of the alleged testimonial?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Do you testify under oath that this was the purpose? The same answer?

Mr. LEVY. All of my testimony is under oath.

Mr. McCANN. Were you a member of the Bridges Defense?

Mr. LEVY. I was not.

Mr. McCANN. Were you a member of the National Federation for Constitutional Liberties?

Mr. LEVY. No.

Mr. McCANN. Did you see Mr. Sorrell sign a letter issued by the organization?

Mr. LEVY. I never saw Mr. Sorrell sign any letter; so that the time may not be wasted, I would appreciate it if you will tell Mr. Bodle that I never saw Mr. Sorrell sign any letter.

Mr. McCANN. Do you testify of your own personal knowledge that Sorrell signed the alleged "open" letter? I think you answered it. Who else signed—

Mr. LEVY. In fact, if you are referring to the AFL Bridges committee letter, I think it appears on its face that it was not signed by Mr. Sorrell, that it was signed Herbert K. Sorrell with his name on it and with some initials indicating that someone signed on his behalf, and I pointed that out.

Mr. McCANN. Who else signed that letter besides those named?

Mr. LEVY. You are talking about the Bridges committee?

Mr. McCANN. I think so.

Mr. LEVY. The only signature on the letter was Herbert K. Sorrell, with some initials under it indicating that Mr. Sorrell did not sign it personally.

Mr. McCANN. Were you a member of the Communist Political Association?

Mr. LEVY. I do not know that I have to answer that question, but I am proud to answer it "No."

Mr. McCANN. Were you a member of the McCormick campaign committee?

Mr. LEVY. I was not.

Mr. McCANN. Were you active in politics in Los Angeles in 1942?

Mr. LEVY. I was not active in politics in Los Angeles from the year 1899 until the year 1948.

Mr. McCANN. Do you testify of your own personal knowledge that Sorrell was chairman of Democrats for McCormick?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Did you attend the meeting of the American Youth for Democracy on December 1, 1944, in Los Angeles?

Mr. LEVY. I attended no Communist front meetings in Los Angeles or anywhere.

Mr. McCANN. If so, did you see Sorrell there?

Mr. LEVY. That is answered.

Mr. McCANN. If not, were you in the vicinity of said meeting and did you see Sorrell enter or leave?

Mr. LEVY. What was the date of that?

Mr. McCANN. December 1, 1944.

Mr. LEVY. I was not in the vicinity of any meetings in California on December 1, 1944.

Mr. McCANN. You testified that the meeting was held to celebrate the first anniversary of the change of name of said organization from the Young Communists League to American Youth for Democracy. Do you know this to be true of your own knowledge?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Do you testify under oath of your personal knowledge that Sorrell attended said meeting or sponsored it?

Mr. LEVY. All my testimony is under oath and the record speaks for itself.

Mr. McCANN. Do you testify under oath that this was the purpose of said meeting and celebration?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Did you attend the People's World Press Conference on August 4, 1943, in Los Angeles, Calif.?

Mr. LEVY. Definitely not.

Mr. OWENS. I do not think we have to go through there. You can judge yourself what questions should be asked.

Mr. McCANN. I have to read them to know what they are about.

Mr. OWENS. You can almost read the whole one and then see whether he can give an answer.

Mr. McCANN. If not, were you in the vicinity of the meeting and did you see Sorrell enter or leave the meeting?

Mr. LEVY. What was the date of that meeting?

Mr. McCANN. August 4, 1943.

Mr. LEVY. No; I was not in the vicinity.

Mr. McCANN. Do you know of your own personal knowledge that Sorrell was the sponsor of the alleged news conference?

Mr. LEVY. I do not understand the question.

Mr. McCANN. We are referring——

Mr. LEVY. You said “news conference,” and I do not know just what you mean.

Mr. McCANN. The previous question related to the People’s World Press Conference. Now, the question is, Do you know of your own personal knowledge that Sorrell was the sponsor of the alleged People’s World Press Conference?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Did you attend the third annual convention of the Los Angeles Communist Party in Los Angeles on April 29, 30, and May 1, 1938?

Mr. LEVY. I attended no Communist meeting and no meeting of any Communist front.

Mr. OWENS. I think you can just say “No” on those.

Mr. LEVY. The whole thing is silly. But I will be glad to answer them.

Mr. McCANN. If not, were you in the vicinity during said meeting and did you see Sorrell enter or leave that meeting?

Mr. LEVY. No.

Mr. McCANN. Do you testify of your own personal knowledge that Sorrell attended such convention?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Did you see Sorrell sign his name on the back page of the minutes of said convention?

Mr. LEVY. No.

Mr. McCANN. Did you see him sign his name on the said minutes at all?

Mr. LEVY. No.

Mr. McCANN. Have you ever seen the original of said minutes?

Mr. LEVY. No.

Mr. McCANN. Who made the affidavit regarding Sorrell’s alleged attendance at said convention?

Mr. LEVY. I understood a Miss Vale.

Mr. McCANN. Do you know her?

Mr. LEVY. No.

Mr. McCANN. Did she make the affidavit in your presence?

Mr. LEVY. No.

Mr. McCANN. Did said person ever make said statement under oath and under circumstances where she was confronted by the accused and subject to examination and cross-examination?

Mr. LEVY. That I do not know. I do know that Mr. Sorrell was given an opportunity once or twice by the Tenney committee to come and testify. That the records indicate.

Mr. McCANN. It is true, is it not, that said affiant was confined to the psychopathic ward of the Arizona State Hospital?

Mr. LEVY. I know nothing about it. Communists are sometimes so confined, and people who are not Communists are so confined. I know nothing about it.

Mr. McCANN. It is true, is it not, that her affidavit having been entered in the records of the Tenney committee is privileged?

Mr. LEVY. I do not know.

Mr. McCANN. The following questions relate to persons mentioned in your testimony.

Who is John Green?

Mr. LEVY. I do not know.

Mr. McCANN. Who is Clore Warne?

Mr. LEVY. I do not know.

Mr. McCANN. Who is Charlotta E. Bass?

Mr. LEVY. I do not know.

Mr. McCANN. Who is Ernest Dawson?

Mr. LEVY. I do not know.

Mr. OWENS. Why don't you read all those names and see if he knows any? Perhaps we can save a lot of time.

Mr. McCANN. I think I am right near the end of it, if you will pardon me. There are only two or three more.

Mr. OWENS. I thought there might be 100 of them.

Mr. McCANN. Who is Dr. F. L. Pottenger?

Mr. LEVY. I do not know that, either.

Mr. McCANN. Is he an M. D., D. D., or Ph. D.?

Mr. LEVY. I do not know.

Mr. McCANN. Who is Judge Stanley Moffatt?

Mr. LEVY. I do not know.

Mr. McCANN. Is he holding a judicial position at the present time or is he called Judge by courtesy?

Mr. LEVY. That I do not know.

Mr. McCANN. You referred to Charles J. Katz as a member of the law firm of Katz, Gallagher & Margolis. Do you now testify that Mr. Katz is a member of such firm?

Mr. LEVY. I have been informed that Mr. Katz has dissolved the firm in recent months and that the firm is no longer Katz, Gallagher & Margolis. That is the extent of my information.

Mr. McCANN. Who is Dr. Ernest Caldecott?

Mr. LEVY. I do not know.

Mr. McCANN. Is he an M. D., a Ph. D., or a D. D.?

Mr. LEVY. I do not know.

Mr. McCANN. Who is Thomas Mann?

Mr. LEVY. Thomas Mann is a German literateur.

Mr. McCANN. Were the names of these persons cited in your testimony used for the purpose of proving Sorrell was a Communist because he associates with them, or for the purpose of proving they are Communists because they associate with Sorrell?

Mr. LEVY. I do not remember that I mentioned 95 percent of the people whose names you have brought out. I cannot remember that I have mentioned these names in my testimony at all. Their names may have been included in some of the exhibits which have been offered, but it is not correct to say that I referred to those names in my testimony.

Mr. McCANN. Is it consistent with your standards of legal ethics to make serious charges against a man's character in a public hearing under oath on the basis of hearsay and unsupported statements?

Mr. LEVY. If I were not morally certain, honestly certain, and if I did not have the courage of my convictions, I would not have presented the case on behalf of the IATSE. So far as my professional ethics are concerned, God and I are their judge.

Mr. OWENS. I guess that answer proves the old saying:

Do not ask a question on cross-examination unless you know what the answer is going to be, or else we have to prove that the answer we receive is false.



Mr. LEVY. Right.

Mr. McCANN. Who was counsel for Schneiderman and Darcy?

Mr. LEVY. I understand that Mr. Wendell Willkie was the counsel for Mr. Schneiderman in the United States Supreme Court. I do not know who was counsel for Mr. Darcy. I repeat that because a person is a counsel for a Communist does not, in my judgment, necessarily smear or taint the counsel. I do say that if there is a constant and repetitive association with Communists by a trade-union leader, that trade-unionists who are not Communists are entitled to beware of him.

Mr. McCANN. Were you present at the painters convention on September 5, 1946?

Mr. LEVY. No.

Mr. McCANN. If not, do you have any personal knowledge of any statement made by Sorrell at such convention regarding the World Federation of Trade Unions?

Mr. LEVY. The record speaks for itself. We have sought to find that out, and we have found, so far as we could tell, no published denial by Mr. Sorrell of that matter. And I can assure you that if I had found such a denial, I would have presented it to this committee.

Mr. McCANN. Do you know of your own personal knowledge whether Sorrell was present at said convention?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. While testifying, you read a letter from Brewer to Representative Thomas in which Brewer stated that the signing of non-Communist affidavits did not satisfy Brewer that the person was not a Communist. It is true, is it not, that at the bottom of the printed form of the non-Communist affidavit, reference is made to a Federal statute providing both imprisonment and fine for a false declaration?

Mr. OWENS. I can answer that. The fact that he is not a Communist now does not mean that the affidavit does not state he never was a Communist. I believe that is the answer.

Mr. LEVY. That is correct.

Mr. McCANN. It does not answer the question I asked, though.

Mr. LEVY. The question that you asked was, Is there a caveat on the bottom of the Taft-Hartley affidavit on the non-Communist basis warning against the possibility of prosecution? The answer is that there is such a caveat on the printed affidavit supplied by the National Labor Relations Board, but I agree entirely with Congressman Owens that I may sign an affidavit that I was not a member of the Communist Party, and that reads only in the present, and does not mean that I am committing a perjurous act if I was in the Communist Party several years ago and have withdrawn.

Mr. McCANN. Did Mr. Weinstock tell you he was soliciting funds for the CSU in the current difficulty?

Mr. LEVY. Mr. Weinstock told me nothing.

Mr. McCANN. Did he approach you for a donation?

Mr. LEVY. I have answered that. Mr. Weinstock neither told me nor approached me.

Mr. McCANN. Were you a member of the District Council of Painters?

Mr. LEVY. I am not.

Mr. McCANN. It is true, is it not, that painters' locals throughout the country have contributed to the unions whose members were discharged on September 23, 1946?

Mr. LEVY. That I did not know.

Mr. McCANN. Is it your contention that these locals are Communist-dominated?

Mr. LEVY. No; it is not. It is my contention that Mr. Louis Weinstock is an outstanding, conceded Communist in America, and that he spoke with Mr. Sorrell at the Conference of American-Soviet Friendship, or whatever that photostat showed—I have not got it in front of me—and that the investigation in California indicated that he claimed to have contributed through his organization \$10,000 to the support of Mr. Sorrell's Conference of Studio Unions strike.

Mr. McCANN. Where is the original of the Communist Party which Sorrell is alleged to have signed?

Mr. LEVY. That will be available in the event the committee desires to see it.

Mr. McCANN. Have you seen it?

Mr. LEVY. Is that Mr. Bodle's question?

Mr. McCANN. It is.

Mr. LEVY. I have.

Mr. McCANN. Was it introduced in the Tenney committee hearings?

Mr. LEVY. That I do not know.

Mr. McCANN. Was Sorrell asked to identify the so-called exemplars of his handwriting?

Mr. LEVY. That I do not know.

Mr. McCANN. If so, did he identify them?

Mr. LEVY. I have answered.

Mr. McCANN. One of the exemplars was on the stationery of the M-G-M Studios. Was Sorrell employed by M-G-M in 1938?

Mr. LEVY. That I do not know.

Mr. McCANN. Was Sorrell or his counsel given any opportunity to examine or cross-examine the alleged handwriting experts?

Mr. LEVY. That I do not know.

Mr. McCANN. Where did the meeting of the Congress of American-Soviet Friendship referred to take place?

Mr. LEVY. I would have to refresh my recollection by looking at the exhibit.

Mr. McCANN. Do you know what it was?

Mr. LEVY. The same answer.

Mr. McCANN. Were you there?

Mr. LEVY. No.

Mr. McCANN. If you were not present at the meeting, were you in the vicinity?

Mr. LEVY. No.

Mr. McCANN. Did you see Sorrell—

Mr. LEVY. Oh, wait a minute. If it was in New York City, I was probably in the vicinity. I do not want to give a quick answer to that. If by "vicinity," you mean geographical vicinity, or you mean so close to the vicinity that I might observe Mr. Sorrell, then that is my answer, that I did not see Mr. Sorrell at any of those meetings.

Mr. McCANN. You did not see him enter or leave said meeting, then?

Mr. LEVY. That is correct.

Mr. McCANN. I am leaving out other questions on the same thing, because I do not want to repeat it here.

If you were not present at that meeting, did Mr. Lindelof ever tell you he had authorized Mr. Weinstock to speak at said meeting?

Mr. LEVY. No. Mr. Lindelof during these hearings, when I read the statement, indicated to me that Mr. Weinstock's statement that he, Weinstock, was authorized to speak for 50,000 painters in support of this conference, was not true. He used more vigorous language, but that is the effect of what he said.

Mr. McCANN. It is not true that Mayor LaGuardia and Governor Lehman spoke at said meeting.

Mr. LEVY. That I do not know. I want to emphasize—it may be a little repetitious—if public officials and decent innocents were not brought in as window dressing in one way or another for these Communist fronts, there would be a very definite capacity of the people of America to cope with these fronts. It is because of the fact that honest, decent people are brought in that it is so difficult to cope with these Communist fronts. In fact, that is why they are established.

Mr. McCANN. If you were not present at said meeting, do you now testify of your own personal knowledge that Sorrell was present?

Mr. LEVY. That has been answered.

Mr. McCANN. With reference to your exhibit "This is the record of terrorism," do you testify under oath that the captions under the pictures are correct and that the persons identified as victims of terrorism were actually members of the IATSE or nonstrikers?

Mr. LEVY. I testified that that material was gathered under the supervision of Mr. Roy M. Brewer on behalf of the IATSE.

Mr. McCANN. You do not know anything about—

Mr. LEVY. I did not take the photographs. I am not a member of the cameraman's union.

Mr. McCANN. With reference of the people's education center, Louis Levy, international vice president of the ILGWU, is listed as a member of the committee. It is true, is it not, that Mr. Levy has been in the forefront of the fight against Communists in labor?

Mr. LEVY. I do not know. If you refer to Mr. Louis Levy who is a vice president of the International Ladies Garment Workers Union and who was for many years the manager of local 117 of that union in New York City, I can speak. If you refer to some other Louis Levy, I do not know.

Mr. McCANN. Do you believe that any vice president of the ILGWU—

Mr. LEVY. I think Mr. Levy went to California later.

Mr. McCANN. Do you believe that any vice president of the ILGWU is a Communist or communistically inclined?

Mr. LEVY. From my personal knowledge of them, I think they are not.

Mr. McCANN. I overlooked one question here which I did not mean to.

It is true, is it not, that Mr. Levy has been in the forefront of the fight against Communists in labor?

Mr. LEVY. I think I answered that. If that is the Mr. Levy to which the question refers, I think that Mr. Louis Levy of the ILGWU is an anti-Communist.

Mr. McCANN. With reference to the Motion Picture Democratic Committee, who are the following:

Melvin Douglas?

Mr. LEVY. An actor.

Mr. McCANN. Maj. Philip Kieffer?

Mr. LEVY. I do not know.

Mr. McCANN. Elliott Nugent?

Mr. LEVY. I think, director and actor.

Mr. McCANN. Ralph Block?

Mr. LEVY. I do not know.

Mr. McCANN. Is it not true that Melvin Douglas is chairman of the ADA in Los Angeles County?

Mr. LEVY. I think that Mr. Melvin Douglas was. I think that Mr. Melvin Douglas withdrew from one of these Communist fronts when it was asked—

Mr. OWENS. He said "ADA."

Mr. LEVY. Sir?

Mr. OWENS. He said "ADA."

Mr. LEVY. No, I do not consider ADA a Communist front. I am talking now about Mr. Melvin Douglas.

Mr. McCANN. Did you answer the question? Is it not true that Mr. Melvin Douglas is chairman of the ADA in Los Angeles County?

Mr. LEVY. I think he is, or was until recently. I am not sure.

Mr. McCANN. Is it not true that the ADA will not admit Communists to membership?

Mr. LEVY. I think that the purpose of the ADA is to reject Communists if they are known to be such.

Mr. McCANN. You have made the statement that Sorrell put Maurice Howard in as head of the cartoonists. Do you now state under oath that that is a fact?

Mr. LEVY. My recollection is that that is the information I received.

Mr. McCANN. With reference to—

Mr. LEVY. If you wait a minute, I will check it to be sure, because I want the testimony to be accurate.

Mr. McCANN. Shall we wait?

Mr. KEARNS. There is no objection.

Mr. LEVY. If a precise answer is necessary for that question, I will have to have a few moments' time to look over my documents.

Mr. McCANN. With reference to Mr. Cambiano's testimony before the three-man committee, is it not true that at the time he testified, the carpenters were members of the Conference of Studio Unions?

Mr. LEVY. I am not sure.

Mr. McCANN. Is it not true that the carpenters are still members of the Conference of Studio Unions?

Mr. LEVY. I think so.

Mr. McCANN. Is it not true that Mr. Cambiano and his subordinates in Hollywood have conferred and worked with Sorrell during both the 1945 and the present labor difficulties?

Mr. LEVY. Yes.

Mr. McCANN. Is it not true that when Cambiano stated that unless difficulties are resolved in Hollywood, there would be trouble, he referred to troubles between carpenters and IATSE?

Mr. LEVY. I do not think so. I think it was very clear from his statement in the record that if the legitimate AFL organizations did

not get together and resolve their jurisdictional differences, that that turmoil and dissension and disagreement would be fertile ground for Communist penetration, infiltration, control, and domination.

Mr. McCANN. With reference to the sponsors of the National Conference for Protection of Foreign-Born, is it not true that Boris Artzybasheff is chief cover artist for Time magazine?

Mr. LEVY. I do not know.

Mr. McCANN. Prof. Albert Guerard is professor of French language at Stanford University?

Mr. LEVY. I do not know.

Mr. McCANN. Dr. Karen Horney is a distinguished psychologist?

Mr. LEVY. I think Dr. Karen Horney is a distinguished psychiatrist.

Mr. McCANN. Dr. Alexander Mickeljohn is the former president of the University of Wisconsin?

Mr. LEVY. Correct.

Mr. McCANN. Pierre Monteux is the director of the San Francisco Symphony?

Mr. LEVY. That is correct.

Mr. McCANN. Hon. Adolph J. Sabath is a distinguished and senior Member of the Congress of the United States?

Mr. LEVY. Correct.

Mr. McCANN. Viljalmur Stefansson is a distinguished explorer?

Mr. LEVY. He was a distinguished explorer. He has been participating in a number of Communist fronts.

Mr. McCANN. Is it your contention that these persons are Communists?

Mr. LEVY. I make no contentions whatsoever. I have made a study of Mr. Sorrell. I have not made a study of anybody else.

Mr. McCANN. It is true, is it not, that the paperhanger Basche, whose testimony you read, never filed charges against Sorrell?

Mr. LEVY. I do not know.

Mr. McCANN. It is true, is it not, that Sorrell was never charged in any legal proceeding in connection with the 1945 strike, with assault and battery or with making any personal attack on any person?

Mr. LEVY. We telephoned California to get all the documents involved in the very many legal proceedings of a criminal nature, and when they are forthcoming, I will present them without comment to the committee.

Mr. McCANN. Was Basche's testimony given in the presence of Sorrell?

Mr. LEVY. I was not present.

Mr. McCANN. Did Sorrell have any chance to examine Basche when he testified?

Mr. LEVY. He could have, in my judgment, if he wanted to. I understood that what he did was to try, by going to court, to prevent the committee from conducting any investigation.

In other words, Mr. Sorrell lived out there. He lives out there. I know if I were accused before a legislative committee of committing violence, of doing things in an illegal way, of being a Communist, I would crash the doors with all the vigor that Mr. Sorrell is known to have for the purpose of presenting my case.

Mr. McCANN. It is true, is it not, that Basche's testimony was given *ex parte*?

Mr. LEVY. I assume that the senatorial or assembly investigation in California is the ordinary governmental investigation, whatever that might be.

Mr. McCANN. If Basche, for some unstated reason, did not file criminal charges against Sorrell, why did he not file a criminal action for damages?

Mr. LEVY. I do not represent the gentleman. I do not know what motivates his conduct.

Mr. McCANN. Did you speak at the convention of the IATSE in 1940?

Mr. LEVY. I did.

Mr. McCANN. Who was the president of the IATSE at that time?

Mr. LEVY. George E. Brown.

Mr. McCANN. Who was the personal representative of the president of the IATSE in Hollywood at that time?

Mr. LEVY. I learned that it was William Bioff.

Mr. McCANN. With reference to the alleged strike threat of the CSU in April 1946, do you testify under oath that such a strike threat was made?

Mr. LEVY. I did not get the question.

I would like to go, and if there are any questions about the 1940 convention—

Mr. McCANN. May I finish reading this question and get it answered, and then we will give you a chance at the end to present that, if you do not mind?

Mr. LEVY. All right, sir.

Mr. McCANN. With reference to the alleged strike threat of the CSU in April 1946, did you testify under oath that such a strike threat was made?

Mr. LEVY. The record speaks for itself.

Mr. McCANN. Is it not a fact that such a strike threat was never made?

Mr. LEVY. That I do not know.

Mr. McCANN. It is true, is it not, that the Disney strike was called only after Disney had refused to bargain with the union representing his employees and after he had discharged the chairman of the union unit at his studio?

Mr. LEVY. I do not know.

Mr. McCANN. It is true, is it not, that all unions, including the IATSE, supported the strike for the first several weeks?

Mr. LEVY. Which strike do you mean?

Mr. McCANN. The Disney strike.

Mr. LEVY. I do not know.

Mr. McCANN. It is true, is it not, that Bioff, then general representative of the IATSE in Hollywood, was brought into the situation by Disney?

Mr. LEVY. I do not know.

Mr. McCANN. It is true, is it not, that the cartoonists refused to deal with Mr. Bioff?

Mr. LEVY. I do not know.

Mr. McCANN. It is true, is it not, that it was after the refusal of the cartoonists to deal with Mr. Disney through Willie Bioff that the IATSE locals went through the picket lines?

Mr. LEVY. That I do not know.

Mr. McCANN. It was well known at the time, was it not, that Bioff was a panderer and gangster?

Mr. LEVY. Well known at what time?

Mr. McCANN. We are talking about the Disney strike.

Mr. LEVY. That was in 1937?

Mr. BODLE. 1941.

Mr. LEVY. In my judgment, it was pretty well known in 1941. I do not know whether it was known in 1937. In fact, I do not think it was. So I do not know what date counsel refers to.

Mr. McCANN. It has been stated it was 1941. Do you think it was pretty well known then?

Mr. LEVY. I think so.

Mr. KEARNS. He testified to all that.

Mr. LEVY. I think so.

Mr. McCANN. Yes

Mr. LEVY. From the public prints.

Mr. McCANN. And it is true, is it not, that 70 percent of the workers in the jurisdiction of the Cartoonists Guild went on strike?

Mr. LEVY. I do not know.

Mr. McCANN. It is true, is it not, that the strike ended with recognition of the union by Disney, the return of all workers to their jobs, and the execution of a contract between the cartoonists and Disney?

Mr. LEVY. I think there was a settlement. The precise terms of the settlement I am not aware of.

Mr. McCANN. It is true, is it not, that the chairman of the Disney unit of the guild, whose discharge precipitated the strike, filed a charge with the NLRB and that he was ordered reinstated with back pay, and that he was reinstated and was paid about \$9,000 in back pay?

Mr. LEVY. I do not know.

Mr. McCANN. That completes the questions presented by Mr. Bodle.

Mr. KEARNS. Do you have any questions, Mr. Owens?

Mr. OWENS. No, sir. As I said before, I will hold them until after Mr. Brewer testifies.

Mr. KEARNS. Did you find that material you were looking for?

Mr. LEVY. I referred to the testimony of Mr. Disney, to the effect that on page 284 of the hearings before the Committee on Un-American Activities, October 1947:

Mr. SMITH. Do you remember the name of William Pomerantz? Did he have anything to do with it?

Mr. DISNEY. Yes, sir; I came in later. Sorrell put him in charge as business manager of cartoonists and later he went to the screen writers as business agent.

It says:

Corrected on page 538.

There it says:

Screen Cartoonists' Guild.

On page 538 it says:

Mr. Disney writes to the committee of the House as follows:

Since returning to my offices in Burbank, Calif., I have made inquiry and succeeded in refreshing my recollection to the effect that William Pomerantz, after his separation from the Cartoonists' Guild, was engaged by the Screen Writers' Guild, not the screen actors, as their business agent."

Then, coming back to page 285 :

And in turn he put in another man by the name of Maurice Howard, the present business agent, and they are all tied up with the same outfit.

Mr. SMITH. What is your opinion of Mr. Pomerantz and Mr. Howard, as to whether or not they are Communists?

Mr. DISNEY. In my opinion, they are Communists. No one has any way of proving those things.

Mr. OWENS. That is not exactly true, is it?

Mr. LEVY. I was quoting what Mr. Disney had to say. I say that there are ways in which some people can be proved to be. There are ways in which some people cannot be proved to be, and then there is the zone between them, which would justify a conclusion.

Reference was made to—

Mr. OWENS. I mean, you would not want to judge by the fact that Brown and Bioff happened to be associated with them at that time?

Mr. LEVY. As a matter of fact, I am ready to say that, and that is why it was brought up, because that is a very adequate attempt to make a smear. I spoke to the convention in 1940. I have the record of the convention proceedings. It is true that Mr. Brown was the president at the time. But the record shows that I did not represent Mr. Brown and I did not represent the IATSE, and the record shows that I represented local No. 306 in New York, and that my statement after the usual introductory statement was on the subject which I would like to present to this committee, and that is communism. And in view of the fact that it has been brought up, I think that, as I have this before me, I would like to make the record complete in that regard.

I stated that I have had some experience in combating the evil of communistic influence in this and other fields, and then I asked, "What is communism"? I continued:

Perhaps I can best describe it by reporting for the record a discussion that has already been going the rounds of the members of this convention. Four professionals were disputing amongst themselves as to which represented the oldest profession in the world. As usual, the lawyer spoke up first. "The legal profession," said he, "is the most ancient, for it must have been an attorney who represented the culprit in the famous Biblical controversy between Cain and Abel."

And then the doctor, I said, presented his credentials, claiming that the medical profession was the oldest calling of man.

"Was it not," said the doctor, "the function and practice of medicine that delivered both Cain and Abel into this world out of the womb of woman?"

Not to be outdone, the engineer had his say, and apropos of our discussion, and he spoke with an aggressive and astonishing vigor: "How about the world itself?" he said. "Don't you know that the world was created before either man or woman? How do you think the world and the sun and all the planets keep their proper places in the universal scheme of things? And how do you suppose that the rivers were fixed in their courses and the valleys were set here and the mountains set there? Don't you know," the engineer continued, "that it must have been an engineer who made light out of darkness, who created this beautiful world out of chaos?"

And then pipes up the Communist—

said Matthew Levy—

the fourth profession: "And who do you suppose created chaos?" he said. "Oh, yes, chaos, trouble, internal strife and dissensions, insidious propaganda, treachery, falsehood, and chicanery are the stock in trade of the professional Communist."



Then I made this comment :

Yesterday the Communists asked labor to support England and France and Russia in a program of collective international security against Nazi Germany and Fascist Italy. Today they oppose democratic England and democratic France—

this was in 1940—

because Stalinist Russia is now in open coalition of aggression with Hitler and Mussolini.

Yesterday the Communists supported the New Deal. But today they oppose President Roosevelt, New Dealer No. 1, because he has indicted before the bar of world opinion the war dictatorships of Russia and of Germany. Yesterday they asked the unions to support China and Ethiopia and Spain. Right or wrong, they asked for that support, because Russia willed it so. Today they shout that we should forget Finland and Norway, Poland and Denmark, Belgium, and Holland. They say that they want us not to meddle in international affairs.

That, too, because Russia wills it so. Men who give prior loyalty to a political party or to a foreign government and who try to make their union a kite to that party or government should not be trusted with the rings of trade-union leadership. The Communist Party is the only party today which regards the labor unions as a political adjunct. It is even more dangerous for the trade-union movement than other parties because of the undemocratic background of the Communist Party.

No union can long exist except on a democratic basis. Unions which value the right to self-determination, which do not want their organizations made the playthings of Communist maneuvering, which want to stave off disruption, should keep Communists and their fellow travelers from positions of authority and leadership.

Mr. OWENS. Now, while you are reading that, no matter how much you hate to admit it, it does become quite obvious that when aspersions of that kind are cast on the general group, people are apt to cast aspersions on individuals for having addressed a group whose leadership is racketeers?

Mr. LEVY. That is correct.

Mr. OWENS. Even though you were talking on communism at the time?

Mr. LEVY. That is correct. As a matter of fact, there was an attempted aspersion cast. That was looked into. The record is clear on that question. At that time, in 1940, Mr. George F. Brown was a vice president of the American Federation of Labor. At that time Mr. Brown's record was not known.

Mr. OWENS. It was not?

Mr. LEVY. No, sir. I want you to know that when I was later a candidate for the supreme court in the State of New York this very question was brought up, and at my request the Bar Association of the City of New York made an inquiry about it and made a complete report about it, and endorsed me for high judicial office on the very question which you presented, Congressman Owens. And I have that record here, if it wants to be gone into, because, knowing Communists, I was prepared for the attempted smear. And I do not have to read about my views as to Communists any more.

I am ready to answer any questions.

Mr. McCANN. Mr. Cobb has two or three questions. Shall I proceed with them or do you want to ask questions, Mr. Chairman?

Mr. KEARNS. No. Proceed with Mr. Cobb.

Mr. McCANN. Do you accuse any carpenter in Hollywood Studio Union No. 946 of being or having been a Communist?

Mr. LEVY. I do not know, and I make no accusation along that line whatsoever.

Mr. McCANN. Or in the Brotherhood of Carpenters?

Mr. LEVY. I think I indicated that there was a leader of one of the carpenter locals who is or had been connected with the Communist Party. And I told you that I do not want to mention any names because it is not material for the present issue. I have to examine my records in order to select that name.

Mr. McCANN. If so, please give his name and what you may know of his address.

Mr. LEVY. I gave the answer.

Mr. OWENS. You will give us the name, then.

Mr. LEVY. I will look it over, sir.

Mr. KEARNS. Then we will excuse you, Mr. Levy, and call you back if there are any questions.

Mr. LEVY. I will be pleased to be here, sir, until the investigation is over.

Mr. KEARNS. Very well, you are excused now.

Mr. LEVY. Thank you.

Mr. KEARNS. Mr. Brewer.

Mr. McCANN. Mr. Chairman, before Mr. Brewer takes the stand, I have in my possession a constitution of the Brotherhood of Painters, Decorators, and Paperhangers of America, which has been furnished by Mr. Lindelof, and the page marked is page 36, "Subversive activities bar to membership." And Mr. Lindelof is furnishing that at the request of the committee, and I ask that it be received in evidence as a reference exhibit.

Mr. KEARNS. It is so ordered.

(The document was filed with the committee.)

#### TESTIMONY OF ROY M. BREWER, INTERNATIONAL REPRESENTATIVE, INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES—Recalled

Mr. McCANN. You may proceed with your statement, sir.

Mr. BREWER. Mr. Chairman and Congressman Owens, before I start my testimony as to my experiences in Hollywood since I arrived there, I would like to reiterate again the position of the IATSE with respect to the allegations of Communist activities in the Hollywood motion picture studio labor controversy.

We do not contend, nor have we ever contended, that communism is the only issue in this controversy. We do not want to convey the impression to this committee, nor do we want in any way to becloud the issues with charges of communism. We have a very sincere and positive conviction that a substantial portion of the trouble that has existed in Hollywood during the past 10 years arises out of the efforts and the activities of those persons who are Communists, Communist dominated, or influenced by Communists. And we feel it would be a very serious thing if in a controversy of this nature that has received the publicity that this controversy has received, this congressional committee should investigate a controversy without putting in its proper perspective insofar as it is possible the part which the Communist has played in the controversy. I think to fail to do that would lend

encouragement to Communists elsewhere to agitate and to spread chaos and discord, hatred and bitterness among unions.

So far as my personal knowledge is concerned, I arrived in Hollywood on March 12, 1945. I frankly confess that when I arrived in Hollywood on that date, my knowledge of the Communist movement in this country and internationally was very limited and very sketchy. I had come into contact with them in a casual sort of way, but I had no conception whatever of the part which Communists play as they have been exposed to me since that time.

My background was one of labor. I had been in the labor movement since I was a young man. In fact, I have now been in the labor movement 20 years. I have been active in labor during that period of time. Most of that activity was participated in in the State of Nebraska, where I served for 8 years as president of the State Federation of Labor.

We did not have a Communist problem in Nebraska, and as a result of that, I did not see the labor movement with the same turmoil and trials that they have had in those areas where the Communist problem has been more pronounced. I had spent 4 years as a Government employee, and while I had seen briefly some problems with Communists in that experience, there again, it was limited. But I had, I felt, a good knowledge of the labor movement, particularly the labor movement as it is represented by the American Federation of Labor. I had attended every convention of the American Federation of Labor since 1937. I had studied the personalities. I had lived with labor men and worked with labor men, and I felt I knew the fundamental philosophy of the labor movement and the basic loyalties, the basic lines of thought and association and idealism which held the labor movement together.

It did not take me very long after I arrived in Hollywood to find out that there was something basically wrong with that philosophy. I found that the philosophy in the labor movement in Hollywood was completely foreign to any that I had ever learned in my experience or my knowledge with the labor movement in the other portions of the country.

Naturally, having been assigned, as I was by President Walsh, to take charge of that controversy for him on the west coast in his absence, I had a great responsibility, and I felt it very keenly, and I felt it was my responsibility to find out what was happening in the labor movement in Hollywood that made it different from the labor movements that I had found throughout the rest of the country.

In attempting to analyze it, I made contacts with those men who had been in the labor movement in Hollywood for some time, and I began to get from them information with regard to the activities of Communists in the movement. As a practical labor man, I attempted to size up the forces that were at work in this controversy. And the more the picture unfolded to me, the more it became apparent that there was a very serious Communist problem in the unions in Hollywood, that it was cutting across every normal line of normal loyalties and activities of a trade-union nature.

It injected itself into our local unions; it injected itself into our central labor councils; it injected itself into every activity which we touched. One of the practical experiences which I went through which

brought home to me this unrealistic division was in the central labor council. Naturally, I had learned as a trade-unionist in the American Federation of Labor that the basic loyalties of the trade-unionist are to his international union. That is a basic loyalty that normally develops in our organizations.

So when I went to the Central Labor Council, presumably I was sent there to take charge of a jurisdictional dispute between my international union and the painters' international union. So I went to the Central Labor Council because I knew that this conflict would reflect itself into the councils of the Central Labor Council. So I sized up the officers of that council, and I learned that the president of that council was a member of the painters' union. And so, based upon my experience, I figured that that man would side with the painters, at least his heart would be with the painters.

As I checked over the list of officers on the executive council I found one who was a member of my own union, a business agent of one of our studio unions. So, naturally, I assumed that in my fight that might come before the council I could depend upon the business agent of my union. But, to my surprise, the very first test that came before that council, I learned that the painted was on my side of the fight and the business agent of my union was on the side of the Conference of Studio Unions and Mr. Sorrell.

Another practical example of the conflict that grew was in one of our principal locals, local No. 44. Now, local No. 44 was a very key organization in this controversy. Local No. 44 is an organization which has a substantial number of skilled mechanics, mechanics that have skills that are comparable to the skills of carpenters. And it was absolutely imperative that we have the whole-hearted cooperation of local No. 44 if we were to be effective in our efforts to keep the studios in operation.

Immediately in that organization there arose a group of individuals who were opposing our position, and I recall rather vividly that Warner Bros., in Warner Bros. during the first days of that strike, a group of our local 44 men had declined to go through the picket line. And I went to our Warner Bros. Studio, and there I found a group of them stating that they were not going to go to work. I walked into the group and I found the principal spokesman for that group, a man by the name of Irving Henschel, and he immediately proceeded to tell me how bad our organization was and how wrong they were in this controversy, and generally taking the side of our opponents.

That was strange to me, because in my experience one of the fundamental things that we learned was that members of an organization stick together. But in Hollywood this division did not follow the lines of normal trade-union development and trade-union loyalties.

So I began to study the question, and I attempted to weigh every factor in this controversy. And I want to say that it was my honest desire to find out what was the basis of this controversy, what was the basis of this division, what were these forces at work, because it was my job to plan the strategy to combat it. And certainly I could not combat it unless I analyzed the forces that were opposing us, and if I failed to analyze them correctly in the final analysis it would reflect in the capacity which both I and my organization would have to combat the forces that were fighting us.

So I attempted to get all the information that I could. I asked advice from persons who I felt were in a position to know. I will say

frankly that the first information I received from some of the so-called old-timers around there, the stories that they told me, was one which I did not believe. It sounded to me as if it were too fantastic to be believed, the extent of this infiltration and the elements that would be brought into it if the story which they told me was true.

But as the picture unfolded, I found that the situation was not only as bad as they told me, but in many instances was worse.

Now, I found in studying this situation that there was one particular matter that kept being brought to my attention, and that was the controversy that took place in 1939. That was a controversy which hinged around one Jeff Kibre. I began reading the information with respect that controversy in an effort to appraise the forces that were at work in the present controversy.

Much to my surprise, as the picture unfolded to me, I found that Jeff Kibre had been a member of the IATSE, that he had been exposed as a Communist, that he had been exposed as directing a fight against the IATSE in a dual capacity, as a representative of the CIO and as an associate of Harry Bridges, as well as an agent of the Communist Party taking directions directly from the party leaders in New York. And I found that there was a set of documents that had been published at the time Mr. Kibre was active and that it was only after a careful study of those documents that I began to see some light into the forces that were at work in this controversy.

As I said before, there were the normal jurisdictional conflicts which have been pretty well explored here. There is no question that there were elements of that basic disagreement between our union and other unions of the American Federation of Labor that had nothing whatsoever to do with communism.

Mr. OWENS. If those jurisdictional disputes are normal, then heaven help the country.

Mr. BREWER. Would you say that again, Congressman?

Mr. OWENS. I said if those jurisdictional disputes that have been going on in Hollywood are normal, then heaven help the country.

Mr. BREWER. I can only say that they were not normal in the sense of the violence and much of this activity which was agitated. The point is that there had been jurisdictional disputes before. There were jurisdictional disputes there then. But there was also another element added which had not been in the other jurisdictional disputes, and which is the fundamental reason in our opinion which this controversy has been so much more bitter, has been so much more prolonged, and which has seemed impossible of settlement.

In order that you might have the benefit of the information and the research which I did, I would like to give you some high lights from these reports. And I would like to say again that these reports were reports which were published, which were written by Kibre, and which were published in Los Angeles and later republished in our proceedings and which tell a picture which I think cannot be discounted, if you want to analyze the techniques which have been applied in Hollywood, not only in 1938 but in the present controversy that has gone on since 1945.

With the permission of the committee, I would like to read some of those excerpts and point out to you as I go on the significance which I place upon these reports.

Now, the first one was written in October of 1937, and it was a report by Mr. Kibre to the officials of the CIO in which he outlined the potential value of an industrial union in Hollywood—the CIO. And here is what he said:

Throughout the country, Hollywood is a magic word. It represents something apart from every-day humdrum life. It is a world of glamor, of shadows that dance across the screen, and of rose-colored romance. So unreal is the picture of Hollywood that comes to the average person's mind that few understand what makes the wheels go around; that within this world of fantasy are thousands of workers, workers of all kinds who sweat as other thousands of workers sweat and who fight the same bitter struggles as other thousands of workers to secure a decent livelihood.

It is with that picture of Hollywood, the men and women who produce the glamor that we are concerned. It is true that some are paid fabulous salaries. But for the vast majority, numbering some 35,000 of this fourth largest industry, yearly wages are low. Working conditions are of the employers' own choosing, and a general atmosphere of company unionism prevails. Millions have gone to producers, to stars, but hardly a decent living to those who make the hits, the Garbos, the Goldwyns, possible. Some might answer that these workers, so small in number as compared, for instance, with the 500,000 automobile workers, should be left to work out their own destiny.

Why should the CIO trouble with Hollywood? There are two significant reasons: First, because these workers split in numerous groups, some in bona fide trade-unions, some in independent unions, many in company unions, can only wage a successful struggle against a highly monopolistic producers' association by utilizing the principles of industrial unionism.

Secondly, because, as the chairman of our committee for industrial organization has pointed out, the motion-picture industry is an industry of public persuasion, and an industry that molds public opinion, and as such, can be an effective instrument for or against our own organization; a progressive labor movement in Hollywood could immeasurably strengthen the forward creep of industrial unionism.

I do not think I need to point out that the CIO on the Pacific coast, up to this point, has been almost completely under the domination of those who follow the party line. The State industrial organization has been under the domination of Mr. Bridges, whose reputation is well known, and the Los Angeles Industrial Council has been under the influence of Philip Connolly, whose reputation in Los Angeles is known equally as well as the reputation of Mr. Bridges, as being a Communist Party liner.

Shortly after that, apparently, Mr. Kibre received some encouragement from the State officers of the CIO.

Mr. OWENS. Those two that you have mentioned, that is just the longshoremen, and what else?

Mr. BREWER. They are the official organizations of the CIO in California, the over-all organizations of the CIO.

Mr. OWENS. Connolly and Bridges?

Mr. BREWER. Mr. Bridges is the dominating influence in the State organization of the CIO, which embraces all CIO unions in California, and Mr. Connolly is the dominant force and the chairman of the Los Angeles Industrial Council, which embraces all CIO unions in Los Angeles and southern California. Mr. Connolly is connected to the

CIO through the Newspaper Guild, but his official position and his influence has been based upon his chairmanship of the over-all council of the CIO.

Mr. OWENS. So that affects, you say, every CIO union, whether it is the UAW or any of the other unions; is that true?

Mr. BREWER. Yes; so far as the position and the activities of the official CIO, both in the State of California and in the city of Los Angeles, it has been almost synonymous with the Communist Party line. There is virtually no difference at all.

Mr. OWENS. When Frankenstein was out there, who was it he was battling with?

Mr. BREWER. I can't tell you that. I think that was before my time.

Mr. OWENS. That was just a few years ago. You have been there only since when?

Mr. BREWER. Since 1945.

Mr. OWENS. Just the last 2 years?

Mr. BREWER. Yes. Since I have been there, it has been dominated by these two individuals, and there is a battle going on there now, which we hope will be beneficial.

In April of 1938 Mr. Kibre sent in a more detailed report, in which he outlined what he considered to be the strategy which should be used to start the formation of an Industrial Council in Hollywood. The reason that I think this is important is because it follows to quite an extent the same pattern which the Conference of Studio Unions followed in their efforts to do exactly the same thing.

On April 23, 1938, Mr. Kibre wrote:

Developments in Hollywood during the last 2 months have clearly demonstrated not only the correctness of the analysis of the general situation as presented in the last report, but also the concrete possibilities of a movement for unity within the present craft set-up.

A studio unemployment conference, representing 12 unions and guilds, is the most basic achievement. This conference has already practically reached the point of demanding joint action by all unions and guilds. Meanwhile, a broad anti-IATSE movement, representing a majority of workers in the industry, has announced support of the program of the unemployment conference as the best means of fighting the company union policies of the IA and the employers.

By bringing these two movements together on the fundamental issue of better conditions, a solid, though not spectacular, movement for a federation—as the preliminary step for industrial unionism—has developed.

As outlined in my report of January 8, our general program of action contained four basic elements: First, a more flexible approach, working through all crafts and guilds instead of concentrating on the IATSE; second, to develop the crafts toward a craft coalition without relying too much on the guilds; third, to bring the guilds together on the basis of their mutual problems; and

Fourth, to establish around the issue of unemployment, a broad movement which would bring crafts and guilds together on a common basis of bettering conditions; and to use this latter movement and its program as the best means of combating the IA, within and without, together with moving toward a real federation.

In those preceding paragraphs Mr. Kibre points out two fundamental things, that they are going to organize an unemployment conference which they will use as an anti-IATSE, and secondly, that the federation thus achieved will be used as a basis for establishing an industrial union structure in the Hollywood studios.

He goes on to say:

Our work has been entirely through the existing organizations. Experience has proven this the only realistic method of crystallizing sentiment for industrial

unionism. The attempts of a "Red" Larkin (who has apparently been in communication with the national office of the CIO) to horn in on the organization of an industrial union demonstrates the utter futility of working from the outside.

Larkin's mass base consists of a few dozen ragtail elements who have dropped out of the existing unions. His connection to the present situation was evidenced 2 weeks ago when he feverishly wired Mr. Lewis with the statement he could swing the industry CIO if given a charter. Larkin had reference to a meeting called by the Screen Writers Guild of other unions and guilds with respect to jurisdictional claims of the IA.

Here is where Mr. Kibre exposes his activities:

Since this meeting has been inspired by our contacts, promoted by us, discussed an agenda prepared by me, it is highly possible Mr. Larkin did not know whereof he was barking. As a matter of fact, Mr. Larkin, with a dozen charters in hand, would not even have gained admittance to the meeting—as contrasted to the fact that our contacts are the active agents of practically every event occurring at the present time.

I will skip some of this, because it is too long. He outlines the structure of this Unemployment Conference. With a couple of exceptions, you could almost substitute the Conference of Studio Unions for the Unemployment Conference, and you have the same structure.

He says:

Organizations remaining in the conference included: Studio painters; machinists cinema lodge; plasterers and modelers (they are no longer in); utility employees (they are no longer in); Screen Directors Guild (they are no longer in); studio carpenters; studio electricians (IBEW); Screen Writers Guild; screen set designers; Screen Cartoonists Guild; Screen Publishers Guild; musicians; and IA progressives.

He says:

Excluding the latter group, over 10,000 studio workers were officially represented. Including the IA Progressives and the following in the Junior Screen Actors Guild, a substantial majority of the motion picture workers were under the influence of the conference.

Mr. OWENS. Under the influence of what?

Mr. BREWER. Under the influence of the conference. He says:

A substantial majority of the motion picture workers were under the influence of the conference.

Mr. OWENS. Meaning the Conference of Studio Unions?

Mr. BREWER. In this case it meant the Unemployment Conference. But it was a very similar set-up. In the case of the Unemployment Conference, at that time unemployment was the issue which this federation, which Mr. Kibre organized, was exploiting in the case of the Conference of Studio Unions.

Here is what I consider to be a very significant statement in view of the results that have taken place since. He says:

A related movement for unity was immediately initiated in the guilds. Through the Screen Cartoonist Guild, an independent industrial guild, organized by us, a movement for a conference of guilds was pushed.

He says that the Screen Cartoonists Guild, which has figured very importantly, and which was the principal organization in the Disney strike, was organized by us. Now, to all intents and purposes, at this time the Screen Cartoonists Guild was an independent union. But Mr. Kibre says it was organized by us.

Mr. OWENS. Meaning the Unemployment Conference, or the CIO, which?

Mr. BREWER. He was acting in a dual capacity, as I will bring out later. He points out where he was acting in a dual capacity. Pre-



sumably he meant either the CIO, which is in California and was at this time Communist dominated, or he meant the Communist Party itself, and my judgment is he meant the latter.

Mr. OWENS. Who was he talking to?

Mr. BREWER. He was writing this report to the offices of the CIO at this time.

Mr. OWENS. Then he would certainly mean the CIO.

Mr. BREWER. I think that is a fair presumption under those circumstances. As I go on, you will see. The CIO, if they had organized an independent union, it was the custom of the CIO to charter those organizations and to hold them up as being official CIO organizations. That was not the case in the case of the Screen Writers Guild, because it masqueraded as an independent union not affiliated with any organization.

Mr. OWENS. He could have been boasting.

Mr. BREWER. That is true, he could have been. Now he goes on. He finally draws some conclusions, which I think are rather significant. He says:

It has already been pointed out we plan to develop the Unemployment Conference into a federation. This move, as we see it, involves three basic points: First, the mechanics of transforming the conference into a mass movement for joint action; second, smashing the present IA leadership, and thus preventing a jurisdictional war; and, third, neutralizing the motion picture operator locals of the IATSE so that they cannot be used as an economic lever against events in Hollywood.

In connection with the first point, our strategy calls for a huge mass meeting to present the findings of the Unemployment Conference. This meeting has already been demanded by the anti-IATSE Conference. It is proposed that in addition to the report on employment conditions, a member of the National Labor Relations Board be invited as a main speaker. In effect, we plan not only to present the program to at least 10,000 workers, but also to see that the workers are effectively told that they have the right to put into practice their democratic decisions.

With regard to the IATSE we plan to redouble rank-and-file activity in proportion as the mass sentiment of the Unemployment Conference develops. While calling for support of the program of the conference we at the same time will present through pamphlets a complete plan for the reorganization of the IATSE along democratic lines so the program itself can be achieved. Our plan is to bring this movement to a head simultaneously with the mass meeting sponsored by the conference.

Then, in closing this very lengthy report, he again outlines the importance of Hollywood. He says:

Establishment of an industrial union in Hollywood will have repercussions far beyond the industry itself. It will open up the virtually untouched field of the amusement industry as a whole—approximating close to 300,000 workers. Moreover, it will have tremendous influence on the entire development of the CIO in Los Angeles County. As the largest compact industry in the county, it will be of inestimable value in giving the industrial union movement a solid base. And with Hollywood and its prestige linked to the harbor and the longshoremen, a tremendous spurt would be given the organizing movement as a whole.

Respectfully submitted.

(Signed) JEFF KIBRE.

Then a field representative for Hollywood.

Then a significant note. He says:

It is of extreme importance—because of the nature of work being carried on—that this report and the name of the representative be kept as confidential as possible.

Mr. OWENS. If you were to leave out all thoughts of communism there, or this man's communistic affiliations, there would be nothing peculiar about the report at all; it would be just a very keen report, would it not, of what an industrial union could accomplish in that particular area; is that not true?

Mr. BREWER. That's true, I think. I think that it shows specifically that the industrial-union movement in southern California, of which Mr. Bridges has been the spearhead, had a competent agent there who was laying a foundation for an industrial movement which would strengthen that industrial movement in the CIO.

Mr. OWENS. That is all we have so far.

Mr. BREWER. Yes, but the next report is a little different. The next report was written to Mr. Bob Reed in New York City. Mr. Bob Reed was identified by Mr. Howard Rushmore in his testimony before the Un-American Activities Committee. Mr. Rushmore, who was a Communist agent at the time that this was taking place, identified Mr. Bob Reed as follows, and it is on page 176 of the hearings of the Committee on Un-American Activities of the House of Representatives, held in October of last year:

That was the meeting I spoke of, in late 1937 or 1938, at which Hathaway was present, Lawson Jerome, as chairman, Bob Reed who was the commissar in Actors Equity, an organization on Broadway, and two or three others whose names I have forgotten.

So Mr. Rushmore identified Mr. Reed as being at that period the commissar in Actors Equity.

So on February 5, and presumably this was 1939, although the date is not shown, he says:

My dear Bob—

Well, one thing about Reds—they seldom write except on business—

A number of things are on my mind. But first—it appears that the long-awaited show-down in the industry between the IA and real unity is now on its way. And that's the main business of this note. Also, I'm "still the undercover field rep. for the CIO in Hollywood."

I point out, if he were writing to Mr. Reed as an agent of the CIO, he would not give that designation.

Then he says:

Rudy Kohl had to go back into the painters.

Rudy Kohl, as I understand at that time was a local officer of local 644.

It's been a slow, hard job, but we've been shaping things our way for the present crisis. Until the first of the year, our big fight was in the IATSE. For the first time, really had a rank and file movement going. Maneuvered State Assembly Comm. into an investigation of the outfit. Put the situation on the front page and blew it wide open, but was prevented from driving down the stretch and taking control when the Assembly Comm., because of weak-kneed progressives and powerful pressure, welshed on us. Nevertheless, we forced lifting of the special assessment and were on the way to building the union when the officials struck back with a stacked meeting and maneuvered a vote against local autonomy. The meeting was so phony, however (no discussion, goons, etc.) that it merely stopped us temporarily, forced us underground again.

In the past month the situation has broadened considerably. Two main developments: First, worst unemployment in history of industry; second, attempt of IA to secure complete jurisdiction over Hollywood by carrying on Holy Crusade against CIO.

On the first issue, we've built an unemployment conference for joint action with all unions and guilds, except IA, participating. The conference has set up a central bureau to alleviate distress, and now is carrying on survey of working conditions, yearly income, et., with a view toward joint action to stabil-

ize industry and force better working conditions from producers. I think you can see the significance of this development.

On the second issue, developments are in process; main step is a move to establish a federation of all independent guilds for joint action to secure recognition of defense against IA. Because of the developments nationally—IA threat, defection of Whitehead, et.—we may be able to bring the SAG into this confereneec; if not, we will have all other guilds, plus cooperation of SAG as immediate prospect.

Since the AFL has declared open war on CIO, it is only logical to expect that they will throw all support behind IA as best means of protecting their preserves in Hollywood and the amusement industry generally. However, we have built up, as a result of investigation, etc., terrific opposition to IA; and this opposition to IA—as result of national developments—is now being transferred to AFL.

One strategic move remains to be set in motion; the emergence of a progressive movement in key locals of the IA motion picture operator unions. Threat of using the operator locals as an economic lever to enforce their policies in Hollywood has been voiced by IA officials.

Then he goes on to say:

In the meantime, I wish you would discuss matter of IA action with Jack Stachel.

Now, Jack Stachel was identified by a representative of the Thomas committee, the Committee on Un-American Activities at the time I testified.

Here is the identification which the representatives of the Committee on Un-American Activities made of Jack Stachel. They said:

Jack Stachel is a member of the national committee of the national Communist Party. He is national director of the trade-union division of the Communist Party. At the Communist convention held on January 30, 1936, in Cleveland, he made a report on the trade-union work at the convention.

He has also been a member of the New York State Trade Union Commission of the party. He is a very well-known Communist figure.

So here is Mr. Kibre reporting to Mr. Stachel and discussing with him the necessity and the procedure of building up what is later referred to as a national fraction in the IATSE.

He said:

In the meantime, I wish you would discuss matter of IA action with Jack Stachel, necessity of my getting in touch with contacts in the various cities, etc. I've taken it up with Paul Kline, but he feels personal appeal by you or VJ, rather than communication through official channels, would get quicker results.

Now, the persons who have analyzed this have decided that VJ is V. J. Jerome, who at that time was head of the cultural commission of the Communist Party, and who was doing a great deal of work in Hollywood.

He says:

I know definitely that a Morris Iushewitz, publicity director of the MPO local of New York is one of our people.

In this, I think, Congressman, he could only mean one of our people, one of our comrade Communists. Because this is written to a man who has been identified as a Communist, and he is referring in this letter to Communist activity.

Mr. OWENS. Did not the man have other affiliations than with the CIO?

Mr. BREWER. This man was a member of our own union in New York City. He was writing to Mr. Reed about setting up a national fraction within the IATSE. And this man, Morris Iushewitz, is a member of local 306 of the IATSE, New York.

Mr. OWENS. He could be "union people," could he not?

Mr. BREWER. He could be, but he is a member of the IATSE and they are talking about setting up a Communist fraction in the IATSE.

Mr. OWENS. They did not say that, though, did they?

Mr. BREWER. Yes; they did.

Mr. OWENS. Communist fraction?

Mr. BREWER. The letter refers to it as a national fraction.

Mr. OWENS. He did not say Communist fraction, did he?

Mr. BREWER. No, but he starts out the letter by saying, "One thing about Reds, they seldom write except on business." That is the first sentence in the letter, and he is writing to a man who is identified by Howard Rushmore, who was at that time an official of the Communist Party, and the commissar of Actors Equity in New York City.

He says:

Also, I understand we have a person in the Cleveland local who pulls considerable weight. It is imperative that I get hold of all of these contacts, send them report on role of IA in Hollywood, exposure of Bioff, etc.

Now, the next report which Mr. Kibre wrote is to Mr. Louis Goldblatt. It is sent under date of November 8, 1938. Mr. Louis Goldblatt was the then secretary of the State CIO, and who is associate of Mr. Harry Bridges in the longshoremen's union in San Francisco.

In this report he outlines the developments that have been made, which to some extent follow the same line which I have read before, but he brings in a couple of very important items. In the first place, he outlines a change in strategy in this report, pointing out that the National Labor Relations Board has now entered the picture, and because of the indication that they will probably grant them an election, that he is going to abandon his program of the conference idea of setting up as a basis for industrial union, and is going to organize a frontal attack on the IATSE and petition for an election.

In this he points out how he intends to utilize jurisdictional disputes as an instrument. He says as follows:

Mr. OWENS. This letter is to whom?

Mr. BREWER. Louis Goldblatt in San Francisco.

He says:

However, there are various factors present in the situation which lay this perspective open to some serious question. The NLRB action against the IA has encouraged the filing of a great many other cases, some of which seek to raid the IA jurisdiction, and others merely seeking to cause trouble. Claims and counterclaims of jurisdiction are emerging. At the same time there is a deep-rooted conviction in the minds of the workers that the present set-up is hopeless—that it simply can't be really straightened out.

Some fancy jurisdictional beefing through the Labor Board is likely to so complicate the picture that the workers will become disgusted. Such a situation is a fairly good possibility on the basis of present developments. This might demand not that slow prospective of amalgamation, but the more drastic method of an organization drive by the CIO.

The latter is now a legitimate possibility because the Labor Board case practically opens the field to a new organization. Such a drive would demand careful preparation. All of our tactics would have to be oriented immediately toward such a perspective, preparation of our rank and file groups, utilization of jurisdictional beefs, Labor Board actions, etc. Then the CIO drive would have to be so timed as to appear in a dramatic manner as the only means of cleaning up the situation.

Then in closing he says:

I am also sure that you can point out that our work in Hollywood has produced fairly good results.

This is in connection with selling the ideas to the CIO convention.

Certainly there have been major developments, initiated by us toward industrial unionism. And the substantial sum collected for our committee against Proposition No. 1 (\$3,200) is an indication of the death of the influence we have developed in the major organizations.

That is important, as I say, in my judgment, as a further indication of the strategy which they were using.

Mr. OWENS. That was in 1939?

Mr. BREWER. That was in 1938—November 8, 1938. That was the plan which eventually developed into the drive of the United Studio Technicians Guild, led by Mr. Kibre, and which, significantly enough, was, as Judge Levy pointed out, supported by Mr. Sorrell. He supported the efforts of this USTG, which was purportedly an independent union, but which was pretty generally recognized as having CIO connection. So there has been a trend, through this whole period, that as far as I am concerned, is a part of a single drive to get the control of the studios into unions which were Communist dominated.

Mr. OWENS. So far you have really shown just a drive of the CIO, aside from that one letter to that one party where he mentioned the possibility—

Mr. BREWER. If you study the letter, the references to Jack Stachel, and to Bob Reed, who are now known to be Communist functionaries, I think you will see it. And there is some other testimony that comes along a little bit later, which so far as we are concerned, definitely establishes the fact that it was a Communist drive.

The next report here does not say just to whom it went, but I presume it was to the CIO, and it is more or less of a progress report setting forth the progress which they have made in their developments. One reference which is brief I will read. It seems to have some significance. It says:

Further impetus for unity will be generated through the establishment of several Assembly Non-Partisan League clubs in and around Hollywood. These clubs are in process of formation at present. We hope to bring professional and craft members together in these clubs.

It has been pointed out that Mr. Sorrell was the president of Labor's Non-Partisan League in the State of California.

The next report which is set forth in here is probably one of the most interesting in the series. This has to do with the attendance of the national convention of the IATSE by Mr. Irving Henschel. Irving Henschel was a member of local 44 of the IATSE, and was appointed to the convention of the IATSE in 1938, and attended as a delegate. At that convention there was quite a little fuss about his presence. And this communication points out that the acting secretary of the Communist Party in Ohio, Mr. Mac Weiss, wrote a protest to Roy Hudson in New York, who was the trade-union secretary of the Communist Party in New York, and has been so identified by the Committee on Un-American Activities through their testimony, complaining about the activities of Mr. Henschel at this convention and complain-

ing about the actions of Jeff Kibre in his direction. And it reads in part as follows:

The following is a brief report of the recent convention of the IATSE and motion picture operators which was held in Cleveland last week. The outstanding feature of the convention from the viewpoint of the guest speakers invited—and so forth.

Then it goes on to say:

One of the delegates to the convention, a party member from Hollywood by the name of Irving Henschel, came to Cleveland prepared to introduce a resolution which according to him was the position of the rank and file movement in the Hollywood studios. He immediately got in touch with Comrade Onda and another party member who is an officer \* \* \* showing the resolution to them and asked their opinion.

I would like to point out that in his letter to Mr. Bob Reed, Mr. Kibre pointed out that there was one of their group who carried considerable weight in the Cleveland local.

Then he goes on to describe what went on there. He says:

In the meantime, he had received a telegram from Jeff Kibre as well as a phone call from this same person who is the leader of the rank and file movement in Hollywood and according to Henschel, a party member, advising him to leave the convention floor at once. We concurred in this advice.

Then he summarizes his complaint by saying:

It is our opinion that you should communicate with the west coast to follow up on this situation because there may be a whole series of explosions or reprisals against the rank and file movement there following the action of the convention. It was further the opinion of the fraction at the convention, that there is needed in this international a national fraction to coordinate the work as well as some medium through which the progressives can keep informed of developments in different part of the country.

Comradely yours,

MAC WEISS,

*Acting State Assistant Secretary, Ohio.*

Roy Hudson sent that communication along with his own communication to a Walter Lambert in San Francisco, with a copy to Paul Cline. Lambert was a known official of the Communist Party at that time.

He says:

A few words in connection with the convention of the IATSE.

I am enclosing a communication from Comrade Weiss of Ohio, who worked with our people in the convention. Incidentally, there were about 10 party members that we know of there. Also, I had an opportunity to discuss the convention with people from New York on their return. Their remarks are in agreement with the points raised in Weiss' letter.

It seems to me that this situation requires some immediate investigation in California. First, as to who Henschel is. The way he conducted himself at the convention aroused suspicion upon the part of the comrades. Whether it is entirely justified or not, we do not know. Nevertheless, it is important that we have the definite opinion of the party in California in order that our people may adopt a correct attitude toward Henschel.

Secondly, considering the situation in the international, our relative strength, etc., I think that in presenting such a resolution to the convention is nothing short of sheer stupidity and certainly must reflect a lack of guidance upon the part of the party to this work, because I cannot conceive of the party's advising such a thesis being sent to the convention.

Thirdly, the manner in which it was sent by someone signing himself chairman of the IA Progressives—it is pretty hard to conceive of any of our people being so naive and inexperienced in trade-union tactics as to sign a resolution in this form, as it just lays the basis for an attack.

On the basis of the above it seems to me there should be a thorough reexamination of the methods of work of our people in Hollywood, and especially the approach to the IATSE. Secondly, in view of the fact that the administration is going to utilize this resolution for probably launching an offensive against the progressives in the union in Hollywood, we will have to do whatever can be done to prepare to meet this attack. Thirdly, the convention also adopted reactionary decisions regarding the various guilds in Hollywood.

I think we should consider what can be done to try and counteract these resolutions, and to further campaign for unity of all the crafts.

Finally, I think that we should try and keep closer contact with and have a more systematic exchange of information between our people in the IATSE in Hollywood and the people here in New York. Hereafter, when communications are sent, they will be brought directly to the attention of our fraction here. Likewise, we would like to have the names of people in Hollywood in this organization with whom our people here could correspond directly.

We expect to hear from you as soon as possible on the points raised in this letter.

Comradely yours,

ROY HUDSON.

MR. OWENS. And Weiss' letter was addressed to Hudson?

MR. BREWER. Yes.

MR. OWENS. What is your reaction about that? What was your contention?

MR. BREWER. It seems to me that that letter establishes very definitely the fact that there was an underground secret organization of the Communist Party working within the IATSE, and at this point it had been sort of disconnected; that there were fractions working in New York and in Cleveland, but that there had not been much coordination between those activities and the activities in Hollywood.

MR. OWENS. Who did Hudson address his letters to?

MR. BREWER. To Walter Lambert, an agent of the Communist Party in California.

The next report is an interesting one because it is the answer of Jeff Kibre to the charges contained in Weiss' letter and Lambert's letter. I will not read much of it, but I will read the points with regard to Henschel because Henschel shows up in the 1945 strike. That is why I think this is important. He appears in the early December of 1945 strike as the actual leader of the so-called rank-and-file movement that developed in the 1945 strike in support of the strike of the Conference of Studio Unions.

This is dated July 14, 1938. It is directed to Comrade Walter Lambert, State trade-union director, San Francisco, Calif., with a copy to Paul Cline:

Comrade Hudson's communication of June 21, based on Comrade Weiss' report on the recent IATSE convention in Cleveland, was turned over to me for discussion by the Studio Industrial Units. Discussions on the above have been held as follows: First, a thorough discussion with Comrade Henschel, who was a delegate from the Studio Local No. 37; second, detailed discussions with leading comrades in the IATSE and other studio unions; and, lastly, the industrial trade-union commission, which represents both crafts and guilds.

So far as the industrial-union commission which he refers to, that presumably is an underground organization, because he says "which represents both crafts and guilds." There is no aboveboard organization that we know of that compares to that at all.

MR. OWENS. What underground organization would be representing crafts?

Mr. BREWER. It would seem to me that that is an indication that there was a commission that was part of the Communist secret organization which represented the Communist Party members who were in the crafts and guilds, which was a sort of an over-all strategy, or for activities in the studios. That is the implication that I see in it.

He says:

The following conclusions were reached:

1. That the differences of opinion with respect to the resolution, approach to the IA, etc., grows out of a thorough lack of understanding by the comrades in the East of the role of the IATSE in the motion-picture industry, the problems of the industry and, consequently, of our basic line. This lack of understanding is also apparently wedded to a gross underestimation of the motion-picture industry as the foundation of the amusement industry.

2. That we affirm our confidence in Comrade Irving Hentschel, who is a party member of 3 years' standing in the industry; and further state that Comrade Hentschel, despite numerous mistakes, attempted to the best of his ability to carry out the instructions of the local party organization; and, finally, that most of his mistakes were the product of the tremendous pressure and intimidation exerted upon him by the IA officials, plus the lack of proper party guidance and counsel in Cleveland.

3. That because of the serious consequences of the lack of mutual understanding by the comrades in the East and our party in the industry, that we immediately prepare, with the participation of the county leadership, a thorough analysis of the general situation here; and that such analysis be used as the basis for a thorough discussion of the national situation—with the advisability, if possible, of a conference between a representative from Hollywood and the East—or vice versa.

And then in the latter part of that report he says:

As far back as last fall we suggested the necessity of a national fraction. Subsequently, I wrote to various contacts in New York, but received no answer. In February I sent a more urgent plea, through the secretary of the \* \* \* actors' fraction in New York, to Comrade Stachel.

Obviously, that is a reference to the Bob Reed letter.

No answer was forthcoming. In addition, I urged Bob Kaye to secure IA contacts and put them in touch with me. There were no results. Certainly we welcome a national fraction.

In conclusion it should be reiterated that the role of the IATSE in the industry is that of a company union. And because the industry faces a growing shrinkage in income, and thus will demand further cuts in wages, the IA as a company instrument must become industry-wide to fulfill its role. That is the situation in Hollywood; and if Hollywood is accepted as the foundation of the amusement industry, then certainly this situation must be a determining factor in the approach toward the IA nationally.

That completes the high spots of these reports. I will leave copies of them.

Mr. OWENS. Where did you get those?

Mr. BREWER. Those were published by the Los Angeles Citizen.

Mr. OWENS. Where did you get them?

Mr. BREWER. I was not there at the time, but the information which I have received is that during all this activity in Los Angeles, there was a great deal of litigation, and there were contempt proceedings, and in one proceeding Mr. Kibre was cited for contempt, and was subpoenaed, and he failed to respond to a subpoena.

Mr. OWENS. We will accept that for reference purposes.

(The document was filed with the committee.)

Mr. BREWER. In order to follow through on that, I want to present to you as evidence of this rank-and-file activity some of the articles which appeared in the newspapers in connection with the 1945 strike.



Mr. OWENS. We are waiting for some facts from you, you know. We have had a great deal of newspaper items in the hearings.

Mr. BREWER. All right, Congressman. The facts are that one of the first individuals that I ran into, as I stated, in Hollywood, was Irving Henschel. Irving Henschel failed to go through the picket lines at Warner Bros., and participated actively in an organization of prop makers, which was his particular line of work.

Mr. OWENS. When was that?

Mr. BREWER. That was in March of 1945.

Mr. OWENS. At the time of the strike?

Mr. BREWER. Yes; in an effort to keep these prop makers from going into the studios.

Mr. OWENS. He was a member of which of the IA unions?

Mr. BREWER. Local No. 44.

Mr. OWENS. That was what?

Mr. BREWER. That was the Allied Property Craftsmen's local. In the course of this activity, as I said, he indicated to me personally that he was very antagonistic to our organization.

Mr. OWENS. What did he say?

Mr. BREWER. He said that the IATSE was racketeering organization, and we were asking our men to become strikebreakers, and that we were taking the wrong position with regard to the set-decorators issue, and that the IA had in some instances usurped the jurisdiction of the carpenters, and was repeating all of the things that were being generally said at that time with regard to the position of the IATSE in controversy.

Mr. OWENS. What did you do about it?

Mr. BREWER. At that time, of course, we were very busy. We attempted to persuade the people that they were wrong and we were acting, as we saw it, in the best interests of the International Alliance. We were not successful at all with Mr. Henschel in convincing him, but before too many days went by Mr. Henschel and his group did go through the picket lines.

Mr. OWENS. When did they go through? How long after?

Mr. BREWER. I would say it was probably the second or third day of the strike they decided to go through. Then, of course, one of the very major problems with which we were confronted in the studios was that of getting sets built. Because the carpenters had walked off the sets, and if we did not build sets, the studios would close, and if the studios were closed, that would give Mr. Sorrell and the carpenters' union an opening to force jurisdictional concessions which would injure our organization.

And the principal craftsmen that we had to rely on to build the sets during this period, which we hoped at that time would be a short one, were in local 44 of the Allied Property Craftsmen.

So at a meeting of this local on March 29, which it seemed would be a rather routine meeting, and as a general thing our meetings had been rather poorly attended in these unions where they had this agitation, Mr. Henschel and the same group of property craftsmen came in and presented a motion to the local union which stated in substance that these men should not move out of the jurisdiction which they had, and that any man that did so would be subject to penalty by the local.

This motion was presented, and this action was taken, notwithstanding the fact that President Walsh had, using his powers under the

constitution, in this situation which he considered to be the most serious one that the alliance had ever faced in his period, instructed our local unions that it was imperative in the interest of the alliance to do everything within their power to see that the studios did not close.

If this motion was successful in its objective, it would mean the closing of the studios. And Henschel led the fight to get that motion adopted, and was successful in getting it adopted.

Mr. OWENS. Did you know prior to that time that he was supposed to have communistic affiliations?

Mr. BREWER. I did not.

Mr. OWENS. No one knew that?

Mr. BREWER. As he began to appear as a troublemaker, I got information about it from individuals. They referred to him as being a "commie."

Mr. OWENS. Was his name mentioned 5 or 6 or 7 years before that?

Mr. BREWER. Yes.

Mr. OWENS. You mean to say that his name was mentioned 7 years before that, and you would not have known it up to that time?

Mr. BREWER. That's right. I was not an officer of the IA. I became an international officer of the IA in January of 1945, and up to that time he had not been called to my attention as a particular personality in the situation. However, as I say my associates there pointed out to me that he had been one of the principal troublemakers in the other controversy and that he had this reputation of being a Communist.

Mr. OWENS. I see.

Mr. BREWER. He led this fight and was successful in getting this motion passed. I think there were about 200 members at the meeting. The membership of that local was about 1,600.

Recognizing the seriousness of the situation, I immediately then reported to President Walsh, who had gone back to New York in an effort to negotiate with Mr. Hutcheson, and recommended that the emergency powers of the international be invoked and the local be taken over under an emergency.

That was done in the course of time, in accordance with our constitutional provisions.

Then Mr. Henschel organized a rank-and-file movement. He organized a mass meeting at the Legion Stadium of IA people who were challenging the authority of President Walsh, who were holding themselves out as IA members, who were not in sympathy with the IATSE but were in sympathy with the Conference of Studio Unions.

It is in connection with this that I have some excerpts from the news stories which were written about those meetings, which I thought might be valuable to us, as to what the press, at least, thought and saw in these rank-and-file movements.

That controversy raged. In due course we filed charges against Henschel, under our constitution, and started a trial. During the course of this activity on the part of Henschel he had had the support and cooperation of four of the local unions of the International Alliance in varying degrees. The principal local union that seemed to support him was local 683, the film technicians, which are the persons who process the film in the laboratories. The other local was the costumers local, No. 705.

In the first organization the officers were Russell McKnight, president, Norvall Crutcher, secretary, and John Martin, business agent. In the costumers' local the principal officer was the business agent, whose name was Ted Ellsworth, and in the cameraman's local the principal officer was Herbert Aller, and in local 659, the sound technicians, the principal officer was Harold Smith.

Their activities appeared not as clearly as the activities of Henschel, but at Henschel's meeting it was reported that a committee of business agents had met with him in an effort to wait upon President Walsh and ask him to take certain action which seemed to be in the interest of the Conference of Studio Unions, and in due course a committee of these four locals appeared.

So it became our responsibility, insofar as we could, to determine what was causing this disaffection within our own organization, and to what extent the Communist influence played a part in that. We analyzed the activities of these local unions, and it began to develop that local 683, the film technicians' union, had a pretty consistent record of supporting Communist Party activities, Communist Party programs, and generally followed the Communist Party line.

They also had on retainer a law firm known as Katz, Gallagher & Margolis.

Mr. OWENS. What made you determine the fact that you just said?

Mr. BREWER. First of all, by the fact that on the opening day of the strike, in direct contradiction to the instructions which President Walsh had send as international president to all of our local unions, they went out on strike with Sorrell. It took quite some argument and maneuvering with them to get them to agree not to support the strike and go back to work, and in their pronouncements of the situation they were critical. They followed about the same line, so far as public statements were concerned, resolutions, and so forth, that Mr. Henschel and his group followed.

Mr. OWENS. Yes; but they went back to work?

Mr. BREWER. They did go back to work; yes. As I say, it was under the direct instructions of the international.

Mr. OWENS. How long did they stay out?

Mr. BREWER. They were out from Monday until Thursday.

Mr. OWENS. Just like Henschel?

Mr. BREWER. Just about that long, yes; the first few days.

I have here a communication which I sent.

Another thing that this local did as time went on was to begin sending circulars throughout the United States to our other IATSE locals, criticizing the conduct of the strike insofar as President Walsh and myself were concerned. They circularized all the other locals in the IATSE through the Nation. As a result of a study of the whole situation, we reached the conclusion, positively, that that local union was under the domination of persons who were following the Communist Party line.

Mr. OWENS. Yes; maybe you did in your own mind, but what else brought you to that conclusion?

Mr. BREWER. Well, it is pretty hard at this point to recite all of the things. But I set forth some of the things in this letter which I think are pretty pertinent. It is much easier for me to give the specific things; if you would like to have me read it I would like to do that.

Mr. OWENS. Just read the pertinent parts, and then we will take it in as a reference.

Mr. BREWER. All right, here are the points: In the first place, we began looking back at this local union. These three officers that I mentioned came into power in that local union in 1940.

Mr. McCANN. Mr. Chairman, do you have the date of the letter?

Mr. OWENS. That was in March of 1945; was it not?

Mr. BREWER. The date of this letter was later, but it sets forth the acts which they carried on.

Mr. OWENS. What date shows on that?

Mr. BREWER. May 10, 1946.

We found that the official publication of this union had followed the Communist Party line in the violent turn which that line took at the time of the attack upon Russia by Hitler.

Mr. OWENS. Of course, back in that time, talking about 1937, 1938, 1939, and 1940, when you are talking about the IA being cut from the union, and so forth, from some of the other things that were happening, they probably had some right to feel that way, did they not?

Mr. BREWER. Yes; as a matter of fact, they did. I would like to say in connection with that, that this local union, ever since these officers had been elected, had been known in our organization as at least antagonistic to the officials of the IATSE. They made themselves quite prominent in the various conventions. There was a feeling at that time that they were antagonistic, but after this matter came out and Brown was convicted, and Bioff was convicted, there was a feeling on the part of President Walsh and myself that perhaps there was some justification, and that these people were honest people. President Walsh told me that he had sincerely tried to go in and work with this group of people, because they seemed to be qualified leaders.

On the surface they seemed to have the interests of their organization at heart.

So I know that President Walsh and myself under his instructions approached this situation with this local union with the idea that we were going to assume that they meant well, and that if the things they had objected to were corrected, that they would become the same as any other union of the IATSE.

Unfortunately, when we got in a right critical period, and when there were none of those things to which they could object, they found other things to object to. And they raised false issues, and they misled our membership, and they did everything they could in times of crises, not only at this time, but at a later time, to help those who were trying to destroy us.

Here is a list of the things which I pointed out. They were against war. Here is a brief paragraph from an editorial in Flashes, which was their official publication, edited by the president, Mr. McKnight.

Mr. OWENS. The film technicians?

Mr. BREWER. Yes; our own local union. He said in March of 1941, during the time of the pact:

Does lend-lease mean war? Although senatorial debate on the lend-lease bill \* \* \* its official and somewhat ironic title, is now drawing to a close, American labor is still wondering whether bill's passage will make for democracy or dictatorship; national strength or national weakness; peace or war \* \* \* even the bill's proponents do not deny that the measure gives more unrestrained power, actual dictatorial power, to the President than has ever been dreamed of in American history \* \* \*. Once the bill becomes law, America can only

hope that the Chief Executive will be guided by discretion, honesty, and a love of country that is even greater than his hatred of Hitlerism \* \* \*. But even these vital considerations are submerged by the danger of an all-inclusive catastrophe—American involvement in the war, a war which would inevitably bring the dictatorship, chaos, and poverty, in which labor would find itself on the firing line at home as well as on foreign battlefields \* \* \*. Labor cannot be blamed for wondering, too, if the Government, against overwhelming public sentiment, and like the Wilson administration in 1917 is not already secretly committed to America's entrance into Europe's war.

And after the Hitler-Stalin pact:

Hitlerism shall be triumphant—nowhere. Today, in America, there is another problem facing rich and poor alike—which overshadows in importance everything else—and that is the fear of a Hitler-dominated world—and inevitably—a Hitler-dominated United States.

Mr. OWENS. What was the date of that?

Mr. BREWER. November 1941.

Mr. LEVY. That was not after the Hitler-Stalin, that was after the breach.

Mr. BREWER. That was after the attack on Russia by Hitler.

That, we felt, was somewhat significant in view of the developments that were taking place.

Here are some other things:

Local 683 was active in the founding and promotion of the Peoples Educational Center—which was branded by the California Legislature's Joint Committee on Un-American Activities as a "Communist School," serving the program of the Communist Party through the propagation of Marxism-Leninism. McKnight is at present listed as one of the directors of the school.

That was on May 10, 1946. He was a director of the school.

Mr. OWENS. What was the name of the school?

Mr. BREWER. Peoples Educational Center.

McKnight, Crutcher, and Martin, have retained as legal counsel of local 683, the law firm of Katz, Gallagher & Margolis. This firm, openly recognized as a Communist law firm, is counsel for most of the conference unions, as well as for CIO unions and openly recognized Communist organizations and movements. Katz was attorney for the Communist Jeff Kibre, and the Communist-inspired United Studio Technicians Guild—which tried almost the same scheme to wreck the IATSE in 1939, that the conference tried in 1945.

Mr. OWENS. You mentioned Kibre a number of times. How was the communism developed, that he was actually a Communist?

Mr. BREWER. It was through the publication of those reports, which he did not deny, finally, and after he left Hollywood, as a result of his defeat in the election which ensued, he went to work for the CIO and was engaged in the North American Aviation strike at Englewood, Calif., which President Roosevelt said was a political strike, and is at the present time an officer in the CIO Fishermen's Union on the west coast, which is considered to be Communist-dominated, and he was designated by the Committee on Un-American Activities of the California State Legislature.

Mr. OWENS. That I think is what I inquired before, where Frankenstein was involved. That is where he was involved, was it not?

Mr. BREWER. That may have been. I was not there at the time, but it is possible that that was it.

Mr. OWENS. He went with the fishermen?

Mr. BREWER. Yes, the CIO Fishermen's Union. He was recently indicted and convicted in a Federal action involving restraint of trade, and that case, I understand, is now on appeal.

Going on further, it says:

Gallagher is an openly admitted well-known Communist, having been a candidate on the Communist ticket in California elections. The firm was officially condemned by resolution of the Los Angeles Central Labor Council in November 1944.

Mr. OWENS. Is that his real name, Gallagher?

Mr. BREWER. Gallagher, yes. The firm was officially condemned by resolution of the Los Angeles Central Labor Council in November 1944, for supporting known Communist causes and CIO jurisdictional rating against AFL unions. I would like to say at this point that I don't completely share the views of our counsel, Judge Levy, in that this firm has played a very important part so far as we were concerned in the efforts of unions which we were firmly convinced were Communist-dominated to wreck our organization. They appeared time and time and time again. They were the attorneys for Henschel, in addition to being the attorneys for 683.

Mr. OWENS. You have done pretty well so far.

Mr. BREWER. Thank you.

Mr. LEVY. I should say that.

Mr. BREWER (reading):

Local 683 paid Katz, Gallager & Margolis a legal fee of \$3,000 by a curious coincidence, just before the firm filed suit against the international on behalf of 21 members of local 44 who were cooperating with the conference program by trying to persuade IATSE members to disobey instructions of President Walsh, issued to protect our organization during the strike. Also, when charges were filed against these members of local 44, they were defended at the union trial by John Marin and other officers of local 683. There never has been a satisfactory explanation of the legal services for which the \$3,000 fee was paid.

Mr. OWENS. You expect attorneys to talk about that?

Mr. BREWER. No, we wouldn't expect them to.

Now, the one item we think significant:

Sam Goldblatt, an able assistant to McKnight in the disruption program of the officers of local 683, is the brother of the secretary of the Communist dominated CIO State Council of California.

He was a member of local 683, actively working with these three officers, and he is the brother of the same Louis Goldblatt to whom Jeff Kibre wrote in the reports which I showed you.

5. At the height of the Communist-organized and directed violence at the Warner Studios in Burbank in 1945, McKnight spoke at a mass meeting of a fake citizens committee, organized by the Communists and fellow travelers, with the usual full complement front groups represented, and publicly condemned the IATSE for attempting to resist the efforts of the Communist mob to create a reign of terror in Hollywood, that became a Nation-wide scandal.

Mr. OWENS. Who was present at that meeting?

Mr. BREWER. I am sorry, I do not have that information, but I can get it for you and I shall do so. There are so many of these things that it is just impossible to get everything. But I will supply that.

Mr. OWENS. I just break in at a certain time where I think it is material. Each time I am disappointed. I do not get what I ask for.

Mr. BREWER. I will see that you get it.

Mr. OWENS. I do not mean disappointed, necessarily; at least I feel when you testify, when you testify so definitely that it is a fact, that you hit out, that there should be some specific proof at that point.

Mr. BREWER. I will supply to this committee a list of those persons and a dossier of their background in Communist activities, and Communist front organizations.

All of these things, as I say, began to fit together as far as I was concerned, into a pattern.

The attitude of this local union, while they did not go out on strike in support of the Conference of Studio Unions in the first strike, their activities and their attitudes during this whole period were belligerent and antagonistic to our organizations, and conveyed the impressions to the public in almost every instance that seemed available to them to condemn our organization and to show sympathy and to show favorably the position of the CSU.

Mr. OWENS. How do they explain their going through the picket lines, then?

Mr. BREWER. They were not permitted by the laws of our organization to do anything else. As a matter of fact, there did come a time when they did observe the picket lines. It was in the second strike. But all their agitational capacities were thrown into the efforts of the Conference of Studio Unions, and we had meetings of our business agents at various offices of our unions, and it got to be a standing joke with all of our officers of our other unions that we would look at the CSU News, and we knew what position John Martin and his officers were going to take in our meetings. So he came into our meetings and attempted to put over the line of the Conference of Studio Unions in our meetings. He did it not once but consistently, day after day, week after week, and month after month.

Mr. OWENS. Do you have any copies of that CSU News?

Mr. BREWER. Yes; I have volumes of it. As I say, there was another organization that cooperated with them, local 705. While they were not as belligerent as 683, generally speaking the business agent of local 705, Ted Ellsworth, went along with them, and he was active in organizations which we considered to be Communist fronts, and at a critical time in the 1945 strike he went on the air and spoke against the IATSE with the citizens committee, which included Phil Connolly of the CIO, Carey McWilliams, a writer who has been in many Communist fronts, Artie Shaw, the band leader, and Mr. Sorrell was on the same program with one of our own business agents, attacking the position of the IATSE on a broadcast.

Mr. OWENS. Was that before the Cincinnati meeting?

Mr. BREWER. Yes. So that all of these things added together, any one of these instances that we had to contend with, you could isolate it and say that proves nothing, but when you put them all together, there developed a pattern that as far as we were concerned seemed conclusive that there was something wrong.

Now we come to the second strike. During this period of January, after the Cincinnati settlement, and the meetings held in Miami, there was a series of incidents. The studios were kept in a turmoil during that entire period. When the directive came down, they challenged the directive and went down to Miami, and attempted to have the directive set aside. They failed in that. So upon returning from Miami the Conference of Studio Unions issued an ultimatum to the studios, in which they said that unless we have a 50-percent increase within 10 days, we will go out on strike.

MR. OWENS. Who said that?

MR. BREWER. The Conference of Studio Unions. They set February 16 as the date which they were going to strike unless their demand for a 50-percent wage increase was met.

It was no secret around the lots that the strategy behind this move was to create a wages-and-hours issue, that they had put up jurisdictional picket lines, that they had been unsuccessful in closing the studios, so this time they were going to create a wages-and-hours issue, and they thought they could bring enough moral pressure on the actors and other unions to force their cooperation on a wages-and-hours issue, even though it were a 50-percent increase in 10 days.

MR. OWENS. It was rather a heavy increase to create a moral pressure.

MR. BREWER. We felt it was not right for one union to get that. That was the situation that caused these unions to join together with the central labor council and demand that they go through the procedure of the central labor council and serve public notice on them, that unless they did go through the procedure of the central labor council we would not observe their picket lines for that any more than we did their jurisdictional picket lines.

They backed down on that strike, and they continued to negotiate. On April 18 another strike threat came up.

I heard Mr. Bodle's question that they did not threaten to strike in April. At least we thought they had. We thought they had strongly enough that we issued another ultimatum with our unions. The unions all got together, the actors and all of them. In any event, the strike did not come out. Then the agitation continued and there was a series of hot sets in June.

MR. OWENS. Who created hot sets in June?

MR. BREWER. That is a story of itself; and if you want to, I will go into that.

MR. OWENS. You can do it briefly.

MR. BREWER. That came to pass over the machinists' issue. When the Cincinnati strike settlement was made, there were some 40 machinists who had gone back to work and had joined the IATSE, who had previously been members of I185. When the Cincinnati settlement was made, CSU demanded that those 40 men be taken off the job as a condition of going back to work. We protested vigorously that action to the producers and to the CSU, but without avail. So that the producers, for the most part, were paying these people but were not letting them work because of the opposition of the CSU.

Those men were all members of the IATSE. The situation went along; and at that time, as you know, the machinists were not members of the American Federation of Labor. So these men applied, and I make no hesitancy to say that we assisted them because they were members, and we felt obligated to them, and we were very concerned about the fact that these 40 men were being deprived of jobs; so they got a charter from the American Federation of Labor, and when they got that charter we went to the producers' association and demanded that these men be permitted to work, in cooperation with the other A. F. of L. unions; the central labor council and the other A. F. of L. unions requested that these people be permitted to work.

MR. OWENS. Did they get a charter as a machinists' union?

MR. BREWER. Yes; they did. The stand that had been taken heretofore by the CSU was that they were scabs, and therefore they couldn't



work. When they got membership in the American Federation of Labor we said they should be permitted to work.

I think it was at that time that the Conference of Studio Unions said they would strike. My recollection is just a little bit hazy about that, but I think that was the incident which created what we thought was the April 18 threat.

But some place along this line there were some hot—the central labor council and our unions took action against the producers' association to get them to put these machinists back to work.

We said that if the Conference of Studio Unions won't work with A. F. of L. machinists, then we won't work with 1185 machinists. I mean that was the position of the central labor council, and we supported them.

Mr. OWENS. Was it covered by the directive?

Mr. BREWER. As was pointed out by Mr. Brown, the directive was very hazy in that regard. It was work on cameras; it was not work on motion-picture machines.

So that we, in cooperation with the other A. F. of L. unions, said that if the CSU will not work with A. F. of L. men on the cameras, we won't work with the CSU men. That resulted in a retaliatory action by the Conference of Studio Unions, and it was something to do with technicolor cameras. The issue seemed to come to a head on technicolor.

So the conference in June took the position that they would not work on technicolor sets. Finally the producers filed a petition for certification with the Board, and we agreed to be bound by what the Board decided in the matter, and finally the conference did, too, and that situation was alleviated. But that issue came back into the July 2 strike.

Mr. OWENS. You created that issue yourself, did you not?

Mr. BREWER. To some extent we did; yes. We do not hesitate to say that our men were being unfairly treated, we felt, and we did use our position to help protect them. So that issue came into the July 2 strike.

And then there was the July 2 strike, which was another confused situation, in which the issues seemed to be over a demand by the conference that they be given a closed-shop agreement for machinists, or at least a preferred position on machinists, and the producers disagreed; and then after the strike had been called, Sorrell sent out a telegram to all the local unions, including our union, saying that it was not a jurisdictional issue at all; it was purely a wage-and-hour issue.

Mr. OWENS. You are talking about what date now?

Mr. BREWER. July 2.

Mr. OWENS. The day of the so-called Beverly Hills treaty?

Mr. BREWER. Yes. When he sent this wire, it came into my possession that he was withdrawing the machinists' issue and agreeing to let it be settled by the National Labor Relations Board. When I got that wire, I immediately sent him a reply saying that if what he said was true in that wire, I would personally go with him to the producers' association and help adjust the issues which were creating the strike. About that time I heard that Mr. Sorrell was addressing the meeting at Grips' Hall, which was a combination of grips and

teamsters—the meeting that was described in connection with Mr. Mulkey's testimony.

I immediately went over there and went on the platform and publicly made the same challenge. Sorrell said he did mean what he said. We set up the meeting which resulted in the treaty of Beverly Hills. That is how that came about.

That was the 2d of July, and we had a period of approximately a month, then. There was a lot of turmoil. Incidentally, that took place immediately preceding our national convention in Chicago, when we were most of us getting ready to go to Chicago, so that things remained quite a bit in a status quo. We were trying to negotiate wages and clean up some of the odds and ends, and then we left for Chicago.

It was during the time that we were at Chicago that the executive council met and handed down the clarification, which opened it up again. So that there was no period when there was any calm in the studios during that whole period.

In addition to these things that I have mentioned, the conference had what they called a conference of stewards. They were attempting to organize, independent of our union lines, an organization of stewards on the back lot. One of the individuals that was very active in organizing this council of stewards was Mr. Helmar Bergman, who has been mentioned here. So, in every phase of this thing, there was an indication to us that the drive for power was still on, the agitation was continuing; and I do not deny that we did not begin setting up our defenses, because we did. We felt if this thing was going to be a fight to the finish, we were going to protect ourselves, and we began to organize our own groups and gather as many groups as we could around to protect ourselves.

That was the situation we were confronted with when the clarification came down. You know the testimony pretty generally from there on.

After the 1946 strike was called, we found the same attitude on the part of the costumers' local, and on the part of 683 with respect to public statements. The other two local unions that I mentioned were solid behind the IATSE in this new situation—that is, the cameramen and the soundmen—but these two locals, local 705, and particularly the business agent of local 705, the costumers, and the film technicians' local 683, were still pursuing the same type of tactics that they had pursued before.

The strike ran on from September until the 13th of October, and on the 13th of October local 683 called an illegal strike under our constitution and went out in sympathy and joined completely the forces of the Conference of Studio Unions.

Mr. OWENS. How about the other group?

Mr. BREWER. Seven hundred and five did not. There was an effort made to do that. A great deal of agitation was created; but when the show-down came, I went to the meeting myself and talked to the local union, and the local itself voted it down.

Mr. OWENS. That was the costumers'?

Mr. BREWER. Yes. The local union voted it down, but there was a great deal of opposition to our position by the business agent of that local. The way the situation developed, it got out of his hands. In

analyzing it, I think I can honestly and safely say he did everything he could to create the same situation in that local union but failed.

Mr. OWENS. When did 683 join the CSU?

Mr. BREWER. October 13, 1946. On October 15 the international placed the local under emergency and suspended the powers of its officers. They defied the power of the international union; said that they were not going to surrender the properties; they barricaded their offices, created a sort of arsenal up there, put up a trap door, and carried on a game of cops and robbers that was pretty fantastic; but they successfully retained control of that headquarters for a year after that.

They apparently thought we were going to try to seize the local by force, which we did not do. We served the official notices on them, and they rejected the notices. Then we proceeded to establish a new local union in accordance with our constitution, and set up new headquarters, and carried on. We established ourselves as the legal successors for the local unions, negotiated the contracts, got as many of the people back to work as we could persuade to go back to work, and carried on.

Mr. OWENS. In other words, the men had not crossed the picket lines, and you organized with either new men or some that you could get from the old local?

Mr. BREWER. They officially declared a strike. They officially went out on strike with the Conference of Studio Unions.

One of the things they had done was to prevent us from closing the wage negotiations for both of these locals. We had worked very hard to get a contract for these two local unions; and, as a matter of fact, they had up to that point received an offer which averaged 41-percent increase for the total membership of their local union. And they had rejected it. They had misled their membership and had led their membership into believing that they were not going to get a contract, with the result that they presented to their members that a part of this problem was that they had no contract, and the real reason they did not have a contract was because the international had not helped them; and that was part of their agitational program to get the people out on strike.

That was despite the fact, as I say, that they had received an offer from the producers of better than 40 percent increase over-all.

Mr. OWENS. How do you justify the fact that while you were representing them, they were getting pay that would, in turn, permit the producers to be able to pay 40 percent more, at that time?

Mr. BREWER. I am not sure I understand your question.

Mr. OWENS. In other words, you were representing them.

Mr. BREWER. Up to that point, we had not been representing them; we had only been sitting up with the officers.

Mr. OWENS. In other words, handling their own deals with the producers?

Mr. BREWER. That is right; we were only acting as assistants.

Mr. OWENS. They evidently were not being paid enough then; that is a cinch.

Mr. BREWER. Their wages, relatively speaking, were low; but the average scale for the bulk of the workers was at that time \$1.26 an hour, and we had received an offer of 40 percent over that, on an average.

Speaking in terms of the studios, their wages were relatively low; but speaking in terms of over-all, they were not bad wages, because a large percentage of their members were women, and \$1.26 an hour at that time was not a real low wage, comparatively speaking, for women. There were many women that were working for less.

**MR. KEARNS.** Mr. Brewer comes on in the morning with what questions we have, and we will take Mr. Sorrell directly after the questioning.

We will meet tomorrow up in room 429. We stand adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 5 p. m., the hearing adjourned until 10 a. m., Tuesday, March 2, 1948.)

# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

TUESDAY, MARCH 2, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will come to order.

We will ask Mr. Brewer to resume the stand. I do not know whether you had finished, Mr. Brewer.

## TESTIMONY OF ROY M. BREWER—Continued

Mr. BREWER. No; I had not finished, Mr. Chairman.

Mr. KEARNS. All right; let us move along.

Mr. BREWER. At the close of the hearing last night I had outlined the efforts and the success which the officers of this local 683 had achieved in preparing their membership, in convincing them that there was a wage issue involved, which was really not the case, and in getting them to go out on strike.

As I pointed out, we placed the local under emergency in accordance with our constitution, and the headquarters of that local was barricaded by these local officers and became a virtual arsenal. Reports that filtered out told of the weapons that were available there.

And it was at this point, or shortly after this, that the real violence in the strike situation developed.

Mr. McCANN. Would you give us the date to place that by, sir?

Mr. BREWER. 683 joined the strike in October 13, 1946, and it was following that period, between October 13 and the first part of November of that year, that the real violence began to take place.

One of the very key factors in the situation was the Technicolor laboratory. At that time these men walked out there were \$20,000,-000 worth of unfinished negatives ready for processing in the laboratory. At least, that is the estimate that has been given.

A large proportion of the product which was available to the major producers was in Technicolor. Therefore, the closing of the Technicolor laboratory was a very serious situation. And, as a matter of fact, if the laboratories had been closed and stayed closed, it would have closed down the studios, because in the process of making pictures it is necessary for the directors and the producers to see the dailies. After they have shot a set, before they will tear that set down, they look at the pictures they have taken on film. So that,

without the availability of processed film within a reasonable period after it is shot, the studios would have slowly closed.

The strike at the outset was quite effective. We bent our efforts toward getting the Technicolor laboratory operating. Ordinarily when an international union disavows a strike and orders the people back to work, that has a rather substantial effect on the attitude of the workers because, particularly under our union constitution, the supreme authority of the union is the international. But in this case it had very little effect.

The first case of major violence was the bombing of the home of Norman Potter, a member of our union in the Technicolor laboratory. He had gone back to work about, I guess, 4 or 5 days after that local had gone out, and one morning a bomb was thrown in front of his place and the front end of the house was blown off.

There were a series of such incidents—five bombings in all—and there were some severe beatings, and they seemed to concentrate on the men that were employed in Technicolor.

So that we arrived at the conclusion that the headquarters of this violence was the old officers of local 683. We were, however, successful in getting these laboratories rolling for a period of 30 days after October 16: the Technicolor laboratory was very seriously crippled, so far as output was concerned, but at the end of 30 days quite a substantial number of the workers started to come back to work and in a reasonable time the laboratory was operating satisfactorily.

On October 21, as I recall it, I went to the headquarters of this local and served the request on them to turn over the papers and properties to our international, in accordance with our constitution. I went there with an agent of the sheriff's office, who was not an officer, but rather a process server. As far as I am concerned, that was the only time during the strike that I felt that I was in physical danger. We had quite a little time there, but fortunately a car from the Los Angeles Police Department drove up and there were no serious difficulties but they did refuse to turn over the properties of the local.

From the point of October 13, local 683 was, then, an integral part of all strike activities. They joined in the picket lines, they participated in the mass lines, and as I say, their headquarters was open day and night. There were guards in front of their place day and night.

In the course of events we filed a suit in the Superior Court of Los Angeles County, asking the court to require them to turn over the properties of the local.

That lawsuit was never tried because just about a year afterward they did turn over the properties voluntarily and the lawsuit was dismissed.

When we took over that headquarters, we saw the effects of that activity that had gone on. They had constructed a huge door, a trap-door that could be released by the pulling of a string, which would close the entrance.

In addition to that, they had brought all of the files from the offices and set them right close to the stairway so that if you got by the trap-door, they could shove the files down on anyone that tried to get up there.

They had systems of bell alarms rigged up. They had a man watching out on the roof. There was a building adjoining. They had a

man posted there, obviously with a button, so if he saw anyone, they could ring the bell and spread the alarm.

The headquarters of that local union was completely wrecked so far as any further use was concerned. The furniture was broken and scratched, the place looked like it had not been cleaned for months. We have just now finished reconditioning it. It cost around \$7,000 to recondition those headquarters to make them usable again.

In the course of taking over this organization we found a complete copy of the CSU minutes. We think that it is quite significant, the fact that this local, 683 of our union, was one of the principal sparks in organizing the Conference of Studio Unions. We found this file of minutes, and we studied them very carefully. We found in the early days of the CSU the officers of this local union were **very active**. As a matter of fact, the headquarters of the Conference of Studio Unions in the early days of its existence was in the headquarters of local 683.

The first secretary of the organization was one of these members, and they participated actively in the affairs of that organization.

The minutes which we were able to obtain gave us an opportunity to attempt to analyze what the organization was trying to do, and what were the forces motivating it. We arrived at the conclusion that from the period after the CSU was organized, for a period of about 3 years, the principal activities of that organization were spent in gathering into their orbit these various organizations, to organizing every group that was not organized, and bringing them into the painters' union, and then in turn writing that local union into the Conference of Studio Unions.

That went on for a period of about 3 years. In the minutes of the Conference of Studio Unions we found at least one particular case where they had refused to take sides in a jurisdictional question, purely because it was jurisdictional. So that up to a certain point it seemed that they were not interested in jurisdictional disputes. But in that period they did bring into their orbit the various groups that were in the painters, like the Office Workers Union, the Screen Publishers Union, the Screen Cartoonists Guild, as well as these A. F. of L. crafts that had jurisdictional arguments with the IATSE.

And then in October of 1944, without any apparent explanation, local 683 resigned from the Conference of Studio Unions. The exchange of correspondence was in the file which we received. There was no reasonable explanation. There was an explanation that inasmuch as the CSU was going into bargaining activities, and that 683 being a part of the IATSE could not participate in those, they thought they should resign. But practically the same week that local 683 resigned from the Conference of Studio Unions, the first strike called by the Conference of Studio Unions against the IATSE took place. That was in October of 1944.

As has been testified, that strike was short-lived, and after a short period they went back to work. But it was our analysis that during the period of the first strike and the time when the March 12, 1945, strike was called, the alliance between the Conference of Studio Unions and the carpenters' union was made. So that on March 12, 1945, a strike was called on approximately the same issue. But this time the carpenters, the plumbers, and all these crafts that had not supported them before did support them.

Therefore, we feel that if a careful study of this situation presents itself, it forms a pattern which is unmistakable as far as we are concerned, that the Conference of Studio Unions picked up the same type of an organizational program, the same type of a tactic, the same type of an organizational structure that Kibre had abandoned when he organized the USTG in 1939 because of the attitude of the National Labor Relations Board and the possibility of getting an election.

There were a number of interesting situations that developed in the minutes of the Conference of Studio Unions. We have submitted a dossier of the activities which they engaged in, which we think properly indicates their adherence to the Communist Party program. So far as we were able to determine, there was not one single instance where the Conference of Studio Unions went against the Communist Party line on a major issue. There were several instances where they opposed the American Federation of Labor. But they never went with the American Federation of Labor on any issue which was contrary to the Communist Party program.

One of the incidents which we thought was significant was their opposition to the making of the Rickenbacker picture. They adopted strong resolutions condemning the actions of Twentieth Century-Fox in their determination to make a picture based upon the life of Eddie Rickenbacker. At one point a statement was issued by the officers of the conference that they were not going to work on the construction of that picture.

There are several references in the minutes which we have to that—to the opposition.

About the time the thing came to a head, Rickenbacker went to Russia, and he came back and made some very complimentary remarks about the fighting qualities of the Russian Army, and from then on the opposition to the Rickenbacker picture was forgotten; the picture was made—it was shown. There was a little spark of renewed opposition when it was shown, but at that time the strike was on and they were in the process of picketing theaters.

One of those instances is of no importance, but you repeat them time after time after time and you see this pattern form. We feel that an objective study of what has gone on in this Hollywood situation since 1937, by a person who is familiar with these tactics, familiar with these various activities, that the pattern is unmistakably clear.

Another very important thing which I want to explain was the matter of the trial of these four members of local 44, of which Henschel was the leader. There were four men who were originally brought to trial. One was Irving Henschel, the other Robert Ames, one was Eugene Mailes, and the fourth was a man by the name of Jesse Sapp. The first three were, in our opinion, real, dyed-in-the-wool Communists. I mean, they had that impression.

I will say this for Henschel. I think that Henschel was a devoted Communist in the sense that he believed in what he was doing. He never denied that he favored communism. He talked to many of our members and asked them to join the party. He was not as subversive as most Communists are. He believed in the party organization, and he firmly believed that sooner or later the Communists would take over the country.



He made statements that when the Communists take over this country, these persons that have been opposed to them will see the error of their ways.

Those three fellows were the type of fellows that you would size up and judge for being men who knew the movement that they were in and who were fanatically devoted to it.

Sapp, in our opinion, was a fellow whom they had influenced. But when the trial of these four people took place, these four locals of the IATSE that I mentioned previously came to their defense. They were local 683, local 705 of the costumers, local 659 of the cameramen, and local 695 of the soundmen.

We had only just started in this trial when we were enjoined by court action brought by Katz, Gallagher & Margolis from holding this trial, with the result it was delayed from May of 1945 until along in October of 1945.

I may be wrong on the date of the renewal of that trial, but it was delayed for a long period of time.

During that period it became clear to us that the disaffection of two of those locals was not Communist influence, basically. We analyzed it that it was political. They had had some differences politically with the International Alliance, so that during the period between May of 1945 and when the trial resumed, this whole situation had clarified itself. So that when the trial resumed, only the two locals which were obviously under the influence of Communist forces renewed their participation in the trial.

And there were some interesting sessions in that trial. Participating in the defense were John Martin, the business agent of local 683; Ted Ellsworth, the business agent of local 705; Jean Lowry, a girl, who was a very competent person. She was working as a film technician, but she had a brilliant mind, and she was an able protagonist, as we learned; and a fourth one by the name of Paul Jaffee. All of the three, with the exception of Ellsworth, were members of local 683.

We have the record of that trial, and it is about 13 volumes of testimony. It cost the local between \$3,000 and \$4,000 just to prepare that transcript alone. The reason that the local was so careful about not denying any evidence and giving them free rein was because we were confident that Katz, Gallagher & Margolis were looking for a lawsuit, so everything went into the record.

If someone should want to make a study of the techniques of destroying labor organizations, that volume is full of valuable reference material.

The trials went on. The men were eventually found guilty, and were ordered expelled. The trial is pending in the superior court. They appealed the case, and it is pending in the superior court.

As this whole picture unfolded, as I said, you take the whole picture and put it together, as far as we were concerned, the pattern was unmistakable.

There were a number of other very important incidents with regard to the activities of these painters' groups. When I appeared before the executive council of the American Federation of Labor in August of 1945, I challenged Mr. Lindelof at that meeting and stated in the meeting that every local that he had chartered in Hollywood

was under the influence of the Communists. He did not deny it. His only answer was that he had been trying to get enough information on Sorrell to kick him out of the painters union. That was his only reply to me in August 1945, when I challenged him that the Communists were in complete control of his unions in Hollywood.

There was a very interesting story with regard to this office employees union.

Mr. KEARNS. Has he ever made any effort to get that information, as president of the international?

Mr. BREWER. I will have to say, honestly, that I don't think that he has made any serious effort.

Mr. KEARNS. That is your personal opinion?

Mr. BREWER. That is my personal view, and the result of my personal knowledge of the information that was available, I could not feel that he was sincerely trying to look at the facts that existed there.

Mr. KEARNS. At that point you say you appeared before the American Federation of Labor council; if other council members felt that this international had a union that was infiltrated with Communist fronts and concepts, is there any record of any organized effort on the part of the council to make it mandatory that this be exhausted, this study of that infiltration?

Mr. BREWER. As I recall, in President Walsh's testimony, it was a result of my presentations to that council that they passed a motion that the president should appoint a committee of the A. F. of L. to go to Hollywood and study this subversive influence. That was never done. The reason we think it was never done was because Mr. Hutcheson did not want it done.

Mr. KEARNS. Mr. Walsh was on that committee, was he not?

Mr. BREWER. No, he was not. The committee was never appointed so far as we know.

Mr. KEARNS. When was that committee appointed, that never met?

Mr. BREWER. That was a committee appointed to work out a program to abolish jurisdictional disputes, to arbitrate or settle jurisdictional disputes. They did meet.

Mr. KEARNS. They never went through with anything?

Mr. BREWER. They met and then Mr. Walsh went to Europe and was gone for 7 weeks, and when he came back the picture had changed.

Mr. KEARNS. But the A. F. of L. council never took up this challenge and appointed the committee?

Mr. BREWER. They did not. They said they would, but they never did it. That was what Mr. Walsh referred to in his testimony. Mr. Lindelof testified about the organization of the office workers union. It was pretty generally conceded by most of the persons who knew that this organization was under the control of persons who were friendly to the office workers, CIO. At one point, it was in 1944, and I am sorry that Mr. Walsh didn't think to testify about this himself. President Walsh was approached by Louis Merrill of the Office Workers International Union of the CIO. Louis Merrill, I think, has been pretty well established as a Communist, and that that organization has been under the control of the Communists since its inception. I think that the official position of the Un-American Activities Committee is along that line.

Merrill approached Walsh in his New York office and told him that he was thinking seriously of inaugurating an organizational program in the theaters, but that he thought that that would be a rather foolish thing, and he would like to make a deal with the IATSE. He said that if the IATSE would agree that the office workers union in Hollywood should be turned over to the CIO, he would in turn agree with Walsh that he would not make any effort to organize the theaters.

Walsh then said, "Well, how can that be, because the office workers in Hollywood are organized under the painters union?"

And Merrill told him that that was all right, he had a working arrangement with Sorrell, and that if Walsh would agree, if we could get Walsh to agree, then he was sure that he could arrange the transfer of those people to the CIO.

Well, Walsh, of course, did not do anything. But in the course of events, the Office Workers International Union was organized, and then agitation came to turn them over to the Office Workers International Union.

Now, there was a very interesting story in connection with that that I think is important and I think is significant, significant because in our conversations with the international offices of the AFL office workers union, we told them of the situation they were running up against. They did not believe it, but the course of events proved, I think, that they were right. And here is what happened. At the outset, the office workers went out with the Conference of Studio Unions in 1945 when they called the March 12 strike. They did, after a reasonable time, have a meeting and vote, and they went back to work. They continued to work into the summer, and I think it was either the latter part of July or the first part of August that a new vote was promoted. They took a vote and voted again not to observe the picket lines and continued to go to work by quite a substantial majority.

When that was reported to the international union, the international union stated that this strike had now become a very important matter to the painters union, and he instructed them to observe the picket lines—the international president did.

Mr. OWENS. Are you referring to the minutes, now, of their meetings?

Mr. BREWER. I am referring to the fact that the reports came out—I was not at the meeting—

Mr. OWENS. You seem to have something substantial here. I do not know whether you are referring to the fact that the minutes of the meeting show that or just what you are basing your statement on.

Mr. BREWER. I am basing that statement on the public position which the union took. The union took the public position, and it was announced to the papers, that the vote had been against observing the picket lines.

Mr. OWENS. Yes; that part is all right. But what about the next part?

Mr. BREWER. Then the next information came that they had been ordered by Mr. Lindelof to observe the picket lines, anyhow.

Mr. OWENS. Now, you are saying that is what the papers said.

Mr. BREWER. That is right. And, of course, I did not see the actual order that Mr. Lindelof sent, but I do know that the result was that a

substantial number of the office workers unions did observe the picket lines.

Mr. OWENS. That was in August, was it?

Mr. BREWER. Yes; I think that was in August. It was right around that period. But a majority of those people went back to work and continued to report for employment, and went to work.

Of course, that split the organization wide open, and these persons who went back to work formed an independent organization and they did represent a majority of the office workers. When the 1945 strike settlement was made, the producers did not agree to restore the contract of the office employees guild, so that after the strike was settled in 1945, you had two unions in the office workers' field: One was the independent union of those persons who had refused to observe the instructions of President Lindelof and the other was the Screen Office Employees Guild, those that were left of them.

At that point, following the decision of the three-man committee, the Office Workers International Union of the AFL came into Hollywood and prepared to take over this organization. They came to us and said, "We would like to have your cooperation, because you are an important factor here."

We took the position that we would be glad to cooperate with them. But one condition we laid down was that they not turn this group in this new organization into this Communist-dominated organization.

Mr. OWENS. You did not say it that way, did you?

Mr. BREWER. Yes; I think we said it just about that way. Congressman, because we felt very keenly about it. And we were prepared to meet the challenge, if they wanted to challenge us, on the ground that the SOEG was not Communist-dominated. We were prepared to meet that challenge if they wanted to challenge us, so I think we said it just about that way, that we considered the Screen Office Employees Guild to be under the domination of Communists and that we would not help them—as a matter of fact, we would resist them—if they took an action which would permit those officers to discipline these people, whose only crime, as far as we were concerned, was refusing to adhere to the dictates of these officers.

Mr. OWENS. You mean, you took the steps all the way through without having any positive proof that could be convincing proof in your own mind, or that you could convince any other person of, of the fact that certain persons were definitely Communists who were handling those organizations?

Mr. BREWER. I can only give the same answer that Judge Levy gave, that so far as the group that were in this fight, we were morally certain that these organizations were completely subversive to the wishes of those persons who were pushing them into the Communist camp.

Now, we did not charge that individuals were Communists, but we said that the records were replete with evidence of their adherence to Communist Party programs and Communist Party policies. And as I say, we were not challenged. We went into the central labor council, and the line in the central labor council was just as sharp as if you had had a line drawn on the floor.

An issue would come up which dealt with the subject of communism, and you would always have this nucleus of people, around 60 or 70 delegates, who were representing these studio unions, taking the pro-

gram of the Communists every time—not once, but every time, time after time, week after week. As I said, it was so pronounced in our meetings of our unions that it became a sort of joke, because we would tell them, “Well, what is the Red fraternity doing today?”

I mean, that was the conversation, because the evidence, as I say today, showed that there was such an abundance of incidents that you would pile it up, where it was overwhelming. So we did take the position with Paul Hutchings—we took the position very firmly with him, that if he attempted to transfer this independent union to this group of officers who we knew were bound and determined to discipline the persons who had led the revolt against them, that we would not support them.

So what we suggested to Hutchings was that he form a new organization and that the international take supervision of the new organization for a period of time, take everybody into the union, and then after an organizational period of, say, 2 weeks or 30 days, to hold an election and let them elect their new officers.

Hutchings said that was perfectly agreeable with him; as a matter of fact, he did not want to do it any other way. And I told Hutchings, “Well, I am very glad to hear you say that, and on that basis we will cooperate with you.”

But I said, “Paul, I want you to know one thing. The painters will never turn that local over to you under that condition.”

“Oh,” he said, “you are mistaken. I have an agreement with Lindelof, and I know that we will come through on it.”

I said, “Well, I hope you are right. But I do not think you are.”

As a matter of fact, they did not turn it over to him. After waiting around for 3 weeks, Hutchings finally gave up in despair and went out and issued a charter to the independent group, and it was not until after he had himself moved and given a charter to the independent group that they finally dissolved the Screen Office Employees Guild charter and the people went into that local.

There was a similar situation with regard to the screen publicists; only in the case of the screen publicists, we chartered a local of publicists, because there were about 100 people that they were demanding be dismissed from the studios because they had failed to observe the picket lines when their local union had voted against observing the picket lines.

So we issued a charter to the publicists, and finally an agreement was reached that they would hold an election by the National Labor Relations Board in which every union who held the election would surrender its charter, and they would take these people into the other local.

We lost that election by a rather small margin, but the jobs of those people who were jeopardized were protected. We did not want the publicists, as a matter of fact, but we did want to protect the jobs of those people who we felt were going to be disciplined because they had fought the Communist domination of that organization.

Now, those are a few of the instances that we ran into. Another was in trying to conduct our unions. Now, in this local 44 that I mentioned, we had what we consider to be a positive Communist faction under the leadership of Henschel. And it was impossible to hold meetings in that local union that were representative of all. When

we went to Hollywood in this situation, the meetings of a local of 1,600 members had been attended by an average of 75 to 100 people. Now, these members who were spreading the propaganda of the Communist faction criticized the IA, and said:

Look, this is an undemocratic union. They do not have any meetings. A small clique goes up and decides the business.

But the facts were that this fraction would go into these meetings, and they would raise issues and they would argue until the wee hours of the night, so that the disinterested fellow would leave the union meeting and go home, and then they could come in and bring in a little nucleus of 50 or 60 people at any time and put over the things that they wanted.

They could never elect officers because the officers were elected by mail vote, but they could come into the meetings and disrupt them and make it almost impossible to carry on intelligent meetings.

Now, those are a few of the instances which we were constantly running into. Another thing that seems to me very significant is that in any of the community fights in which the central labor council took part with regard to the Communist issue, in the central labor council there was quite a lot of comment around the city that the IATSE and the carpenters union in the community were almost invariably on the same side of the fight, but in the studios the carpenters were fighting the IATSE.

In the last convention of the central labor council, there was a fight over the president of the organization, and we made no bones about it; we were against the candidate. He was elected. We did not win. But we felt that he had compromised. We did not think that he was a Communist, but we felt that he had compromised with them in a dangerous way, because this fight in the labor movement in southern California, and in all of California, has been going on for a long time. And it was significant that the candidate against him was a member of the carpenters union. And I was asked by him, and I agreed, to second the nomination of the carpenter from San Diego.

So when we tell you, gentlemen, that we have analyzed this situation, as we have, pointing out that the carpenters union in the period between October 1944 and March 1945, that there was an alliance made, and that there was no other common ground at that point except the desire to get jurisdiction.

I know that the statement has been made, "Was it the case of the Communists exploiting these jurisdictional fights which the leaders failed to settle?" Actually, we do not think that is the case. We think the reverse is true. We think that in the period between October 1944 and March 1945 it was actually a case of the carpenters, and in cooperation with the carpenters a couple of the building-trades unions that are close to them, taking advantage of the Communist agitation, the Communist exploitation, that had gone on for a period of 10 years in the studios.

There is one more basic thing that I want to talk about, and that is the bitterness that had been engendered into our labor movement. Every place that you turned, you found the bitterness, you found hatred, you found persons criticising one another. There was no tolerance, no recognition that a man had a fundamental right to dis-

agree with you on a principle if it is honest. There was none of that there. A man was either with them or he was isolated and he was smeared. The smear tactics and the character assassination, the efficiency of that sort of thing, is a wonder to behold. We, of course, did not know how it happened, but we did know, as a matter of fact, that smear stories would appear all over the industry, almost simultaneously. For instance, they sent out a program during this period that President Walsh was a brother-in-law of George Brown, and almost simultaneously that story spread throughout the whole industry.

We tried to analyze it, and to the best of our analysis the only thing we could conclude was that there was a secret organization, that they did have their cell leaders in every element of the business, and that they did meet and they would concoct a story, and that story would be the same in every detail, so that you go out on the lot the next morning, and some unsuspecting fellow would meet some fellow in the grips department, and say, "Did you hear the story? We found out that Brown and Walsh were brothers-in-law."

Then he goes over to the make-up department, and he hears the same story. Well, human nature being what it is, after he had heard that story about five times, he believed it, and there were dozens of stories, if not hundreds of them, of the same nature.

There were stories against me. They started a story that I had been run out of Omaha because I had betrayed the employees when I was president for 8 years and never had an opponent until I announced that I was going to retire.

All those things, as I say, when you are living with them there as we were and see those instances pile up, time after time, it just impresses you so forcibly that that pattern is there. As I say, what our concern is, is this. We do not think that this hearing is at this point going to change the situation by considering the question of communism. But we do say if these people got away with what they got away with in Hollywood and no recognition was taken of it, then we say that there would be a tremendous encouragement for them to move in and do the same thing over again. What we hope is that there can be an objective study by persons whose partiality is beyond question, who know communism, and let them study this situation, because we think, as the old saying goes, hindsight is always better than foresight, that there is a great object lesson, because we who are in the Hollywood situation know that what we actually saw there was a revolution in miniature, and if you could have seen as we saw the mass picket lines at Warner Bros., the mass picket lines at Columbia Studios, and the success of those activities—you have heard the testimony of where for days there they completely immobilized the police department. Jack Warner, who was the head of Warner Bros. Studio, did not dare go in his own studio. And if I had gone near Warner Bros. Studio during that period when they actually controlled it, I would have had to have at least 250 men to protect me. There was no police protection. They had control. And the record is there for anyone to see who wants to look.

Now, there is one other element in that thing that is important, and that is the efforts that were made by the Screen Actors Guild

to establish arbitration at the conclusion of the AFL convention in October of 1946.

After the actors came back from the AFL convention, they were pretty disillusioned, as I think they have testified before this committee. But they did have a sincere desire to try to set up a system of arbitration in the studios that would prevent the situation from ever developing again the way that it had developed.

They called two meetings at the Knickerbocker Hotel, and while they did not attempt to conciliate the strike situation, they did take the position that if we could agree upon a fundamental basis for arbitrating jurisdictional disputes, then eventually there would come a settlement of the strike and it would be a worth-while project.

So at these meetings, in the Knickerbocker Hotel, they began to try to find out whether or not there was any basis for this. They called upon us and they called upon the conference, and everyone had his say. We took the position that we would be glad to go into any program to arbitrate jurisdictional disputes provided two fundamental conditions were agreed upon: (1) that the December directive should be the fundamental basis of division of work, so we would have something to start with; and (2) that the international presidents should be a party to the arbitration agreement, and in the event they refused to sign it and refused to accept it, it could not be made effective.

We had been in the position several times of having the local union in Hollywood saying, "We are for arbitration. We want to agree to arbitrate," and attempting to place the onus on us of refusing to enter into arbitration when Hutcheson, who was a part of this group, would never agree to arbitrate.

We had been in that squeeze a number of times, and they had used it for publicity purposes to attempt to place us in a bad light. So we started out by saying, "If those two fundamental principles can be agreed upon, we are ready to sit down and try to work out arbitration."

Well, those two meetings were held, and they almost broke up. But finally, at the end of the very last meeting, the Conference of Studio Unions agreed to those principles. And it was a result of this particular issue that the telephone conversation to Birthright and Knight was instituted. There arose in this meeting a disagreement between Mr. Sorrell and Gene Kelly, who was attempting to help arbitrate it as to what the three-man committee had said in Chicago. And it was as a result of that that this telephone conversation was instituted, and after the telephone conversation, the CSU did agree then to accept those two conditions, and we started to work out an arbitration plan.

We got along quite well. We held some meetings, and we had representatives from the CSU, representatives from the IATSE, and representatives from the basic agreement, and the Screen Actors' Guild were sitting in as sort of intermediaries. And the principal intermediary was Mr. Lawrence Beilenson, who was an attorney for the Screen Actors' Guild, and a very brilliant man.

We went along with regard to this arbitration, and we arrived at a basis for agreement. We agreed in the first instance that there should be an impartial chairman, and that he should be empowered to make spot decisions; and if a situation arose he was to be on the ground immediately so that he could go to the studios, make a decision without any stoppage of work.



Then it was further provided that he should have a staff sufficiently large to do the necessary research so that he could do a competent job. It was provided further, again, that in the event they disagreed with this impartial chairman, either side had the right to appeal to a board of arbitration. We felt that there would be objections to giving one man such sweeping authority, because if you got the wrong man, you would be in terrible trouble.

So it was agreed that he would make the decision in the first instance, but that there would be a provision for appeal. We firmly believed that if we got the right man, there would be no appeal, but if we did not, there would be some outlet there, and it would make the program more acceptable.

We had quite a little argument over who should appoint the third arbitrator. We finally composed that. My mind is a little hazy as to just how it was, there was so much discussion on it, but it is not too important. We finally composed that issue, and Beilenson was requested by the committee to make a draft agreement. Then we sat down after we had agreed and Beilenson was drafting the agreement, and we sat down and endeavored to work out who we would get as the impartial chairman. As I think everyone knows, we finally agreed on Joe Keenan, of the Chicago Federation of Labor, a former vice president of the War Production Board. We finally agreed upon Joe Keenan. And I think it was on a Saturday morning that we reached that agreement. And Roy Tindall was there. So Roy Tindall and I got on the phone and called Joe Keenan and asked him to come to Hollywood.

Later on in that meeting, Beilenson came in with a draft of this agreement. We had gone over the draft of the agreement, and had tentatively agreed on it, but it was agreed that it would be submitted back to the lawyers of both sides for analysis, and that it would be open to discussion further from the standpoint of the legal technicalities of the agreement, but that the basic provisions be accepted by both sides.

Well, the agreement was submitted to both sides, and early Monday morning, following this conversation, everyone gets a copy of a new draft of an agreement from the attorneys of the Conference of Studio Unions with the thing completely changed, the two basic points which we had laid down as a condition of precedent had been removed from it. They had provided that when two-thirds of the locals agreed that it should become effective, there was no requirement that the international presidents sign it at all, and in other relatively minor ways, the thing had been completely changed by these groups.

Mr. OWENS. Who prepared that?

Mr. BREWER. It was prepared by the firm of Esterman & Pistana.

Then we went into a meeting, and in that meeting, the CSU were represented by three law firms: The firm of Esterman & Pistana; of Katz, Gallagher & Margolis; and then supplementing their lawyers was a fellow by the name of Isserman, whom we had never seen on the Hollywood scene before, but who we were told had quite a reputation in the East for participation in causes which Communists and Communist activities were attached to.

That was the thing that broke up the arbitration. There were some other instances in it, but in the course of these meetings, quite a

little rift developed between Roy Tindall and Herb Sorrell. And Keenan reported to the actors that Tindall had challenged in their meetings, Tindall had challenged Sorrell that they had let the Communists break up this thing, and he was very put out about it and very irritated about it. According to the actors, the story which they gave us, Sorrell admitted that the Communists had gotten into it—the Commies, as we call them—had gotten in and messed it up.

Now, those are, I think, the basic stories that we have. There are many more incidents which are important and interesting, but I think that is the basis of my story. I only wish that everyone who is concerned and has to make a decision on this situation could live through it as I have lived there and have seen what has happened.

As I said before, when I went to Hollywood, I had no consciousness of the real potential of the Communist movement at all. But I have seen it in action, and I have seen what it has done to people; I have seen what it can do to organizations. I have seen the hatred that it can engender, and believe me, gentlemen, anything that I can do, personally or as a part of my organization, to make the rest of the country conscious of what can be accomplished by this underground, deceitful, destructive organization, I am going to do it.

Now, I know, and we all know, that there are people who are in this thing because they think it is good. There are others, I think, who are in it because they think that in it is a sort of power. There are others who have let themselves be used. But they are equally dangerous, because if this civilization of ours is destroyed, it will be just as destructive regardless of the forces.

So we hope that the real facts of this situation can be brought out. We have no desire to place the penalty on anybody or to place any onus on anyone who is not guilty. But we know that if we wait until we can prove by the type of evidence that we would like to have, it may be too late for our organizations. It may be too late for our country.

That, Mr. Chairman, completes my story, and I will answer any questions that you want to ask me.

Mr. KEARNS. Thank you, Mr. Brewer.

Mr. LANDIS.

Mr. LANDIS. Do you actually believe that the Communists are trying to take over the AFL?

Mr. BREWER. I think that there was a determined effort on the part of the Communist Party to capture the motion-picture industry. I think that they would like to take over the AFL, but I do not think there is a plot of any consequence to take over the AFL in its entirety. It is too big, and it is too large. But there was, in our opinion, a dual plan operating in the motion picture industry. One prong of this attack was in our unions and had for its purpose the destruction of the IATSE and the setting up of an industrial-union structure. The other was working in the talent groups, by which they had, in my judgment, completely controlled the screen writers' guild and then made inroads in the directors' field, had made substantial inroads in the actors' field. If they could have captured the AFL unions, it was our conviction that the plan was to then join forces and mobilize it into one industrial union, and if that had been accomplished, I think you would have seen the motion-picture industry dancing to their tune.

Mr. LANDIS. Has there been any material progress in ousting these Communist labor leaders?

Mr. BREWER. The net result of the strike situation has been to diminish materially the power of the Communists in the labor unions in Hollywood. It is my belief at this time that the Communist situation in the studios is well under control, so far as the unions are concerned. So far as the unions are concerned, we feel that it is well under control at this moment.

Mr. LANDIS. Do you have any information of the Communist activities in the cartoonists' local?

Mr. BREWER. As I pointed out, Mr. Jeff Kibre, in his report which I read earlier, stated—he used these words, “The cartoonists' guild was organized by us.”

Now, the first business agent of the cartoonists' guild was William Pomerantz. William Pomerantz was considered by almost everyone who knew the situation in Hollywood to be a Communist and to be an important tactical figure, I mean, we felt that he was one of those persons who had an important part in shaping the strategy of the Communist Party in their attack on unions. He later went to the screen writers' guild, and I do not think any objective analysis of the screen writers' guild could result in any other conclusion but that during the period that Mr. Pomerantz was executive secretary of the screen writers' guild, the organization was completely under the domination of the Communist Party.

Mr. McCANN. Pardon me. The screen writers' guild, is it affiliated with either the IATSE or the Conference of Studio Unions?

Mr. BREWER. No. But Mr. Pomerantz was the first business agent of the cartoonists, and after he left, Mr. Maurice Howard was in the cartoonists. Now, Mr. Maurice Howard is today a teacher in the People's Educational Center, and is an individual whom everyone in our group considers to be a part of the Communist spearhead in the studios. He is represented by the firm of Katz, Gallagher & Margolis, and his conduct generally is such as to convince us that the cartoonists' guild has at all times since its organization been under the domination of the Communist Party.

Mr. LANDIS. How about the publicists?

Mr. BREWER. I pointed out to you that during the strike, a split arose in the publicists. Now, Milton Gottlieb is the business agent of the publicists' union, and Milton Gottlieb is a teacher in the People's Educational Center. And while he has not appeared in the Communist fronts, Mr. Gottlieb was very active in the strike situation, he was very active in the picket lines in Warner Bros. As a matter of fact, he broke his hand and had to wear it in a cast as a result of the mass violence in the Warner Bros. situation, and while the publicists' guild as such is not under and is not following the Communist Party line at this time, its business agent is.

Mr. McCANN. Is that affiliated with either of the organizations?

Mr. BREWER. Yes, sir; that is a painters local, that was a part of the conference, but after this split a vote was taken, and they voted to withdraw from the conference.

Mr. McCANN. And they are now in the studios?

Mr. BREWER. Yes.

Mr. McCANN. And the business agent of this organization, you say, is following the party line?

Mr. BREWER. Yes.

Mr. LANDIS. How about the screen-set designers?

Mr. BREWER. The screen-set designers is headed by Ed Gilbert, and Ed Gilbert has been a consistent adherent to the same group of persons whom we identify as being those that are carrying the Communist Party program in the studios. I would say that in so far as Gilbert can influence the screen-set designers, they do follow the line.

Mr. McCANN. Are the screen-set designers now in the studios working?

Mr. BREWER. No, they are not. Some of their people are back, but the union as such is not back.

Mr. LANDIS. How about the story analysts?

Mr. BREWER. Well, the screen-story analysts have been a part of the same group. They are closely identified with the writers in that they read the scripts and submit synopses to the various producers' representatives, and it is on the basis of their recommendations that stories are accepted or rejected, many times. At the time of the strike, there was an individual active in the Conference of Studio Unions by the name of Maddy Madison. I do not know where Madison is now. I do not know whether he is still active or not. I have not seen anything of him for quite some time, but we are certainly convinced that Maddy Madison was one of those individuals who was carrying the program of the Communist Party in the studios.

Another person who has been identified and who is still identified with the screen-story analysts is Miss Frances Millington. Now, Miss Millington has also been identified recently with the People's Educational Center, and has expounded at various times throughout her appearance on the scene on the side of the program of the Communists.

Mr. LANDIS. The costumers?

Mr. BREWER. Of course, I am a little embarrassed by that, because that is one of our own unions. The costumers' union has over a long period of time been identified with organizations which we consider to be Communist fronts. Its business agent, Ted Ellsworth, as I say, joined hands with the officers of local 638 during the strike period. In anything where the Communist Party or where the Conference of Studio Unions is concerned, he never has a good word to say about his own organization, and I would say that insofar as Ted Ellsworth influences the costumers' union, it follows the party line, although it is one of our own unions.

Mr. LANDIS. I believe that is all.

Mr. KEARNS. Mr. OWENS.

Mr. OWENS. You mentioned, Mr. Brewer, that the Communists took over the writers' guild. Of course, that is something that is being investigated by the Committee on Un-American Activities. However, you said they made substantial inroads, also, in the actors.

Now, when the actors appeared here in Washington, I heard them testify. I was invited by Mr. Thomas to sit with the committee that day. They indicated by fairly good testimony that the infiltration, if any, was not more than 1 or 2 percent. What is your thought about that?

Mr. BREWER. Well, I heard the testimony of the actors. I was there, too. And I have a very high regard for every one of the men who testified. I think that substantially their testimony was correct. They used certain votes which had been taken as a basis of their

analysis. My personal judgment is that they underestimated the influence in that testimony. I do say, however, that the present direction of the Screen Actors Guild is completely anti-Communist, very efficient, and they have done a very, very good job in preventing the guild from coming under the domination of Communist influences.

Mr. OWENS. Now, what is the present situation in the office-workers' union?

Mr. BREWER. The office-workers' union now is under the leadership of the Office Employees' International Union of the AFL, and is in the hands of non-Communist leadership. There is a militant fraction resulting from the old group that was in SOEG, but up to now it has been effectively suppressed.

I would like to add one thing which I did not mention and that is that the fellow who really was the dominant power in the office-employees' guild in the early stages of its organization and in the later days of the strike situation, after he returned from the Army, was Bernard Lusher. Now, as soon as this office-employees' group went into the International Office Employees Union of the AFL, Mr. Lusher went to work for the CIO organization and is today an organizer for the organization of which Louis Merrill was the president, but from which he is now retired, but which is still considered to be under Communist domination and influence.

Mr. OWENS. In other words, you feel that one of the main cogs in their machine has dropped out; is that it?

Mr. BREWER. I think that at the present time the office workers are in good hands, and I will say further that the office workers, many of them who were led astray, learned a rather severe lesson in the strike.

Mr. OWENS. Now, with respect to this motion that had been made and instigated by Walsh, that caused the AFL, at least, to consider the investigation of communistic activity out there, have you checked to ascertain why they have not proceeded with that investigation?

Mr. BREWER. We have repeatedly asked them—and if you will recall the correspondence which President Walsh sent to the AFL at the time they issued the clarification, he mentioned that fact. You see, President Walsh is not on the executive council of the AFL. All he could do was ask them, and they did pass a motion at that meeting in 1945 that they would send a committee to investigate. They never did. And I think the record is rather complete with testimony of the difficulty which we had getting any information as to what went on in the inner councils of the AFL.

Our conclusions were that because Mr. Hutcheson was involved in the situation and had actually made an alliance with these people, that he did not want that brought out at that time.

Now, there was also some testimony by the actors and by President Walsh of conversations with Mr. Hutcheson at the 1946 convention of the American Federation of Labor that if Walsh would just give Hutcheson what he wants, he would help him run the Conference of Studio Unions out of Hollywood in short order. That statement was widely publicized.

Mr. OWENS. The AFL seems to be treating the locals out there as sort of, if not an orphan, at least as a stepchild, or stepchildren, is it not?

Mr. BREWER. You see, the basic authority of the international unions rests with the international officers of that union, and it has been pointed out these international unions are autonomous insofar as their local unions are concerned. In other words, the authority of the American Federation of Labor extends only over joint activities of unions. It does not have any authority, or any line of authority at all, over the local unions of an autonomous international. So our analysis of the AFL situation is that Mr. Hutcheson has been sufficiently powerful to prevent the AFL from doing anything about it.

Mr. OWENS. You mentioned about your challenge to Mr. Lindeloff telling him that his union there was under Communist domination.

Mr. BREWER. Yes.

Mr. OWENS. What did he say in response to that?

Mr. BREWER. He said that his only answer at that meeting was that he had been trying to get enough information on Mr. Sorrell to kick him out, and that was the only excuse he would offer.

Mr. OWENS. How many members are in that union?

Mr. BREWER. The painters' union?

Mr. OWENS. Yes.

Mr. BREWER. Nationally?

Mr. OWENS. No. Out in Hollywood.

Mr. BREWER. About 1,000. There is a situation, though, you see, that probably a layman or an outsider does not understand, and that is that Mr. Hutcheson's influence, his economic influence, is very powerful in the whole building trade structures. Now, the painters do not have the same advantage as some of the other crafts. I do not say that a painter is not as skilled a craftsman as the other crafts, but it is common knowledge that in an emergency anybody can use a brush. So that the painters as an organization are dependent upon joint cooperation and action of the other building trades groups in protecting their organizations in the building trades field, so that the painters would have a very difficult time on building construction work if the carpenters union decided that they were going to kick them around, in labor parlance.

Mr. OWENS. During that time, haven't the members of the painters' local risen in any way against what you call Communist control and domination?

Mr. BREWER. As a matter of fact, the history of Local 664 would indicate that the number of men in the painters union who were Communists was sufficiently large enough to keep that union under their control.

Now, there is another point that I think is very significant. Mr. Lindeloff has testified here that he would not have Communists in his organization, and he has testified that the constitution prohibits Communists in their organization. Well, ours does, too, but we know that there are still some in there. If we could prove it, sure we will get rid of them. But the courts are pretty jealous of the property right of a man's union membership in California, particularly, and I would like to point out that despite the fact that Mr. Lindeloff makes that statement before your committee, it is a well known fact that Louis Weinstock is now and has been for many years not only a member of the painters, but was for many years the business agent of the Painters District Council No. 9 in New York, and Mr. Weinstock is

a member of the national committee of the Communist Party. He does not deny it.

So the fact that the constitution says that you cannot have Communists is no practical bar to Communists being in unions, unfortunately. We wish it were so.

Mr. OWENS. That provision of their constitution and by-laws could be read two different ways, anyway. I think you will find in each one of those provisions that it includes subversive activities in the union as well as in the country. And, of course, the two things would appear to me to be somewhat different, although you will find that they are generally lumped in one paragraph. But the thing that I am trying to reach is, to your knowledge, one who has been so close to it as you have, you have never received any complaints, or there have never been any complaints made by any member of that Painters Union with respect to their own leadership?

Mr. BREWER. Oh, yes. As a matter of fact, about 150 of the members—and we think the better members of that union—have left that union and have gone back to work in the studios and have joined the IATSE.

Mr. OWENS. Have they joined it because they felt that it was more favorable to them, that is, to get work out there, or have they left it because of the so-called Communist leadership?

Mr. BREWER. As a practical thing, working men are not idealists. They left it because they have been consistently dragged through the strike situations with no apparent regard for their economic welfare.

Mr. OWENS. They might not be idealists. But out of 1,000 men, the percentage would seem to indicate that you should have a few that would be rising up and fighting, if the things you say were true.

Mr. BREWER. As a matter of fact, I think the history of Local 644 would indicate that those few who will fight have not stayed in that union.

Mr. OWENS. Have you any proof of a thing of that kind? That would be very interesting to me.

Mr. BREWER. Yes. There is a man by the name of Ralph Peckham who attempted to circulate a petition asking the International to come in and intervene. For that, he was kicked out of the painters' union.

Mr. OWENS. Just a moment. You say a Ralph Peckham?

Mr. BREWER. Peckham.

Mr. OWENS. He circulated a petition?

Mr. BREWER. Yes. He could give you, I think, a very interesting story of his efforts to try to exercise the laws of his union so far as bringing the international in.

Now, I would like to say what I told Paul Hutchings—

Mr. OWENS. Is he working out there now?

Mr. BREWER. He is working at Universal Studios; yes.

Mr. OWENS. Is he a member of any union?

Mr. BREWER. He is a member of our union now; yes.

Mr. OWENS. It was his attempt to circulate the petition, just for the purpose of getting back to work? Or was it an opposition to the so-called communism?

Mr. BREWER. They had been out of work for long periods of time, and they felt that their union was being conducted in disregard of their welfare. In other words, as they expressed themselves to me,

they felt that Sorrell had used this group for a cat's-paw, to promote this program of power and power expansion that he had been engaged in. So they attempted to get the international union to come in and look into the situation and straighten it out.

Mr. OWENS. There is a difference between power—nations and unions have made it a habit, it seems, to look for power—there is a difference between that and subjection to a subversive activity. Which was it?

Mr. BREWER. I think it was a combination of both, because in a practical sense, they were tied in together.

Mr. OWENS. Were there any more men in that same status?

Mr. BREWER. There is quite a group of them, yes. As I say, we have over 100, I think in the neighborhood of 150—I do not know the exact number now—and most of them at various stages in the situation felt just the same as Mr. Peckham. And Mr. Peckham was one of the first.

Mr. OWENS. You mean out of all the 150 that are now with you, you do not have 1 who could say that he was approached with respect to joining the Communist Party by someone who was at the head of the group?

Mr. BREWER. I cannot answer that. I have not asked them that question, Mr. Owens.

Mr. OWENS. You would think if it is so apparent that there is Communism there, you would be able to find it among all those members there.

Mr. BREWER. I think you can, as a matter of fact. But they are very careful. They are very careful.

Mr. OWENS. I know, but that is mighty careful, is it not?

Mr. BREWER. In the testimony before the Tenney committee, which was conducted, I think, 2 weeks ago, in Los Angeles, a man stood up and said that he was a member of the Communist Party, he had been a member of it since its inception, and that he had never denied it, everybody knew he was a member of it, and he was a member of Mr. Sorrell's union all down through the years. And his name was Spector, and his record is in there.

So you see, it did not make any difference. There was no way that you could accomplish anything by proving that, because they were defending him. It has been general knowledge of those persons that were on the Communist side and their activities were more or less a matter of degree.

Mr. OWENS. Then evidently Spector probably admitted that because he had been active there in attempting to bring persons into the Communist Party; correct?

Mr. BREWER. Undoubtedly he was.

By the way, he is an alien, too. He is not a citizen of this country.

Mr. OWENS. Now, when you speak of subversive acts, you said something quite peculiar before, at least I thought it was, when you mentioned that Henschel was not as subversive as some of the others and he was an acknowledged Communist. What do you mean by that?

Mr. BREWER. I interpret the literal interpretation of "subversive" to be "underground and deceiving." Henschel was more on top of the table. He was more willing to admit his Communist leanings and his Communist connections and his Communist convictions than others.



That was what I intended to convey. I do not mean that the Communist movement as such is not subversive, because I certainly think it is. But in applying the word to Henschel, what I meant to convey is that he was a little more open about it than others. That was the only meaning that I intended to convey.

MR. OWENS. You mean, in other words, we know that the party stands for the overthrow of our Government by force or violence?

MR. BREWER. Well, if I am convinced of that.

MR. OWENS. So if a man openly acknowledges that he is a member of a party that advocates that, you feel that he is not as subversive as someone who does not acknowledge it: is that it?

MR. BREWER. As I said, literally—and I may be wrong, because I am not a college graduate: I never went to college—but my own interpretation of “subversive” means “underneath, deceiving, deception.”

And in his advocacy of communism, Henschel was a little more open than a lot of the others who were considered to be just as pro-Communist. That was the only meaning that I intended to convey.

MR. OWENS. In other words, you feel that they are not as dangerous when they are out in the open as when they are underneath: is that it?

MR. BREWER. I do not think that the Communists in America would be of any consequence at all if they were in the open. That is my firm conviction. We could lick them on any ground, in any battle, if we knew them for what they really are. But it is the deception. And the thing that makes the Communists dangerous, in my judgment, is their ability to wreck our institutions. I do not think that they will ever be able to set up anything of any consequence in this country until they have destroyed the democratic institutions of our nation and our civilization.

That is the danger of communism. And I once made the statement, and I would like to repeat it here, that if the Communists ever take over America, they will take it over because of what they keep us from doing rather than what they do themselves. Their fundamental philosophy, as I have seen it in operation, is that you cannot beat something with nothing. No matter how poor that something is, it will still beat nothing, and they are trying to reduce our institutions and our civilization to a shambles. And when they do, they will walk in on the ashes just as they did in Russia. And when I have seen how they destroyed the labor movement in Hollywood—they destroyed the morale of the people—how they were able to effectively neutralize the police as they did, then I say that if this situation could be duplicated on a Nation-wide scale, we would be in real trouble in America, and I think that we are in much greater danger than a lot of people willingly admit.

MR. OWENS. If employers and leaders in business and leaders in labor, big leaders in labor, play the game squarely up on the table, these other people are not going to have that opportunity, are they?

MR. BREWER. I accept the criticism that is justly due labor for failing to do that, Mr. Congressman. And I want to say that in Hollywood today we have a new council in which we are bringing the forces together, and in which we are trying to spread the spirit of fraternalism, cooperation, tolerance and understanding rather than the spirit of hatred, bitterness, intolerance, and contempt for the institutions of our country and our nation. And I think we are doing a pretty good job, as the situation stands today.

Mr. OWENS. From what I have been able to observe in these investigations, it appears that the leaders of business and the leaders of labor just take the interest when they are pressed themselves, when something that they represent is at stake, but not the general interests of the people of the Nation. They just fade away after the things that interest them are completed. That has been my observation in all the investigations we have had, and certainly these people that you call subversive are going to be able to succeed as long as your leaders of business and of labor take that attitude and that position, is that not true?

Mr. BREWER. I think that is true. But I say to you sincerely that is not my intention and it is not the intention of my organization.

As you gentlemen undoubtedly know, the general attitude of labor has been critical of congressional committees, particularly the Un-American Activities Committee. I received a great deal of criticism because I testified before the Un-American Activities Committee. But I think that they are rendering a service. I think they have made some mistakes, but I think they are rendering a service.

Mr. OWENS. The reason that you might—they might have made a mistake, and that other people think so, is that they do not understand the scope of an investigation of a congressional committee. That is where the trouble lies, in my opinion. When they are acquainted with the things that congressional committee can do and should do in investigating matters, then I believe they will understand. They are more familiar with what takes place in a court of law where a judgment is going to follow.

When we are doing that here, that is not the situation. We are trying to ascertain the facts. Many times evidence goes into a record which could not go into a record in a trial court. An certainly, it could never go in where a jury is involved.

Naturally, we are only going to take cognizance of those things which are relevant material and which will help us in our investigation.

Mr. BREWER. I want to assure you, Congressman, that we are going to continue to fight the Communist menace in Hollywood, and wherever we see it, to the fullest extent of our capacity.

Mr. OWENS. What is the status of that Conference of Stewards that you mentioned?

Mr. BREWER. That was an instrument of the Conference of Studio Unions. It disappeared when they went out on strike. It was an instrument of creating unrest on the back lots, and attempting to get members of our unions, and of the teamsters union that were not going along with the conference, to support their picket lines. That was its basic objective, in my opinion.

Mr. OWENS. Let us come to the situation of the costumers in your own union. Who are the leaders of that local?

Mr. BREWER. The principal officer is Ted Ellsworth.

Mr. OWENS. He is the president?

Mr. BREWER. No; he is the business agent and executive officer. He has an assistant by the name of Kaplan. And the president's name is Dawson, and the minor officers I just don't recall. We have 14 unions, and it is difficult to keep track of all the officers.

Mr. OWENS. Have any of those officers any Communist leanings?

Mr. BREWER. As I say, I am of the personal conviction that Ellsworth is a reasonably loyal adherent to the Communist Party program.

Mr. OWENS. Have they signed the Communist affidavits?

Mr. BREWER. I don't believe that the local has, up to this time.

Mr. OWENS. Then why are you retaining them in your organization?

Mr. BREWER. The simple reason is that we don't have the proof. And under the courts of California, we are going to have to have proof in order to dismiss them for that reason, which we do not have at this moment.

Mr. OWENS. That is quite a job, is it not?

Mr. BREWER. I think we have all got a job. It is not because we like the situation, I will tell you that. It is not because we like the situation, but I will say to you this, that Mr. Ellsworth knows that he is under very close surveillance and he is pretty cautious about his moves at this moment.

Mr. OWENS. Do you feel that there is a law that would prevent your union from taking steps to expel the members of the local who refuse to sign the non-Communist affidavit and thereby deprive their workers under the rights of the National Labor Relations Act?

Mr. BREWER. No; I don't mean that. You see, the situation in the studios is this: Our contracts are not up. The international has filed non-Communist affidavits, but the practice of unions, local unions, is to file the affidavits as they become involved with the National Labor Relations Board. This local union has not done that yet. We have not demanded that all of our unions file those affidavits at this time. Perhaps we should have.

Mr. OWENS. In other words, you have a contract that does not expire?

Mr. BREWER. Doesn't expire until August 10, 1949.

Mr. OWENS. And there is no thought in their minds that there will be any breaking of it during the year, is that the idea?

Mr. BREWER. They have not considered it as such.

Mr. OWENS. Do you not have the right as an international to ask them to sign that affidavit now?

Mr. BREWER. Possibly we do. It is something which I personally had not given too much thought to. Possibly we do. But the decision would have to be made by President Walsh.

Mr. OWENS. Certainly, when you are making a charge against some other group, and you do have in your own midst a group which could be charged the same way, and you are not taking the steps, it makes it mighty difficult for us to make the decision, does it not?

Mr. BREWER. I think that points up our problem, Congressman. In other words, I am telling you the facts as I see them. I say to you that I feel just as keenly about the actions which Ted Ellsworth takes that I think have helped the Communist cause as I do the actions that Mr. Sorrell takes. We have had a terrifically difficult problem in meeting this situation. I think that that points up the tremendous problem that we have in this country. Certainly, I say to you that if we felt we could prove in court that Mr. Ellsworth is a Communist, he would not be a member of our union. But they have very able law firms who pounce on our organization, particularly, immediately.

We are involved in more litigation than most unions in the American Federation of Labor, than they have ever had in their existence.

Mr. OWENS. You do not have a court proposition here. You have a law that definitely states that the locals are going to be deprived

of the benefit of the National Labor Relations Act unless their leaders take that step. It occurs to me, as the head of the international you do not have to wait for the trouble to arise.

Mr. BREWER. I think you made a very good suggestion, which I think I will recommend be followed through.

Mr. FISHER. Of course, according to the law, the business agent would not have to sign the anti-Communist affidavit.

Mr. OWENS. He says he is also an executive officer.

Mr. BREWER. In our union he does, because he is an officer.

Mr. FISHER. Then couldn't your international, or whoever is in charge, remove any officer? Could you not remove him from the office?

Mr. BREWER. If he refuses to sign the Communist affidavits I think we can.

Mr. FISHER. Would you have to have an excuse to remove any officer?

Mr. BREWER. Oh, yes; we definitely do. Our laws are very rigid in that regard. Our local unions have complete autonomy over their own affairs insofar as election of officers is concerned.

Mr. FISHER. He was elected, then?

Mr. BREWER. Oh, yes, he was elected. But there is a possibility that the affidavit will make a weapon that we can use. My conviction is, though, that they will find a way around that. They always have before. And I think it is helpful, but I don't think it is a method by which you can conclusively eliminate them.

Mr. OWENS. There are quite a few spots in the law, if you can check them, which you will find are just as helpful as that section.

That is all, Mr. Chairman.

Mr. KEARNS. Mr. Brewer, you are not personally, then, accusing Mr. Sorrell of being a Communist?

Mr. BREWER. Do you want my personal views?

Mr. KEARNS. Just your personal views and no one else's.

Mr. BREWER. My personal views are based upon the information which I have obtained, and I have made it my business to get any and all information that I could on the subject. My personal view is that the evidence of Mr. Sorrell's membership in 1937 is conclusive. Further than that, he has been an active participant in the principle Communist fronts in southern California for a period of 10 years or more.

He has supported the efforts to destroy the American Federation of Labor when those efforts were traceable back to Communist Party influence. He was the only A. F. of L. leader that in 1937 supported the efforts of the Kybre group to run the American Federation of Labor and the IATSE of the studios.

He was a member of the unemployment conference, which Mr. Kybre indicated was an instrument of their effort to capture and isolate an A. F. of L. influence in the studios.

He has been identified all the time with the fights within the labor movement in southern California, on the side of the pro-Communist forces.

He has been associated many times with Phil Connolly, the leader of the CIO in southern California.

My judgment is, as I said, that in 1937 he was a member of the party and that since that time he has shown a consistent adherence to the

programs which they were concerned in, which they were promoting, and that runs right up, at least, to the time when the 1945 strike was called, and in some instances beyond it.

Mr. KEARNS. You take your main thesis on that, then, the membership card; is that correct?

Mr. BREWER. Yes; on the evidence I have seen, the membership card, the testimony of handwriting experts, and the additional information of participation in all these controversial issues on the side of those who are carrying the Communist ball, so to speak.

Mr. KEARNS. In a summary of your testimony, is it correct to say that you have tried to show, in your own opinion, the infiltration of communism through the Sorrell-led Conference of Studio Unions, and in so doing, also are willing to acknowledge that even the IATSE has two locals, which are Communist-led?

Mr. BREWER. We did have two, we now have one; 683 is now completely cleaned up. We now have one, whose business agent follows the party line.

I say they are no respecter of organizations. They are in our organization, and we want you to take that into consideration the same as anything else. Wherever it is in our unions, we object to it more than in the others, as a matter of fact.

Mr. KEARNS. Would you take this telegram as a telegram of someone who probably would be at least called a disturber in the labor movement? This is addressed to me:

700 IBE studio electricians will testify that George A. Mulkey committed perjury before your committee. Mulkey is attempting to save face for making deal with Roy Brewer which took 400 strike breakers into local 40 and left that many local members out of jobs.

It is signed by a member of local 40.

Mr. BREWER. There was a very strong Communist movement in that local. It is overlapped. You see, we have a studio electricians' union as well. We have a division of work. The electricians that handle the lamps and the stage equipment on the stage are also called electricians. There is an area of overlapping in there. There is no doubt in our minds but what there is a substantial Communist fraction in our local 728 which, by reason of dual card membership, laps over into that organization. I would say that I don't believe they can prove that Mr. Mulkey committed perjury, but it would be interesting to see the basis.

Mr. KEARNS. The reason I read the telegram to you is that you have been so close to this picture, and I wondered whether you would catch the trend there or the conception.

Br. BREWER. That is very similar to the tactics that they take every time you try to do something constructive. I think any impartial student will say that the relationship which we have now established with the IBEW, after a period of hostility since 1933—I think anyone would say that is a constructive step. Of course, when you get into these things, somebody gets hurt. You can't stop it. But it is better that you go in and build on a solid foundation now than continuing the period of hostilities.

We were trying to do exactly what Congressman Owens thought we should do, and we think our efforts will stand the test of very close scrutiny.

Mr. OWENS. Will the chairman yield?

Mr. KEARNS. Yes.

Mr. OWENS. I might say that I don't have much respect for any man who charges someone with perjury and merely sends a telegram and does not send a letter with a signature, at least. I think that telegram ought to go back, asking them to make a sworn statement, under oath, to that effect, and we will proceed on it immediately. I think it is serious.

Mr. KEARNS. As an international member of the IATSE, what do you recommend in legislation to cope with jurisdictional strikes?

Mr. BREWER. That is a rather difficult question—a very difficult question—to answer; but I say this: if the Taft-Hartley bill had been in effect at the time this strike was called, it would have effectively dealt with it.

Mr. KEARNS. Do you agree with the statement that I made, then, that on the west coast, had it been in effect, the strike would never have taken place?

Mr. BREWER. I agree with that statement; yes.

Mr. KEARNS. Counsel, do you have any questions?

Mr. McCANN. Yes; I have some questions.

Mr. OWENS. With respect to that, Mr. Chairman, you might have noticed in the paper just recently that among the employees of the shipping industry, which is along the coast, mostly, the west coast, that they lost only 1,000 man-days during 1947, and a very small fraction of that in the latter part, as compared with almost 5½ million days in 1946? It is quite a comparison.

Mr. KEARNS. Those figures are nationally established, I think, in most every line of industry.

Mr. McCANN. Questions by Mr. Bodle, representing the painters:

Did you call Kahane at the Producers Association on September 11, 1946, and advise him that you were prepared to furnish painters, carpenters, and so forth, to man the companies if trouble developed?

Mr. BREWER. As I recall, I think Mr. Kahane called me. I do not want to say that it was September 11, because I am not sure. We took the position with Mr. Kahane, and with every representative of the producers who asked us, that if this jurisdictional strike was called because of the fact that our men were erecting sets, that we would supply the help that was necessary, insofar as we could, to keep the studios in operation.

Mr. McCANN. The minutes of the meeting of the producers' labor committee of September 11, 1946, carry this entry:

Kahane answered a phone call and on returning stated: "Brewer says instructions to man the companies means furnish painters, carpenters."

Is it correct that you made such a statement to Kahane?

Mr. BREWER. I think I answered that fully in my previous answer.

Mr. McCANN. Did you meet with members of the producers' labor committee on September 12, 1946, as shown by the minutes of the producers' labor committee of that day?

Mr. KEARNS. Mr. Counsel, I have not heard anyone yet that has denied being present at the meetings. I do not know why we have to go all through it again.

Mr. OWENS. In addition, that was their duty; they had a contract with their producers.

Mr. BREWER. If the notes say that I was at the meeting, I think I was there. I do not have a diary. We were attending many meetings; but I checked through the notes that were introduced, and, insofar as I am able to recollect, I was at the meetings, where it was indicated I was.

Mr. McCANN. Do you recall who accompanied you there?

Mr. BREWER. At one time Carl Cooper went with me. He is the international vice president on the coast. I think at one of the meetings I was also accompanied by Mr. Barry.

Mr. OWENS. I might say that Mr. McCann did not mention, or at least I missed it, that he was going to read some other attorney's questions. I missed that.

Mr. McCANN. I have not asked any questions myself, sir. At what time did you meet?

Mr. BREWER. As far as I know, the notes in the record are correct. I couldn't say without refreshing my memory.

Mr. McCANN. Did you at that time state, as the minutes develop, substantially as follows:

Brewer replied that they will do everything to keep the studios open and will supply the necessary help.

Mr. BREWER. I think I did; yes.

Mr. McCANN. Did you attend the meetings of the producers' labor committee on September 17, 1946, as redeveloped by the minutes of the committee of that date?

Mr. BREWER. If the notes indicate I was there, I think I was there.

Mr. McCANN. Where did the meeting take place?

Mr. BREWER. As I recall, it was at the Producers Association at Hollywood and Western.

Mr. McCANN. For what period of time were you present?

Mr. BREWER. I can't recall.

Mr. McCANN. Who accompanied you?

Mr. BREWER. The minutes will show who was there. I think they are accurate in that regard—the notes, rather.

Mr. McCANN. Did you state at that time, as the minutes indicate, that you had a meeting with several of the actors?

Mr. BREWER. I think I did; yes. I did have a meeting with them.

Mr. McCANN. Did you state that Montgomery, in suggesting that the studios be closed, is influenced by his pet scheme of forcing the A. F. of L. to adopt a policy of adjusting jurisdictional disputes?

Mr. BREWER. I would like to explain Mr. Montgomery's position on that.

Mr. McCANN. Could you answer the question first and then explain it? "Did you make that statement?" is the question.

Mr. BREWER. Not as it is written there. I don't think it is a complete statement; therefore, it is misleading, and it doesn't convey the statement which I made completely.

Mr. Montgomery's position was that if theaters stayed open, the producers would close the studios and cause immeasurable suffering to the men in Hollywood. So his idea was that they should close the theaters and everything down all over the country and force the thing to a crisis, and then the A. F. of L. would have to do something.

Mr. KEARNS. He agreed with Mr. Johnson, in other words, to close the studios?

Mr. BREWER. He went way beyond Mr. Johnson. I don't think Mr. Johnson advocated closing the theaters. Mr. Montgomery was very much opposed to closing the studios alone. He wanted us to take the operators out and force the whole thing to a shown-down. That was his idea. And I thought that the guild had taken a public position, and I thought that his desire to force this thing through influenced his thinking to some extent, in that regard.

Mr. McCANN. Did you state, as the minutes indicate, that you wanted to correct an erroneous opinion that independents were not being forced to use set erectors—that they were?

Mr. BREWER. I think I did make that statement, and I would like to explain why I made it. This crisis had been brought to bear in the major studios as a result of the issue of set erectors. They were attempting to convince certain representatives of the producers that we were forcing the issue on set erectors in the majors and no doing it in the independents. I just wanted to clear up that the independents have been recognizing the directive the same as the majors. That is our position. That is all there was to it. I was not asked the question. This rumor had been going around, and I thought it was wrong, so I think I made that statement.

Mr. McCANN. Did you say, as the minutes indicate, substantially as follows:

Put IA men on sets so carpenters and painters will quit.

Mr. BREWER. I don't think I ever made that statement as it is reported there, Mr. McCann. I don't recall it, and I don't think I made it.

Mr. McCANN (reading):

Provide one IA is advised in advance when and where.

Mr. BREWER. That whole testimony has to do with the question of protecting our men. We had had a number of instances of where our men had been beaten up on the stages by a group of carpenters or painters. Those were the condition. What I said was, in effect, if our men are going on these stages, we insist that those conditions be fulfilled as a matter of protection. That is what I said, in effect.

Mr. McCANN. Then did you say, substantially, "Put on enough set erectors and painters in a group for self-protection"?

Mr. BREWER. That is what I said, or words to that effect.

Mr. McCANN. Did you say in substance, "Keep procedure quiet, so CSU can't gang up at one spot"?

Mr. BREWER. I don't recall it particularly, but I think it is quite probable that I gave that word of caution, because we had had some rather unpleasant experiences.

Mr. McCANN. It is true, is it not, as redeveloped by the minutes of the producers' labor committee, that you attended the meeting of the producers' labor committee of September 24, 1946?

Mr. BREWER. If the notes that are in the record indicate that, I think it is true.

Mr. McCANN. Any further questions?

Mr. OWENS. Just one question, Mr. Brewer. In that decision that was made, the directive that was handed down by the three vice presidents of the A. F. of L. they said that the party should abide by the agreement of February 5, 1925, which with respect to carpenter work



held that the stage employees were to have the erection of sets on stages, except as provided in section 1, which section said that the carpenters were to have all trim and millwork on the sets and stages.

Mr. BREWER. Right.

Mr. OWENS. Was that clear to you?

Mr. BREWER. It certainly was.

Mr. OWENS. Why was there confusion about that?

Mr. BREWER. I will answer it this way: We had learned from experience, whenever they wanted to defeat us on an issue, the first step is to confuse it.

Mr. OWENS. But the producers joined in that conclusion; why was it not clear to them as well as to you?

Mr. BREWER. The reason that the producers joined, I think, was because the carpenters were objecting to it, and they did not want to be placed in the position of having to make a decision on a question where the two parties took opposite views.

Mr. OWENS. Why did they participate? Why did they go down to Miami, then?

Mr. BREWER. They were trying to avoid further controversy. You see, they were a party to this agreement. I think they wanted to live up to the agreement which was made. They were being placed in the position of having to make a decision, you see, as between two contending parties.

Mr. OWENS. Who advised the producers, who was supposed to be advising them?

Mr. BREWER. They had a labor committee which set their policies, and they conferred with attorneys.

Mr. KEARNS. That is in these notes.

Mr. OWENS. Did Mr. Casey have anything to do with it?

Mr. BREWER. He sat in on some of the meetings, but as a matter of fact I don't think at that time he had very much to say about it. They were reorganizing the Producers Association, and his participation has been diminishing ever since I have been in Hollywood.

Mr. OWENS. Just who would be responsible there for giving the producers the interpretation of that directive?

Mr. BREWER. You mean the producers among themselves?

Mr. OWENS. Among their advisers.

Mr. BREWER. Who would be responsible for making the decision for the producers?

Mr. OWENS. Yes.

Mr. BREWER. That would be the labor committee of the Producers Association.

Mr. OWENS. And who was the labor committee?

Mr. BREWER. At that time I think it was Mr. Kahane, Mr. Frank Freeman, and I believe Mr. Cliff Work was still on it, and Mr. Mannix. They have changed it several times in the last few years. Mr. Kahane at that period was the chairman, and was the principal spokesman for them.

Mr. McCANN. For the record, Mr. Owens, the minutes show that at all of these meetings there was a representative present for each of the major studios. There may have been a slight variation from day to day in the personnel, because the record shows, for example, that a vice president may have been the regular labor member, but may

not have attended, in which case a representative of his office attended for him.

Mr. OWENS. I examined Mr. Casey with respect to that, and I do not know whether he had failed to observe that before, but he seemed to indicate that that was fairly clear when he answered the question. I was just wondering why there was difficulty about the erection of sets in view of that obviously clear language.

Mr. BREWER. Anytime there was an issue which this group did not agree with, there was confusion and misunderstanding. They generated it if it wasn't there.

Mr. OWENS. That is all, Mr. Chairman.

Mr. BREWER. May I make one statement, Mr. Chairman? You questioned me with regard to the implications of the Taft-Hartley bill on the jurisdiction of disputes.

Mr. KEARNS. Yes, sir; I asked you what legislation.

Mr. BREWER. Yes, and I answered you from a factual standpoint. I do not want to convey the impression that I approve of the law, because there are portions of the law which I personally feel are going to injure our organizations. But I answered factually that in my judgment had those jurisdictional provisions been in effect at the time of this strike, that they could have taken jurisdiction and it undoubtedly would have prevented this situation.

Mr. OWENS. Mr. Chairman, may I ask a question there? When you say injure your organization, do you mean the members?

Mr. BREWER. Yes, I do.

Mr. OWENS. You tell me a provision of the act that would injure the members of your organization.

Mr. BREWER. I think that the secondary-boycott provisions will injure members of our organization.

Mr. OWENS. You mean to say that you are in favor of a secondary boycott?

Mr. BREWER. Under certain circumstances, Congressman, yes.

Mr. OWENS. What circumstances?

Mr. BREWER. As a very practical matter, we have some very serious problems with regard to that. For instance, we have men who produced independent motion pictures. They have always operated them, for many, many years, under union conditions. The various steps of the organizational process have been unionized. I am afraid that under the provisions of the Taft-Hartley law a man can come in, produce a picture with nonunion cameramen, cut the rates of pay. He can hire his whole crew, if he can get them nonunion, and at rates of pay below the union scale, and that we will be precluded from using our economic strength to protect the wage scales of our members. I think over a period of time that will result in injury to our members.

Mr. OWENS. In view of the fact that a secondary boycott can be carried on to force the employment of persons, say, in a place where other unions have absolutely no interest in the subject matter except to enforce their power, is that the one, the only reason you are giving, the possibility of some independent organization coming in and hiring members who are not a part of your union, and being able to affect your group. Are you raising a 100 to 1 chance like that?

Mr. BREWER. It is not a 100 to 1 chance, because we are confronted with it in Hollywood today.

Mr. OWENS. Where?

Mr. BREWER. In Hollywood, right today.

Mr. OWENS. Where; what situation?

Mr. BREWER. Well, as a matter of fact, in the earlier stages of this hearing certain make-up artists who had replaced veterans during the war gave some testimony. At the close of the hearings in Hollywood, Congressman Kearns asked President Walsh if he would see to it that these men were given a new examination. These men declined to take the examination again. They failed to pass the examination. That group of men have set up an independent union, and they are offering make-up artists at a scale of about 50 percent of the established scale of make-up artists. They have filed unfair-labor-practice charges against our union in Hollywood today for our efforts to protect the wage schedules of our make-up artists.

Mr. KEARNS. On that point, though, if I may interrupt, I asked to see the examinations.

Mr. BREWER. Yes, I know.

Mr. KEARNS. And I do not have a copy. I just wanted to find out what questions were put.

Mr. McCANN. I think it ought to be in the record, too, Mr. Chairman, that the men had all applied for membership in the union, and most had served for 4 or 5 years during the war, when the union was short of members, and as a result, as I understand, Mr. Brewer, of the cut-back in production, and the return of veterans, these men were severed from their work: that is correct, is it not?

Mr. BREWER. That is right.

Mr. OWENS. Where would a justifiable secondary boycott arise out of that situation?

Mr. BREWER. We are prevented from using what economic strength we have to protect the wage scale. Supposing that they set up an independent union and supply men to one little producer. He doesn't employ much help. Heretofore we have been able to use economic pressure to get a union, because we have members in the laboratories. We can no longer do that.

Mr. OWENS. Your men do not have to work with people like that, do they? They do not have to work if that is going on, do they?

Mr. BREWER. We have to process the film that is made under union conditions.

Mr. OWENS. You say you have to?

Mr. BREWER. I think so.

Mr. OWENS. No man has to work under the bill, does he?

Mr. BREWER. I think if we refused, Congressman, to process the film that was made under nonunion conditions, we would be liable to suit and would be in violation of the act.

Mr. OWENS. Is there anything saying that a man has to work?

Mr. BREWER. No, but if the union does it, the union can be sued under the act.

Mr. OWENS. I am not talking about the union, I am talking about the men. Men are given the right, any man is given the right under this act to protect himself. You are talking about the fact that an organized group are forbidden from taking steps which are going to affect the employer who is trying to exercise his rights, and the general public; correct; but I cannot see where you are saying that you are

protecting workers when you are going to talk about going off on a strike for one group, organized in order to take the work away from somebody else. Do you call that justifiable? Do you say that is hurting workmen?

Mr. BREWER. We say that under the present situation it is our conviction that this bill can be used to lower the wage schedules of our members, and we think that will injure them.

Mr. OWENS. It is pretty far-fetched, Mr. Brewer.

Mr. BREWER. I hope you are right, Congressman, but as a labor man, I am afraid, sincerely afraid, of the effect of that law.

Mr. OWENS. If you have nothing better than that to offer, then your objections to the bill are not very sound. I think it is always important, when a leader of labor raises the point and I ask him to show that. I have yet to see a good point shown that will hurt workmen. I have seen where it helped, but I have yet to see one hurt point shown where it would hurt, under the bill.

What other points do you have on that?

Mr. BREWER. I think that the restrictions of the secondary boycott will make it possible for unions to be destroyed. There are a lot of small unions that need help at various times, whose existence from day to day is not easy. I have been in those unions. I came from a small union, and I know the difficulties that they have.

Mr. OWENS. Is the restriction in the secondary boycott not the very thing that is protecting the small one and permitting it to exist against the overwhelming power of a large one?

Mr. BREWER. I think not, Congressman.

Mr. FISHER. I believe you are trying to make this distinction. There are two secondary boycotts. There is the secondary boycott, union against union, and also secondary boycott of nonunion people against union members.

Mr. BREWER. I certainly think where there is a legitimate labor objective, that secondary boycotts ought to be permitted. We might argue about what is a legitimate labor objective.

Mr. OWENS. You seemed to be confused between secondary boycotts and jurisdictional strikes.

Mr. BREWER. I do not think I am confused, Congressman.

Mr. OWENS. You certainly have not put up the point with respect to secondary boycotts. Mr. Petrillo raised the same point, about the fact that he could not force a certain employer down in Kentucky to hire three men by utilizing the power throughout the balance of the Nation. Certainly, if you are going to utilize the power throughout the balance of the Nation to force some employer to hire men he might not need, would you call that a proper act?

Mr. BREWER. I don't think that employers should be forced to hire men that they do not need.

Mr. OWENS. If he did not have the prohibition of the secondary boycott, they could do that very thing.

Mr. BREWER. In some instances they probably could, but by the same token, now, secondary boycotts to protect wage schedules and working conditions are prohibited, and if the result of that ban is to drive wages down and to destroy working conditions that have built up over a long period of years, and I sincerely believe that will be the result in many cases, then I think I am justified in expressing my

views that at least in that regard the Taft-Hartley bill will injure our members.

Mr. OWENS. You are making a general statement, and there is absolutely no foundation in the act or under that provision to justify what you say. It could not happen.

Is there any other point besides that secondary boycott that you have?

Mr. BREWER. It is a very intricate law. I don't feel qualified to enter into a debate on that.

Mr. OWENS. When there is a labor leader makes a point, I would like to have him clarify it, I expected just about what you mentioned. You made your statement based upon a slight foundation, I think.

Mr. BREWER. I think we will have to agree to disagree on that point.

Mr. KEARNS. Getting back to the make-up artists, I recall the black-haired gentleman who was on the stand, and he had this letter from Betty Grable that he had always been the key make-up on the pictures with her during these war periods, and he was highly capable, but the point I want to get over to the members about it was that during the war he only worked as a permit man, as I understand it; is that not correct?

Now he felt he had a right to come in because he is qualified as a make-up man and it goes back to the philosophy that you have a right to work. He wanted to go in and qualify as a regular union man, but when he took the examination, he finds out that he is not qualified. That is why I was so insistent on getting the list of questions, to find out whether or not the man was qualified. If he was not qualified, then I think he had no right to make the requirements of the union. I do not know, perhaps he should get out into some other field of endeavor. That was a highly specialized field.

Mr. BREWER. Unfortunately, I don't know whether you know it, but the business agent that testified at your hearings has since passed away. The situation there is in a little confusion. I am not sure of all the facts. He died of a heart attack very suddenly.

Mr. KEARNS. I would like you to study those questions. All right, we will stand adjourned until 2 o'clock.

(Thereupon, at 12:10 p. m. a recess was taken until 2 p. m.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will please come to order.

May we ask Mr. Brewer to take the stand and receive the questions from counsel for the carpenters, Mr. Cobb.

#### TESTIMONY OF ROY M. BREWER—Continued

Mr. McCANN. The following questions have been submitted by Mr. Zach Cobb, counsel for the carpenters.

Did you attend the Beverly Hills meeting of July 2, 1946?

Mr. BREWER. Yes, sir.

Mr. McCANN. Were you present throughout the meeting?

Mr. BREWER. I think so, yes.

Mr. McCANN. Who else was present representing the IATSE?

Mr. BREWER. Bill Barrett and a committee from the grips, I think, were the only ones there, besides myself.

Mr. McCANN. Were you present and participating when a contract for 2 years was agreed to?

Mr. BREWER. I was there when a tentative settlement of the situation was arrived at. My recollection of the agreement was that this was an interim agreement and that the parties were to meet within 30 days and iron out the points and reduce it to writing. And as I understood it, it was an interim agreement which was to run until they signed the permanent agreement, and it was specifically understood that that was to be accomplished within a 30-day period.

Mr. McCANN. If so, were you and the IATSE parties to the agreement?

Mr. BREWER. No. We participated in the proceeding, but we were not parties to the agreement, in my judgment.

Mr. McCANN. Were you present and participating when it was agreed that all crafts go back to work Wednesday, a. m., July 3, 1946, without discrimination?

Mr. BREWER. I do not recall there being any question of discrimination at that meeting. We had only been out 2 days.

Mr. COBB. Strike the words "without discrimination" and ask the question, please.

Mr. McCANN. Were you present and participating when it was agreed that all crafts should go back to work on Wednesday, a. m., July 3, 1946?

Mr. BREWER. As I recall, that was the understanding.

Mr. McCANN. If so, were you and the IA parties to this agreement?

Mr. BREWER. We were not on strike, and it was my judgment that we were not parties to that agreement. That was more or less the understanding we had when the minutes of the meeting were drafted. We had participated for the purpose of trying to bring the parties together and get the thing out of the way, and it was agreed that the basic provisions so far as wage scales and working conditions, that were of general application, would also apply to our members, but as to the specific agreement which ended the strike, we were not a party to that agreement, in my opinion. It was not a formal agreement.

Mr. McCANN. Were you present and participating when the wage scales, hours of employment and working conditions were agreed upon by those employees associated with organizations of, or performing the duties of, journeymen carpenters, woodworking machine men, and wood turners?

Mr. BREWER. Yes.

Mr. McCANN. If so, were you and the IATSE parties to that agreement?

Mr. BREWER. I think I answered that, Mr. McCann.

Mr. McCANN. Did the carpenters of Studio Local 946 of the United Brotherhood of Carpenters return to work in the studios under the foregoing agreement and terms of agreement?

Mr. BREWER. I think they did.

Mr. McCANN. After the Beverly Hills agreement of July 2, 1946, did you and the IATSE recognize the carpenters of local 946 had a right to any carpenters' work in the studios of the major companies?

Mr. BREWER. We recognized their right to have any work which the directive gave to them.

Mr. McCANN. If so, what?

Mr. BREWER. Well, the work which we recognized that they were entitled to was that work which was set forth in the directive.

Mr. McCANN. Did you and the IATSE dispute the right of the carpenters to any carpenters' work in the major studios? If so, what?

Mr. BREWER. There was some discussion about what the application of the directive was to specific jobs. And there were some arguments between Skelton and me. But it was only an argument as to what the directive might mean in terms of application to specific jobs.

Mr. McCANN. After the August 16, 1946, clarification, did you and the IATSE concede that the carpenters in local 946 were entitled to any carpenters' work in the major studios? If so, what?

Mr. BREWER. Our position was just the same after August 16 as it was before, that they were entitled to all the work which the directive of December 26, 1945, gave them.

Mr. McCANN. Did you and the IATSE dispute any work with the carpenters? If so, what?

Mr. BREWER. The carpenters were claiming set erection, and we did not think they were entitled to it, and we certainly stated that we would not agree that it should be given to them. Mr. Walsh, I think, stated the position of the IATSE very clearly on that, and my position, being his representative, was exactly the same as his.

Mr. McCANN. After the August 16, 1946, clarification, did you have any conferences with officers of the major companies concerning its application or nonapplication?

Mr. BREWER. Yes; I was in some meetings when that was discussed.

Mr. McCANN. If so, please state chronologically as to each conversation, conference, or meeting, giving the time, place, parties present, and what was said and done.

Mr. BREWER. I testified quite extensively on that in Los Angeles. That was quite some time ago. It is difficult for me to remember specific instances, because of the large number of meetings that we held and the large number of conferences which we necessarily had engaged in. But as I recall, we were in negotiation with the producers on the matter of wages. At one of the negotiation meetings at which Mr. Walsh was present, there was some discussion about the directive. That was the first discussion, I think, which we had, and Mr. Walsh testified at length on that and I testified at length on that. And that information is all in the record.

Then, I think, as I recall, we had another meeting on September 12, at which we were advised by the major studios that we had received an ultimatum from the carpenters union that unless the producers complied with the carpenters' interpretation of what the clarification meant, they would declare the sets hot, and would not work on sets which the IA had erected.

Now, as far as I recall, those were the meetings which we had with regard to the clarification. The subsequent meetings which we had had to do with the results of the carpenters' action in declaring the sets hot, and the details of our efforts to supply the studios with the men that they needed to keep them going after they had walked off, or declared the sets hot.

Mr. McCANN. Mr. Cobb offers for your convenience, if you want to use it, his copy of the minutes, if you would like to refer to them, sir, if it would help you, chronologically.

Mr. BREWER. All right.

This shows that there was a meeting on August 22. I thought this was the meeting which—yes, this is the meeting at which Mr. Walsh was present, and as I say, his testimony is in the record with regard to this meeting, and so is mine.

This shows that there was a meeting on September 3. This is only excerpts from the minutes, and it is not too clear. But I gather that these notes here show that there was a meeting on the third, which was a negotiation meeting of local 776, at which I was present, at which was read the letter from William Green to the producers' association enclosing the directive.

Now, there may have been such a meeting, if I had the full notes. I do not deny that there was such a meeting.

Mr. McCANN. Just proceed.

Mr. BREWER. But it was incidental, then—

Mr. McCANN. Just proceed so I will not have to interrupt you.

Mr. BREWER. It was incidental to the meeting of local 776 in their contract negotiations. And then the next meeting was held, as I say, on September 12, at which we were advised by the producers of the position which the carpenters had taken.

Mr. McCANN. Were you and Mr. Walsh present at the August 22, 1946, meeting of the producers' labor committee?

Mr. BREWER. Yes.

Mr. McCANN. Is the statement in the minutes of that date correct where it says:

Discussed new AFL directive as to its effect on existing conditions and what it may lead to later. Walsh advises that any company that makes one single change in the administration of the AFL directive in compliance with the new interpretation will have all work stopped in the studios, exchanges, and theaters.

Mr. BREWER. Mr. Walsh and I both testified to that same question in Hollywood. I stated that I did not recall his using those words, but that I recalled that he made it plain that the IATSE would consider the action of the producers in complying with the directive in violation of our agreement which was the result of the Cincinnati directive.

Mr. LEVY. Complying with the directive? I want to get the record clear as to that.

Mr. BREWER. Complying with the clarification. I am sorry.

Mr. McCANN. Did Mr. Walsh make a statement in that meeting substantially the same as shown in said minutes?

Mr. BREWER. I think I have answered that, Mr. Chairman, to the best of my ability.

Mr. McCANN. What changes or prospective changes was Mr. Walsh referring to?

Mr. BREWER. Changes which would take from the IATSE work which the December 26 directive gave to us.

Mr. McCANN. If you say "set erection" work, please state who did the work of erecting sets on the stages.

Mr. BREWER. You will have to fix the date, Mr. Chairman, as to when that was.

Mr. McCANN. Just before the March 1945 strike.

Mr. BREWER. Most of it was being done by the carpenters. The carpenters were doing the work on new sets, and the grips had been



doing it on what they call "hold and fold sets," which were used sets.

Mr. McCANN. Just after the October 1945 Cincinnati agreement?

Mr. BREWER. Well, when the carpenters went back after the Cincinnati agreement, they went back in substantially the same work which they were doing prior to the strike and they had been doing the work of set erection on new sets. However, as I have pointed out, we had men that had been doing that in the interim, and those men were standing by, and under the terms of the directive were being paid with the understanding that when the jurisdiction was finally settled, the men that were standing by would go back to such work as was awarded to the IATSE.

Mr. McCANN. Did the clarification do any more than restore to the carpenters the work in erecting sets which they had done between the Cincinnati agreement and the December 26, 1945, decision of the three-man committee? If so, what?

Mr. BREWER. In my judgment, the clarification did nothing more than to confuse the situation, which was beginning to smooth itself out.

Mr. McCANN. On my own, I would like to ask, if he can answer the question—if he cannot, I do not want to insist on it—did the clarification do any more?—

Mr. KEARNS. He answered that. He said it confused it rather than anything else.

Mr. McCANN. That is not what the question was.

Mr. KEARNS. Restate the question.

Mr. McCANN. Did the clarification do any more than restore to the carpenters the work in erecting the sets which they had done between the Cincinnati agreement and the December 26, 1945, decision of the three-man committee?

Mr. KEARNS. That is different.

Mr. OWENS. Let me see, Mr. Chairman, if I understand the question rightly.

Are they saying that during the time that they had a sort of peaceable agreement for 2 months, pending the handing down of the directive restoring set erection to them, or did it attempt to give them the same work that they had been doing during that time?

Mr. BREWER. My judgment of the clarification was that it merely confused the situation. I did not feel that the clarification necessarily gave the carpenters anything more than they had before. They were claiming that it did, but my personal judgment was that the net result of the clarification so far as defining work was concerned merely served further to confuse the situation, and I think that was borne out by the fact that the AFL later on found it necessary to issue an interpretation of the clarification.

Mr. McCANN. Shall I go ahead?

Mr. KEARNS. We will stand adjourned until after the roll call.

(A short recess was taken.)

Mr. KEARNS. The hearing will come to order.

We will resume with the questioning of Mr. Brewer by counsel.

Mr. McCANN. I have a new question that is proposed by Mr. Cobb.

Did the clarification give the carpenters any work that they had not done just before the March 1945 strike, and just after the Cincinnati agreement? If so, what?

Mr. BREWER. I do not think so.

Mr. McCANN. Have you read the minutes of the producers' labor committee which appear in the records of the congressional committees?

Mr. BREWER. Yes, the ones that were introduced in the Hollywood hearings held by this committee, I have read.

Mr. McCANN. If so, are they substantially a correct statement of what occurred at each time you are shown to have been present?

Mr. BREWER. I think they reflect the views of the gentleman who wrote the notes on the meeting, and they, generally, I think, reflect the tenor of the meeting. They are not complete. They never were considered to be verbatim notes. There are some points about which I have testified where I think they are not technically accurate.

Mr. McCANN. If not, please state in what respect you think that they are not accurate.

Mr. KEARNS. He just answered the question.

Mr. McCANN. He said in some points.

Mr. KEARNS. All right. He just answered that.

Mr. McCANN. I am sorry, sir. I am just reading the questions. That is all.

Mr. KEARNS. Very well.

Mr. McCANN. Can any carpenter member of local 946 get work in the major studios now under said Beverly Hills agreement?

Mr. BREWER. That is a two-pronged question. I do not think the Beverly Hills agreement is in effect now, and as far as I know, the testimony of Mr. Benjamin with regard to the attitude of the producers was correct. We do not have any agreements which would prevent any member of local 946 from going to work as a carpenter in the studio.

Mr. McCANN. Have they been able to get work under that agreement at any time since September 23, 1946? If so, what work, and with what studio?

Mr. BREWER. I think I have answered that to the fullest of my ability.

Mr. McCANN. If not, who is doing the carpenters' work in the major studios that the carpenters had been doing after the Beverly Hills agreement?

Mr. BREWER. Most of the work is being done by members of the IATSE, but there are some men doing it that are not members of the IA.

Mr. KEARNS. Is it true that some of those IA members have carpenters' cards, though?

Mr. BREWER. Well, they did have carpenters' cards.

Mr. KEARNS. Some of them came in that belonged to the locals in other cities, and they were hired down there with an IA card; is that correct?

Mr. BREWER. Many of them did in the early time of the strike; yes.

Mr. McCANN. Who is doing the carpenters' work that you had conceded to the carpenters after the Beverly Hills agreement?

Mr. BREWER. The same answer to that question. In my opinion, that is the same question.

Mr. McCANN. Didn't the independent studios have contracts with the carpenters local 946 dated in June 1946?

Mr. BREWER. I do not think so.

Mr. McCANN. Please state in your own language, did the independent companies continue to give the carpenters the carpenters' work called for in their contract?

Mr. BREWER. I do not know whether they had contracts or not.

Mr. KEARNS. At that point, Mr. Brewer, do you consider the carpenters having a legitimate contract with the producers at that time?

Mr. BREWER. You mean the independent producers or the major producers?

Mr. KEARNS. The major producers.

Mr. BREWER. I do not think there is any contract in effect between the carpenters and the major producers at this time.

Mr. KEARNS. All right.

Mr. LANDIS. Let us get that one point clear. The way I understood someone to testify was that you could get a job there as a carpenter and not belong to the IA. Am I right?

Mr. BREWER. That is correct; yes, sir.

Mr. KEARNS. But if you get back there, they cannot take the jobs because they will not go through the Conference of Studio Unions' picket lines to get a job there.

Mr. LANDIS. That is right.

Mr. KEARNS. Yes.

Mr. McCANN. Please give your own full statement of the situation in the independent studios at this time?

Mr. BREWER. In the independent studios, both IA men are working and carpenters are working. Both IA painters are working and CSU painters are working. I think there is one studio where there are no IA painters. That is Monogram. They are 100 percent CSU.

Mr. KEARNS. At this point, Mr. Brewer, when I was there, you had carpenters and IA fellows working together. Now that production is down, say, to 25 percent, there is a lay-off of men. If there is a pick-up of production, as I understand it right now, the IA are furnishing the men for the studios; they really send the men out after the producers say they want so many men; is that correct?

Mr. BREWER. Not in the carpenters' and painters' field, Mr. Congressman. Since the Taft-Hartley bill, the producers are calling the men themselves. They take applications at the gate. They exhaust the applications.

Well, first of all, they call back the men who have been laid off. The producers call them back themselves.

Mr. KEARNS. Whether they are carpenters or IA men?

Mr. BREWER. That is right.

Mr. KEARNS. Very well.

Mr. BREWER. Then if they need new men, they take the lists that have registered with them at the studios—

Mr. KEARNS. Available?

Mr. BREWER. Yes; and if they cannot get the men they need, then they will call our office for additional help.

Mr. McCANN. Do the producers or their officers express any confusion as to the meaning of the clarification? If so, what?

Mr. BREWER. In my conversation with them, they seemed to have indicated that they pretty generally knew what it meant, but they recognized that there was a difference in the professed views of the two parties that were affected.

You see, the word "erection," as President Walsh pointed out—they give us the erection of platforms. There was never any argument as to what the erection of platforms meant. And it seemed reasonably clear to us what the erection of sets means.

Mr. McCANN. Do you now think the clarification is understandable? If not, in what particular is it confusing?

Mr. BREWER. I do not think it is understandable.

Mr. KEARNS. You do not recognize it, do you?

Mr. BREWER. We do not recognize it, no. We take the position that it was an illegal clarification, and was in violation of the agreement which we had to agree to a final and bidding decision. But over and above that, I think it is—

Mr. KEARNS. You do not recognize it, then, as far as employment is concerned, do you?

Mr. BREWER. No.

Mr. McCANN. Do you think that the December 26, 1945, decision was understandable?

Mr. BREWER. So far as the carpenters are concerned, yes.

Mr. McCANN. What change did it make?

Mr. BREWER. It had the effect—

Mr. OWENS. Just a moment. I do not know whether I understood that question or whether you understood it. Wouldn't you be able to answer for yourself more than you would be for the carpenters?

Mr. BREWER. What I meant to say was, you see, there were six other unions. The IA was involved in all of the decisions; the other unions were involved in one section. And the section in which the jurisdiction of the IATSE and the carpenters was outlined, I think, is clear.

Mr. OWENS. He is asking for your opinion as to whether it was understandable. You answered what it was with the carpenters. He is asking for your opinion.

Mr. BREWER. My opinion is that part of the clarification which divided the work between the IA and the carpenters was understandable and clear.

Mr. OWENS. That was the whole decision, was it not?

Mr. BREWER. No. There were other sections of the decision.

Mr. OWENS. You mean, it gave the work to machinists and so on?

Mr. BREWER. Yes, it gave the work to machinists and so on.

Mr. OWENS. You are not passing on that?

Mr. BREWER. No.

Mr. McCANN. Have you or the IA brought any pressure upon the independent producers since August 16, 1946, to gain carpenter work for the IATSE?

Mr. BREWER. We have had some conferences with them to the effect that we thought that if we were precluded from supplying men to the major studios, the independents ought to hire on the same basis; they ought not to exclude our members from any work under the carpenters' jurisdiction, inasmuch as we could not continue to supply the majors on the same basis we had before the Taft-Hartley bill.

Mr. McCANN. Do you know Oscar Schatte?

Mr. BREWER. I saw him in the hearings, I think, in Hollywood. That is the only time I ever saw him to know him.

No, I do not think that is right. I think I did see him. I think he was pointed out to me. But I do not know him personally, except that I have seen him a few times.

Mr. McCANN. What company was he employed by?

Mr. BREWER. Eagle Lion.

Mr. McCANN. Has he been discharged from that employment? If so, when?

Mr. BREWER. I do not know.

Mr. McCANN. Did you have any talks or conferences with officers of that company about Oscar Schatte and his employment?

Mr. BREWER. No, sir.

Mr. McCANN. Please state what if anything you or the IATSE had to do with the discharge of Oscar Schatte.

Mr. BREWER. Absolutely nothing.

Mr. McCANN. Do you accuse any carpenter member of local 946 being a Communist or any member of the brotherhood of carpenters? If so, please give name and address.

Mr. BREWER. The only member of the brotherhood of carpenters whose activities would indicate that he has participated in Communist activities was a fellow by the name of Willis J. Hill, and he was a member of local 634, and his name was on the People's World circular letter, and his name has been on many front organizations, and I think action has been taken against him by the carpenters district council. That is the only member of the brotherhood that I can say that I know of my own information—

Mr. LANDIS. What was his name?

Mr. BREWER. Willis J. Hill. It is the only one that I can say at this moment—

Mr. McCANN. May I ask a question in connection with that? What union is the one you referred to?

Mr. BREWER. I am frank to tell you, I cannot say. It is a union in the southern California area, but just what jurisdiction that local covers, I do not know. I know that the local is part of the central labor council and is part of the council of carpenters in Los Angeles, but as to what its area is, I do not know.

Mr. KEARNS. He may not be working in the studios?

Mr. BREWER. He has nothing to do with the studios.

Mr. McCANN. Here is another question from Mr. Cobb:

Is it not a fact that Willis J. Hill has been expelled from the carpenters?

Mr. BREWER. I have answered that to the best of my knowledge.

Mr. McCANN. Questions submitted by Mr. Zorn:

Mr. Eric Johnston, and Mr. Ben Kahane, in these Washington hearings testified to the following effect, that after the December 26, 1945, directive came out, Mr. Hucheson and the carpenters advised the producers that they would not accept the decision, that there were some work stoppages by the carpenters, that the producers needed time to reorganize their operations with respect to set erection, and that on or about January 21, 1946, set erection work on stages was actually assigned to IATSE men; that because of the carpenters' threatened repudiation of the December 26, 1945, decision the producers' representatives went to the Miami executive council meeting on January 26, 1946, to find out if the council would stand behind the decision; that after discussions there Mr. William Green advised the producers that the decision would stand.

Is this, to your knowledge, an accurate statement of that situation? If not, what was your understanding of that situation?

Mr. BREWER. I think the facts that are set forth there are substantially correct. I am not in a position to know what the thinking of the producers was. My recollection is that they were disturbed about the fact that the carpenters did not indicate they would go along with the directive. It was put into effect, as I understand, on January 21.

Mr. KEARNS. Is it not true that Mr. Walsh's trip to Miami was to find out for certain whether or not the council was going to stand strongly behind the clarification or whether the directive as originally handed down and agreed to was going to be kept in force, and he wanted to know where he stood in order to deal with the producers; is that not correct?

Mr. BREWER. I think, as a matter of fact, the executive council requested him to come there. As I recall, he wasn't going to go, because he thought the decision was final and binding, and the fact that somebody didn't like it didn't change it. But as I recall, the executive council asked him to go when they found out that the matter was going to be discussed.

Mr. KEARNS. He had made up his mind what he was going to do, if the clarification had been accepted?

Mr. BREWER. If it had not been.

Mr. KEARNS. If the clarification had been accepted by the producers.

Mr. BREWER. We had accepted it and had agreed.

Mr. LEVY. You are talking about——

Mr. BREWER. I was talking about the directive.

Mr. KEARNS. I am talking about the clarification.

Mr. BREWER. The Miami meeting was in connection with the directive itself and not the clarification. So what I said was I intended to apply to the original directive and not the clarification.

Mr. KEARNS. But we knew there was going to be a clarification asked for.

Mr. BREWER. Well, at that time, as to what attitude the carpenters would take we had no knowledge. We knew that they were protesting it, but we didn't know just what course it would take.

Mr. KEARNS. Any other questions, Mr. Counsel?

Mr. McCANN. All of the questions have been read, as submitted.

Mr. LANDIS. Do you know E. C. Lix? He is supposed to be foreman in the technicolor film laboratory.

Mr. BREWER. I don't believe I know him. I may have met him, but the name is not familiar with me.

Mr. LANDIS. He quotes here:

But Roy Brewer and appointees will not permit me to work in motion picture laboratories.

Mr. BREWER. I don't know the gentleman. I don't think that is true. I don't know the circumstances of his case. If he has been expelled from our union——

Mr. LANDIS. He says he is a regular employee of the Film Laboratory Technicians Local 683, IATSE, since 1937, and carried a paid-up card.

Mr. BREWER. If that is the case, then nothing that I have done, or nothing that any of my appointees have done with my knowledge would keep Mr. Lix from working.

Mr. LEVY. Let me have the name, sir.

Mr. LANDIS. E. C. Lix.

Mr. OWENS. Is there any possibility that you might favor the people who stayed by you during the time of that strike as against these men who came later? Would you do that?

Mr. BREWER. We would, yes, sir.

Mr. OWENS. Why would you do that?

Mr. BREWER. We said that if these men stayed in, we would do what we could to see that they were not displaced when the men decided they wanted to come back. The simple reason is that if they had had their way, they would have destroyed our union, and destroyed the whole relationship which we had in the industry.

Mr. OWENS. Do you have any seniority system?

Mr. BREWER. Yes, there is a seniority system.

Mr. OWENS. Would you say those men lost their seniority by their action?

Mr. BREWER. I would say that they did, yes.

Mr. OWENS. Is there a part of your constitution and by-laws that provides for loss of seniority in a case like that?

Mr. BREWER. The seniority was with the company. And those men that left and did not come back to work for a long period of time, when they got ready to come back, came back as a new employee. This gentleman can go back on the same basis if what he said is true.

Mr. OWENS. So it is not a case of displacement at all, then, it is a case of his having lost his seniority?

Mr. BREWER. In other words, the men who came in and worked became members of the union the same as he did. Now they are working. If there is a job for him, and he is a paid-up member, as he says, Technicolor or any other laboratory can employ him.

If, however, Technicolor would displace one of the men, just for the purpose of putting him back, then we would say that we felt that was wrong.

Mr. OWENS. And you have a closed shop?

Mr. BREWER. Yes, we do at this time have a closed shop.

Mr. OWENS. That puts you in the saddle in the plain language of the street?

Mr. BREWER. Well, temporarily.

Mr. KEARNS. For instance, I have hundreds of letters, no doubt, from people who say they are members of a union, Mr. Brewer, one of the IATSE, and they cannot get employment. According to your statement here it goes back to the idea that probably one of the reasons they are not employed is that they have lost their seniority and may not want to accept a job that you offer them when they do come back?

Mr. BREWER. That is undoubtedly true, if it is employees who are members of local 683. The average situation is a little different. We have 14 locals.

Mr. KEARNS. If I were a foreman at the time of the disturbance and decided now that I wanted to go back, I would not necessarily warrant that rating when I returned to work?

Mr. BREWER. That is a matter, of course, which is at the discretion of our employer, under our contract. He has the right to put in foremen. If a man is a member in good standing, the employer has the right to choose his own foreman.

Mr. KEARNS. He can say whether he wants that man or not, and you acquiesce in what he wants?

Mr. BREWER. We have to, unless there is some reason which would give us a right under the contract to protest it.

Mr. KEARNS. Mr. Owens, do you have anything further?

Mr. OWENS. I think that covers it.

Mr. KEARNS. I think the idea was that Mr. Levy had some questions after we finished with Mr. Brewer, so there would be an over-all group of your questions, so there would not be any repetition.

Mr. BREWER. We have some documents, too.

Mr. KEARNS. All right, Judge Levy, you may return to the stand.

Thank you, Mr. Brewer, for coming. We appreciate your cooperation and help in this hearing.

Mr. BREWER. Thank you. I appreciate the courtesy.

Mr. KEARNS. I may announce at this time for the benefit of Mr. Sorrell and his counsel that he will not go on this afternoon, not until 10 o'clock tomorrow morning.

Mr. Levy is coming back only at our request as much as his own, in order to clear up some of the matters that may be left over after Mr. Brewer's testimony. Is that not correct, Judge?

#### TESTIMONY OF MATTHEW M. LEVY—Recalled

Mr. LEVY. I did not expect to come back now, but I am prepared to do so if you wish it.

Mr. BREWER. If you have documents, why do you not put them in the record?

Mr. LEVY. I think I can save time by just going through this. I am not sure that I can go through it all, but I will do the best I can by going as rapidly as possible over some of these things.

One of the things I was requested to do was to ascertain which carpenter it was that I referred to as to whom I would not be in a position to give a clean bill of health so far as my own researches are concerned. Mr. Brewer has refreshed my recollection with reference to Willis J. Hill, and I have no other carpenter's name in mind.

Mr. OWENS. That is the man with Communist affiliations?

Mr. LEVY. That is right. I did not have an opportunity to examine the exhibits which have been received for reference, through no fault of anyone. The court reporter had it. That was the reason I could not remember. But Mr. Brewster's testimony has refreshed my recollections as to that. I will examine the exhibits by arrangement with Mrs. Locher during the recess after today's session.

I think, in view of some question as to why Mr. Walsh went to Miami in January of 1946, I should like to read into the record the following original telegram via Western Union, dated January 23, 1946:

MIAMI, FLA.

RICHARD F. WALSH,

*Hollywood Roosevelt Hotel, Los Angeles;*

Because of unexpected developments in Hollywood motion-picture production situation within the last few days, I am of the opinion that a conference should be held with you and others directly interested at the earliest possible moment. Stop. For this reason I request you come to Miami where executive council is now meeting for conference with me and others immediately. Stop. Please advise.

WILLIAM GREEN,

*President, American Federation of Labor.*



I was in Hollywood at the time that Mr. Walsh received this telegram, and that was the trip which he testified he took, hitch-hiking with the producers when they chartered a plane to get down to Miami. This was the first information that Mr. Walsh, to my knowledge, had received that the matter was coming up at the Miami executive board meeting. Mr. Hutcheson, as a member of the executive board, was there already in Miami.

Mr. OWENS. That is when they had the hearing?

Mr. LEVY. Yes.

Mr. OWENS. And that is when the arbitration committee of three stood by their decision and still nothing was done?

Mr. LEVY. That is when they stood by the decision, and the executive council refused to change the decision—to modify it, to reverse it, to clarify it, or to do anything with it. They say it was a fait accompli—it was finished.

Mr. OWENS. I asked this question in the hearing a year ago:

Mr. OWENS. Who is causing this, really causing the difficulty here? We do not have that yet.

Mr. SCHATTE. I place the blame upon Mr. Green, Mr. Hutcheson, and Mr. Walsh for failing to get together.

Mr. OWENS. In other words, you are placing it right on the leadership of the A. F. of L.?

Mr. SCHATTE. Yes, sir.

Mr. OWENS. And as the result of their leadership, the workmen are suffering?

Mr. SCHATTE. That is right.

Mr. OWENS. They are losing their pay, and the public is losing the benefit of their work; is that right?

Mr. SCHATTE. It is so serious that those of us who are fortunate enough to be working have assessed ourselves a certain amount every week to give to those fellows who have no job to keep them alive.

It would appear that they had done something there, because they approved the directive.

Mr. LEVY. They did not have the power to approve the directive, but they had decided that they did not have anything to do with it. It is a decision, I call it.

Let us get my terminology correct. The directive was the Cincinnati directive and agreement. The decision was the December 26, 1945, decision—award. The clarification was in August of 1946. The interpretation was in June of 1947.

Mr. OWENS. August of 1946, the interpretation.

Mr. LEVY. That was the clarification; June of 1947 was the interpretation. So I speak of the Cincinnati directive and agreement of October 1945, the December 1945 decision or award of the arbitration committee, the August 1946 clarification directed by the executive council, and the June 1947 interpretation.

Mr. OWENS. What I mean to say is this: Taking the end of January, Mr. Green and Mr. Walsh did get together.

Mr. LEVY. Everybody got together.

Mr. OWENS. At the end of January, because they had the hearing, the arbitration committee refused to change their award and Mr. Green stood by it, and so did Mr. Walsh.

Mr. LEVY. That is definitely right.

Mr. OWENS. That would leave just Mr. Hutcheson, would it not?

Mr. LEVY. I think so. And I think at this point I want to say that Mr. McCann received from the International Brotherhood of Car-

penters and Joiners of America the printed copy of the proceedings of the Twenty-fifth General Convention of the United Brotherhood of Carpenters and Joiners of America, held at Lakeland, Fla., between April 22 and 30, 1946, pursuant to my request, and that Mr. McCann asked me that I should mark off the portions that ought to be included in this record, which I want to do now.

RESOLUTION No. 60

*To the Twenty fifth General Convention—*

MR. OWENS. You do not have to read it.

MR. LEVY. Unless you get it—it is very illuminating.

MR. OWENS. We will get it.

MR. McCANN. Mr. Chairman, that has been read into the record from the proceedings we have had heretofore.

MR. LEVY. The resolution No. 60 has been read, but the discussion and the debate and the remarks by President Hutcheson have not been read.

MR. OWENS. Just give us the pages. We will take care of it.

MR. KEARNS. I would be more apt to allow Mr. Levy's request. He wants to point out something, by reading it, which we might miss in our own reading of it.

MR. OWENS. I have never read it, but it will be without question urging the general convention to ask the vice presidents to give a clarification. I imagine that is all it would be.

MR. LEVY. No; but in view of the fact that Mr. Schatte has testified that the fault is that of Mr. Green and Mr. Walsh and Mr. Hutcheson, I think from that phase of this strife in Hollywood it would be interesting to know what Mr. Hutcheson's remarks were to his convention, and that was why I stated that I wanted to get the proceedings of the convention, and not merely get Mr. Hutcheson's recollection of the proceedings.

MR. KEARNS. For the benefit of the gentleman from Illinois I think it is becoming more imperative every minute, and more obvious, that the directive is having a more direct influence on this trouble than communism has. No matter what we talk about, we go back to the directive, invariably. No matter what other phase of this thing we develop, we go right back to the directive.

MR. OWENS. I grant that the attitude of certain parties about certain parties about the directive might have been that.

MR. LEVY. My view of the chairman's statement is this: That the Communist purpose and effect has been to seize upon one thing or another to create strife. In 1944-45 it was no directive; it was the set decorators' strike. They struck for a number of months, with all the violence. So that was finished.

Then when that was finished they seized on something else. What did they seize on? They wanted to get what they considered to be signed contracts, obviously for the purpose of continuing the difficulty there. So there was heat and discussion, February to April 1946, without reference to any directive, without reference to any clarification.

So then when their bluff was called in the treaty of Beverly Hills, that they got the 25 percent increase which Mr. Brewer helped them to get, what happened? They could not talk about wages and hours

and contracts, so then they went back to urge a clarification. Then when they got the clarification they went on strike again.

So it is not completely accurate to say that all this trouble stems from the directive. What we say is that there is an existing condition, and the existing condition is internal dissension.

Mr. KEARNS. Which you term as communism.

Mr. LEVY. That's right. When I say "internal," I mean internal in the studios. That is the base upon which all of this is to be considered. So it is not correct to say that all of our trouble leads from the directive.

Mr. KEARNS. Mr. Levy, that goes back to the testimony of Pat Casey: if anybody disagrees with anybody else out there, they were communists.

Mr. LEVY. No; not at all. I indicated what I felt about Mr. Pat Casey. Mr. Brewer also indicated that Mr. Casey had been having less and less to do with the studio situation since 1945. It is not true to say that, and I think Mr. Casey did not want to express certain views about the situation.

The producers' idea is if they can squelch the Communist issue, they would like to do it, because they don't like the idea that we are bringing up what we believe honestly to be the basic, fundamental issue—one of the basic, fundamental issues—in this situation.

You ask any producer. Examine the record before the Thomas committee as it started out. They will say, "We don't know of any Communist situation in the studios."

Then after the committee pointed out some very important people that were Communists, the producers came in and had to change their story. I was present, and I read it.

I cannot agree with the producers in this hush-hush policy. Of course they want a hush-hush policy, because that may hurt their industry. I do not want to hurt their industry, but I don't believe in blinding to the facts.

Mr. LANDIS. Were not some of these Communists fired afterwards?

Mr. LEVY. Yes, sir. Therefore, when the congressional committee pointed up the issue, the producers had to act. They will not act unless the issue is pointed up. We have been pointing it up to them.

Mr. Casey was the only representative of the producers who has asked that question. I am willing to bet that if you ask any producer who took the stand if there is Communist trouble in the studio he would answer, "I don't know of anybody who is a Communist."

Mr. KEARNS. If you go back, when you had the president here they said all they were interested in was production. When you get the Communists and the labor situation, that is up to the internationalists to clear up—not the producers.

Mr. LEVY. I think this: We know more about it, because the Communists work in the labor movement.

Mr. KEARNS. But the producers cannot clear out your end of it.

Mr. LEVY. They certainly can't do it if they say it is not there. When it was found out that some of the talent guilds were involved, as Congressman Landis pointed out, they got rid of them. But somebody has to force them into a situation of that kind. Everybody knew what that situation was before. This congressional investigation before the Thomas committee did not come up because Mr. Thomas felt

he wanted to investigate. It came up because everybody in Hollywood and in southern California and throughout the country knew of Communist infiltration in the studios. There was a recognition of an existing fact when the Thomas committee investigated. It did not come by resolution of the House of Representatives blindly.

We don't know of any Communists in Hollywood; nobody says there is any Communists in Hollywood; the Communist issue is dead; there is nothing to it.

And then Congress passes a resolution asking the House committee to investigate it. The producers knew as much, in my judgment, as the congressional committees knew, but they would not act until it was pointed out to them.

So, as to what Mr. Casey—

Mr. KEARNS. That is what we are in now. You have made the charge that the Communist infiltration is there through the various organizations in the labor angle in the studios, and we want to find out where it is; we want to be able to point it out and do our job.

Mr. LEVY. I think you are, and I appreciate the fact that you are.

But I want to make clear that my only exception was that in seeking to say that there is only one problem here, the problem of the A. F. of L., there is a problem, but that is not the only one: it is the other problem as well. This relationship between those problems has to be clearly followed in order to understand the problems in the studios.

Mr. KEARNS. Just so you understand, Judge, in closing up your part of the proceedings here, before we bring on anyone who in any way has been referred to as being communistically minded, all we are asking for now is the proof and the bullets so we can go to work.

Mr. LEVY. I understand, sir. I made it clear before I am not interested in a matter of legal conviction. I am interested in having the Congress of the United States know that there is a Communist problem in the Hollywood studios, and that that problem has to be solved.

Mr. OWENS. Judge, you will grant me this, will you not, that if the A. F. of L. groups did not have the trouble between themselves, it would not be difficult to discover where the Communists were functioning of their own volition and by their own acts.

Mr. LEVY. I agree, sir, if there were not the trouble which we have in the American Federation of Labor, in the Hollywood studios, they would not be able to grasp at that for the purpose of creating their trouble. But if they don't do that, they will grasp at something else, because they are indefatigable.

Mr. OWENS. But you have not shown where they have grasped at anything that has not arisen out of the A. F. of L. difficulty in the first instance; am I right?

Mr. LEVY. I think so far as from 1944 to the present time is concerned, I think that is perfectly right.

Let me modify that: In 1945, in the early part—I am in error, I want to modify that.

Mr. Green wired Mr. Sorrell not to go out on strike. Mr. Lindelof wired Mr. Sorrell not to go out on strike. The entire American Federation of Labor official group disowned the Sorrell strike in 1945.

Mr. OWENS. For how long, about a week?

Mr. LEVY. No; Mr. Green never retracted. Mr. Lindelof stated he retracted within a week; our records indicate it was much later, and I propose to present the telegrams on that situation.

In any event, I think I was in error in saying that the 1945 strike was supported by the American Federation of Labor Executive Council.

Mr. OWENS. I am not saying that, but it was still between two groups of the A. F. of L.

Mr. LEVY. There is no doubt about the fact that Mr. Sorrell is a member of the A. F. of L. One of our objections is that Mr. Sorrell has used his membership in the A. F. of L. as a part of the Communist front setup.

Mr. KEARNS. Why does he keep it, then?

Mr. LEVY. Mr. Congressman, I think it has not yet been explained, but I think it ought to be explained now. The American Federation of Labor is, in my judgment, in the same position as the old Confederation of States prior to the enactment of the Federal Constitution. Each of the thirteen Colonies entered into the Confederation; each was completely supreme in its own rights, even to the extent of being able to levy taxes, even to the extent of being able to coin money. That lasted for a number of years.

And then when it was realized that that was too weak a Federation for a new nation, the Constitution was created.

The American Federation of Labor, in my judgment, as I have studied its laws, is in the state of the old Confederation. It has not yet achieved that unity and that discipline and that power which the American Government achieved since the Civil War.

Mr. KEARNS. Do you want it to?

Mr. LEVY. There are two sides to that question. I say that without laughter, Mr. Cobb, there are two sides to that question. How far do you want to give over-all power, or how far do you want to keep state sovereignty, sovereign, autonomous rights?

I lived so many years in Georgia, and that is why I said to Mr. Cobb, "Don't laugh." I come from Georgia. There I felt that State's rights were most important. When I came North, I have come to the conclusion as the result of my associations that Federal power also is important.

Now, the line of demarcation between Sovereign State's Rights and Federal control is not always an easy line to follow. The same thing applies to the confederation of autonomous international unions making up the American Federation of Labor.

That is a debatable question, Congressman Kearns, as to which is best. I would be glad to discuss it with you. It is a very interesting question. I have tried to study it, as I have indicated this type of relationship.

Mr. KEARNS. When the Committee on Education and Labor were having these hearings, we did not come in just particularly to write legislation, we wanted to hear both sides of the story, labor and management, and find out whether it was necessary to have any legislation or not. We had Mr. Green, the esteemed gentleman, the president of the A. F. of L., sit down there and tell all the members of the committee that they did not want legislation, they wanted everything left to the House of Labor, that they would take care of the situation.

Then we have this non-communistic clause in the Taft-Hartley bill, which we think is important, or I do not think we would have written it in there. Yet we have a serious situation evolved from that.

Mr. LEVY. Oh, yes, I discussed it with the Congressman during the recess.

Mr. KEARNS. As a reflection upon your international and down to the local basis.

Mr. LEVY. Let me put it to you this way: I attended the hearings in Los Angeles on this matter. The International Alliance, the IATSE, my client, was attacked in these hearings upon the ground that we did not let the local unions be autonomous. I remember that Congressman Kearns will remember the fact that a lot of the questions submitted indicated that the International Alliance was a giant of dictatorship, and imposing its will upon the local unions in California. I had to go to the trouble of explanation, why we took over one or two of the locals.

I went through all the legal proceedings, if you remember. In one breath, the inference is, why does not the American Federation of Labor, the over-all American Federation of Labor, have the power to get rid of a Communist in a local union out in Oshkosh.

Mr. OWENS. That is not the question, Mr. Levy. The big question is, Why has the man who operates at the head of a large union like the A. F. of L. not got rules that prohibit them from going out on strike until they settle labor disputes in their own midst? That is the question before America today.

Mr. LEVY. I think, sir, there should be such rules. I think I can say for the IATSE that since November 1941, this committee and no other committee can point to a single agreement that the IATSE has violated, and the IATSE never violated the no-strike pledge during the war.

Mr. OWENS. I am inclined to agree, from what I have heard in this hearing so far.

Mr. LEVY. And the record in California will show it. I agree that agreements should not be violated. I agree that labor should be so self-disciplined as to be able to protect itself from this situation.

Mr. OWENS. There is just one thing the IA did, and that is when they insisted upon the employment of certain men, and creating an independent union, or creating a new union for them, that Mr. Walsh testified to, that was somewhat the same.

Mr. LEVY. That was no violation of an agreement, and was no violation of the law.

Mr. OWENS. I suppose not.

Mr. LEVY. At least that was my opinion, and I was consulted about it, and I tried to be reasonably careful. I have looked into it.

Here is the statement: The Resolution No. 60 was printed at page 248, and printed again at page 368. I appreciate the opportunity of reading it and reading the debate.

*To the twenty-fifth general convention of the United Brotherhood of Carpenters and Joiners of America, convened at Lakeland, Fla., April 22, 1946:*

Greetings.

Whereas the Studio Carpenters Local Union 946, Hollywood, Calif., having been on strike 35 weeks over jurisdiction of work rightfully belonging to the carpenters—

Let me parenthesize by saying that they claimed that there was no strike. They claimed that they were only recognizing a picket line.

When I asked through Mr. McCann the question of Mr. Hutcheson "Doesn't the resolution itself say that it is itself on strike," he says,

"I can't control what the resolution says." But the convention unanimously adopted this resolution. So the statement that they were merely recognizing a picket line is, I repeat, a euphemism for the purpose of the situation—out of their own mouths.

Whereas the executive council of the American Federation of Labor ordered the termination of the strike, and a committee of three, comprised of vice presidents of the American Federation of Labor were appointed to review the studio situation; and

Whereas they handed down a directive which would give work that rightfully belongs to the carpenter to the IATSE: Now, therefore, be it

*Resolved*, That this convention go on record protesting the action of the executive council of the American Federation of Labor in accepting the report of the subcommittee and ignoring the fact that the general president of the United Brotherhood of Carpenters and Joiners of America was not given an opportunity by the subcommittee of the American Federation of Labor to present claims of jurisdiction for the work in question; therefore be it further

*Resolved*, That this convention instruct the general executive board of the United Brotherhood of Carpenters and Joiners of America to protest to the executive council of the American Federation of Labor against the action of the executive council in accepting the report of the subcommittee in issuing the directive which they did, and ask immediate restoration of the United Brotherhood of Carpenters and Joiners of America jurisdiction over that work that rightfully belongs to them.

Respectfully submitted.

C. A. SPROUL, *President, Local 946.*  
 BEN PRICE, *Vice President, Local 946.*  
 H. L. LEAKE, *Local 1313.*  
 V. E. WHALEN, *Local 772.*  
 FRANK HYATT, *Local 767.*  
 H. E. HERRON, *Local 767.*

Your committee recommends concurrence in this resolution.

A motion was made and seconded to adopt the report of the committee.

Delegate SPROUL, Local 946. Mr. President and Delegates to this convention: The only purpose in bring this before the convention is to let you boys know the meaning of this resolution. We were on the picket line 35 weeks. We observed the picket lines of the painters and were ordered back to work after 35 weeks, and they said they would settle the strike on the matter of jurisdiction.

President Green, of the American Federation of Labor, appointed a committee of three to go into the studio and give him a report.

The bad things about this report was that they did not, in the way it was handled, give our general president the right to appear before them, as I understand they were asked to do, that he might make a certification of the points involved in this studio situation. As a result, it has taken away much of the work that rightfully belongs to the carpenters.

We feel that if this is sustained on this floor today it will give our general president a great deal more power when he appears before the executive council of the American Federation of Labor this coming month so we can get a clarification of this directive handed down and in that way return to the brotherhood the work that rightfully belongs to them, work that has been done by them for years and now being done by the IATSE and also involving the jurisdiction of four different locals doing carpenter work, which is all right in its way for them, but we need one organization that can handle our own work that we should do.

Let me put this in parentheses.

Mr. OWENS. You do not have to put in anything. That speaks for itself.

Mr. LEVY. Not alone were they interested in set erection, but they were interested in work which four of the IA locals were doing, prop

making, miniature building, and that will appear from the later discussion.

For that reason I hope you delegates will pass this resolution only to show our power behind the general president in going before the executive council of the American Federation of Labor.

Delegate CAMBIANO, Local 162, California. Mr. President and Brother Delegates: Further clarifying the action taken by the executive council of the American Federation of Labor with reference to this 10 months' strike in Hollywood, this has been going on for some time, where the IATSE have been endeavoring to encroach upon and take over the entire studio industry.

This came about when our notorious friends Bioff and Brown preceded with threats of what they were going to do with the entire industry.

That was before 1941.

It got so bad in our painters over a collective-bargaining agreement it became necessary to strike in order to enforce the Government's decision, and the only friend the carpenters had was the painters. The painters in the movie industry had definitely refused to do any work on work done by others who were not members of the Brotherhood of Carpenters.

Local 946, with a membership of 2,200, hit the streets. They carried the picket line there for practically 10 months.

In addition to the money that the brotherhood puts in there, some \$185,000 was spent during that time and we have not commenced to pay off the bills that we have gotten so far as litigation and one thing and another is concerned.

It was not the desire—

Please listen to this—

nor the wishes of the Carpenters Union 946 to terminate that strike.

That was the 1945 strike.

The moving picture industry had spent \$7,000,000 attempting to break the strike and brought in all types of men from all over the country. Our ranks stood firm. We lost less than 20 men during that entire 10 months' strike. It was the pressure that was brought on by the movie industry that went to Washington, together with the executive council of the American Federation of Labor that brought on the termination of the strike, and in so doing they gave us 30 days to try to arrive at a settlement between ourselves.

Mr. OWENS. You are certainly proving that it is the carpenters who are controlling the painters, and not the painters controlling the carpenters.

Mr. LEVY (reading) :

We were not able to do so, and then they set up a committee, three vice presidents of the American Federation of Labor, who were to survey the situation and determine the story. We sat in with President Walsh of the IATSE and we were involved with two groups.

I don't know how many of you delegates are acquainted with the studio work, but to put it in plain language they claimed everything in the props, what they term "props," they wanted all the work that had belonged to the brotherhood for the past 25 or 30 years, and had been done by the brotherhood members.

That is not so.

We disagreed, and as a result the committee took over.

Mr. OWENS. Why did you say at that point it was not so; could you not have said that sooner?

Mr. LEVY. I say that because of the fact—

Mr. OWENS. You could have said that in almost every sentence.

Mr. LEVY. All right.

Now I am not criticizing the integrity of the three gentlemen who came to Los Angeles. But I will say this, before we presented our case it was very definitely explained to them it was being done with one sole purpose, that General President Hutcheson would be given an opportunity to represent the Brotherhood of



Carpenters. That was not done, and even to this day we have not received the transcript of some of the documents that we presented to them.

I don't want to take too much time here. I do know that the general president has been somewhat concerned about this, and when the verdict was handed down by the executive council our general president did not accept it. We went out on strike only after this directive order was handed down, and we find now upon returning that practically all the work that is being done in the studio was given to the IATSE.

I want to tell you now that in a matter of 6 months' time there will be no local 946. For several years out there they have been invading our work by setting up prop shops and buying new machinery. That committee spent one-half a day going through one studio alone, they didn't take in the rest of them, and then they handed down a decision which would give all the work that rightfully belonged to the brotherhood to the IATSE, and that is the reason why 946 is in here with that resolution.

President HUTCHESON. Mr. Chairman and delegates, the records in this matter are very lengthy. I am not going into them in detail, but I think I should give to you a short verbal synopsis of the situation, as has been explained by Delegate Cambiano.

A controversy arose with the IATSE. They were claiming work that rightfully belonged to members of our organization. In a conference I offered to agree with them that if they would give to us what is usually referred to as carpenter work, plus the running of all woodworking machinery, we would accept that settlement. But they would not agree to that and they went so far as to claim that props consisted of furniture.

Please let me add that we claim props on stages, furniture, was our job, not furniture in permanent construction or permanent homes, or studio permanent construction of any kind. This is going back to Mr. Hutcheson:

As an illustration, in connection with this moving-picture industry, if they came into this room and took a picture of this room and furnishings as it is, the IATSE was claiming that they should make all of this furniture and set it up. They call that props.

Historically, I add, that is correct.

I could not agree to their demands, of course, naturally, because it was an imposition on our autonomy and on our trade jurisdiction.

As has been stated, our members were on strike, along with the painters, the electricians, and others. After many months the moving-picture producers had their representative, Mr. Eric Johnston, intercede with the executive council of the American Federation of Labor, and they sent a committee to appear before the executive council. Naturally, the executive council was anxious to get the controversy settled, so that they could proceed with the production of pictures, and finally stated—and I agreed to it as a member of the executive council—that the organizations that were in this agreement would be given 30 days to see if they could reach an understanding. If not, a committee of three members of the American Federation of Labor was to be appointed to make a survey of the situation and reach a conclusion.

A committee was appointed consisting of Felix Knight, of the Brotherhood of Railway Carmen; William Doherty, of the Postal Employees; and William Birthright, president of the Barbers International Union. They proceeded to Los Angeles, notified me of their meeting, and in immediately answering the communication I set forth the fact that I could not appear before they reached a conclusion and drew up their report, and I wanted permission to appear before the committee and present the claims of the brotherhood before they did that. I received a letter from Mr. Felix Knight, saying that I would be given an opportunity to appear before them.

They arrived in Los Angeles and they wired the general office, asking that a representative of the brotherhood meet with them to assist them. The general office wired back and told them we were notifying General Representative Cambiano to appear before them and to render what assistance he could.

One of the first things he did when he appeared before them was to remind them of that fact that before they reached a conclusion they were to give the general president of the brotherhood an opportunity to appear before them.

We came to Miami last February for the meeting of the executive council of the American Federation of labor. Prior to going there, on the 4th day of January we received at the office a publication that comes out of Washington, known as Daily Report on Labor-Management Problems, and in that periodical was printed the report of this subcommittee, their findings. Later on that same day we received from the committee a copy of their findings.

Naturally, when the case was presented to the executive council of the federation, I protested the acceptance of the report and presented evidence to show that they had agreed in writing that I would be given the opportunity to present the brotherhood's claim to that committee. I showed that we got the notice through this publication I have referred to on January 4, and it was on the same day that we got the written report of the committee.

The matter was before the executive council for several days. I notified the executive council, on behalf of the Brotherhood of Carpenters, that we would not accept the report of the committee. I produced the records, the reports of the executive council made to previous conventions of the American Federation of Labor, cited and read the communications I had received from the chairman of this committee, and the committee said that there was a representative of the brotherhood who appeared before them in Los Angeles and they did not think it was necessary for them to listen to the general president or any other representative of the brotherhood after they had had one representative before them.

Without boring you with any further details, which would take hours to present, it was quite apparent to me that the executive council was going to accept the report of this committee. In fact, the chairman went so far as to say that the executive council had no other prerogative than to accept, that the three members were supreme (meaning the committee of three).

So in order to keep the record clear I had the following inserted in the minutes of the executive council of the American Federation of Labor at their Miami meeting last February.

I do not have to read that, because that has already been put in the record. I think it ought to be added by the reporter in sequence at this point, and I will give him the book, with Mr. McCann's permission, for that purpose.

(The insertion referred to is as follows:)

The United Brotherhood of Carpenters and Joiners of America does not recognize the report of the committee that was selected by the executive council of the American Federation of Labor to make an investigation and award in the controversies in the studios at Hollywood, Calif., as in any way abridging, annulling, or interfering with the actions of the 1920, 1921, and 1922 conventions of the American Federation of Labor, or the reports of the executive council of the American Federation of Labor made to those conventions; more specifically all reports on the part of the executive council, and setting forth actions taken by that body in reference to understandings and agreements entered into between various building-trades organizations and the IATSE, and more specifically the agreement entered into in July 1921 between the United Brotherhood of Carpenters and Joiners of America and the International Alliance of Theatrical Stage Employees.

The United Brotherhood of Carpenters and Joiners of America cannot accept the findings and decision made by the committee appointed by the president of the American Federation of Labor to investigate and make decision as affecting members of the several organizations employed in the studios in Hollywood, Calif., for the reason that the committee did not give the general president of the United Brotherhood of Carpenters and Joiners of America an opportunity to appear before them when they were giving consideration to the situation.

Mr. LEVY (continuing reading):

I even went further and I said to the executive council, that, on behalf of the brotherhood, I would not accept those decisions nor would I attempt to influence, direct, or try to persuade the members of the brotherhood to accept their findings, and that if the chairman of the executive council felt that that was an abridgment of the laws of the federation and they wanted to punish the brotherhood, they had better start in right then, because we would not accept it.

This is the Miami meeting.

Mr. OWENS. It sounds like the 1914 situation all over again, does it not?

Mr. LEVY (continuing reading):

And, of course, the full punishment they could give us would be to put us out of the federation. I said, "If you care to do that, go ahead and do it now so I will know what your action will be." They denied any desire to do anything of that kind, however, after which I had inserted this statement I have just read.

Now, the situation is that in passing this resolution you place it in the hands of our general executive board, which will support the position taken by your general president before the executive council of the American Federation of Labor. At the present time and during these months of controversy the brotherhood did not take any action. Several of the other organizations that were involved considered action, namely, the placing of the "We don't patronize" list of any pictures produced by these moving-picture producers. We did not do that, and when the representatives of the other organizations came to me and said, "If you want to do that, go ahead and do it." I did not intend to confer with them, if we did get to that point, for the simple reason that conspiracy consists of conclusions reached by two or more people. I had some experience in that when I went before the grand jury in St. Louis, when they were trying to show that I had been conferring with the general secretary or somebody else, but I denied the allegation. I had not conferred with anybody. It was just my own foolish thoughts.

So the time may come to let these moving-picture producers know that the United Brotherhood of Carpenters and Joiners of America covers the entire North American continent in its jurisdiction. The time may come when they might want some new moving-show houses built. Right now and for a time during the defense period they were not building any, but we haven't come to the end of the world as yet, so perhaps they may want some work done before long. The time may come when it will be the bounden duty of every member of the brotherhood to refrain from going to moving-picture shows and to get his friends to joint with him. We haven't, as yet, up until the convention came here, stopped showing pictures that were sent down here gratis by these moving-picture producers to be shown to the occupants of the home. But it is just a question in my mind whether we will ever put the screen back up here to show pictures until this controversy is settled. We might as well begin this fight sometime or other and get it over.

I just wanted to give you that synopsis. Much more could be said, but I think I have said enough to show you that it will be to the interests of the members of our brotherhood to concur in this resolution.

Thank you.

\* Vice President Maurice Hitchenson in the chair.

Delegate Price, local union 946, spoke briefly in support of the resolution and urged its adoption, and in doing so he pointed out that the members of the IATSE had been taking work right along that belonged to the carpenters, since they received their charter in 1937.

The motion to adopt the report of the committee on the resolution under discussion was carried by unanimous vote.

Mr. OWENS. Our guess as to what that was going to contain was not very much off, was it?

Mr. LEVY. That is why I asked for it, sir.

Mr. OWENS. I mean when you were about to read it.

Mr. LEVY. I misunderstood your question. I thought that Mr. Hitchenson's comments were phrased in his inimitable style, and I thought it ought to be put on the record.

I also stated that from the picket line the publication of the Conference of Studio Unions showed that the Conference of Studio Unions took the position during the set-dressers strike, the painters' strike, that they would not go back to work until all of the jurisdictional problems, including the carpenters, were resolved to the satisfaction of the carpenters and the others.

Here again, as I read from the mouths of the carpenters, now I want to read from the mouths of the Conference of Studio Unions for those publications which they had.

Mr. OWENS. Can you not just put those in the record for reference purposes? We will never get through.

Mr. LEVY. All right, sir, I will be glad to do it. I ask that you look at the Picket Line dated April 3, 1945.

Mr. OWENS. I am leaving here the day after tomorrow, for another hearing in Chicago. I would like to finish what we are doing here.

Mr. LEVY. All right, sir. I am going to adopt your suggestion completely. All I ask is for permission to make photostats, as I have arranged with the chairman, before I turn these over to the counsel for the committee or the secretary for the counsel.

The Picket Line, published by the Conference of Studio Unions of April 3, 1945; the Picket Line of the Conference of Studio Unions, published April 6, 1945; the Picket Line of the Conference of Studio Unions, published April 4, 1945; the first Picket Line, which is not dated at all, and is the first one issued.

I am unable to specify the date. But there was the beginning of a daily series. And since this is a short paragraph, I want to put this in at this point.

This is the first issue of a bulletin we intend to have every day, and it will have the latest developments to date. Always read it through each day. We want you to know that the painters, carpenters, machinists, set designers, IBEW, electricians, plumbers, blacksmiths, watchmen, and guards, foremen, janitors, SPU—

SPU means Screen Players Union—

and a great many of the rank-and-file members of the IATSE are actively participating in our strike, and are respecting the set designers' picket line. And their various groups have met together and pledge not to go back to work until everyone has agreed as a body on their disputes.

The Picket Line of June 27, 1945.

I have received a telegram from the Screen Actors' Guild, which I have been requested to place in the record:

March 1, 1948, Hollywood, Calif.

Mr. OWENS. I would say the same, for reference, there. Insofar as these telegrams are concerned, I never like the reading of telegrams into the record.

Mr. LEVY. May I tell you what this is, then?

Mr. OWENS. Just describe it.

Mr. LEVY. Congressman Kearns, and I am sorry he is not here, at the opening session read a statement to the effect that the screen actors' guild were participants in an alleged collusion between the IATSE and the producers. The screen actors' guild sent a telegram to the Congressman and asked that that be inserted in the record, unless Congressman Kearns has inserted it himself.

Mr. OWENS. I know something on that. He answered them and said there would be no objection to them coming here and testifying personally. What Mr. Kearns said, of course, is not evidence in the record.

Mr. LEVY. Oh, yes, it is.

Mr. OWENS. It is not evidence.

Mr. LEVY. Oh, I see. They were accused of collusion. The telegram was signed by Ronald Reagan, George Murphy, Robert Mont-

gomery, and Edward Arnold. I have just received this request to have it inserted.

Mr. OWENS. We will accept it as a reference exhibit.

Mr. LEVY. All right. I will make photostats of that, too, if you please, sir.

You asked me some questions about criminal prosecutions of Mr. Sorrell. That I think ought to be in the record. I wanted it accurate—obtained from our counsel on the west coast. This telegram was received March 2, 1948.

Mr. OWENS. What I wanted to see was a copy of the record of the court.

Mr. LEVY. There were three or four indictments, several prosecutions. I can get that, too, but this describes it, if you want me to.

Mr. OWENS. We will admit that as a reference exhibit, too.

Mr. LEVY. It is all right with me, sir.

Then I also ask that this letter dated November 28, 1947, which I read in part, and which on the basis of selection I did not complete, ought to be included at its appropriate place, not as a reference exhibit, but completely, so that the entire communication will be before the committee.

Mr. LANDIS. All right.

Mr. McCANN. Mr. Chairman, on that, it has been read from repeatedly, and I think it ought to be received as a reference exhibit, too.

Mr. LEVY. There are at least three pages which have not been read from. And you know, Mr. McCann, that letter was sent out on the 28th of November 1947, to you.

Mr. OWENS. I think, Mr. Chairman, it is in the nature of a statement of a witness who is testifying, and you have let it in, and I think it is proper.

Mr. McCANN. Do you want it reproduced?

Mr. LANDIS. Yes, sir; so we will not have any criticism. Anything that the witness wants to put in, we will put in.

(The letter referred to is as follows:)

NEW YORK 7, N. Y., November 28, 1947.

HON. CARROLL D. KEARNS,

*Chairman, Subcommittee on the Hollywood Studio Labor Strikes, Committee on Education and Labor, House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN KEARNS: On behalf of Mr. Richard F. Walsh, president of the International Alliance of Theatrical Stage Employes and Moving Picture Machine Operators of the United States and Canada, and Mr. Roy M. Brewer, international representative in Hollywood of that organization, and pursuant to the authorization of the subcommittee, Mr. Michael G. Luddy, of Los Angeles, west-coast counsel, and I, as special counsel for the IATSE in the Hollywood labor situation, herewith submit the following statement to be included in the record of the Hollywood hearings in the inquiry conducted by your subcommittee in the matter of the Hollywood studio labor strikes.

I. Normal jurisdictional labor problems existed in the studios for some years, largely as a result of the many unions and of the nature of the work. These normal jurisdictional differences might have been peaceably resolved in ordinary trade-union channels were it not that the pro-Communist elements in the studios had irritated and magnified the jurisdictional differences into internecine labor explosions. More is involved in the Hollywood labor situation than ordinary jurisdictional differences. No investigation of the jurisdictional strikes in Hollywood from 1944 to date can or will give a complete picture of the situation, without a recognition and study of Communist infiltration and tactics in the Hollywood studio unions.

(a) One Jeff Kibre, as the representative of the Communist Party in Hollywood prior to 1939, planned to form an unemployment conference of various

studio unions for the purpose of laying a foundation for an industrial union in opposition to the IATSE, which was and is a bulwark against Communist supremacy in Hollywood, and for the purpose of capturing control of studio labor for the Communist Party. Upon receiving information that it was possible to obtain an election to designate a collective-bargaining representative under the National Labor Relations Act, Kibre changed his tactics, and organized the United Studio Technicians Guild (USTG), petitioned for an election, obtained an order for such election from the National Labor Relations Board, and endeavored to win control of all studio labor by this method. This plan was thwarted in 1939 when the Communist sponsors behind Kibre were exposed. This exposure showed among other things that Kibre was reporting to Bob Reed, a Communist Party representative in New York, and to Harry Bridges in San Francisco; that one Irwin Hentschel was a part of the organization which assisted Kibre; that Hentschel was sent to the 1938 convention of the IATSE with instructions from Kibre as to a certain resolution which Communist Party representatives in California wanted passed by that convention; that the acting secretary of the Communist Party of Ohio objected to Hentschel's activities, as indicated in correspondence by Roy Hudson, then trade-union secretary of the Communist Party and later editor of the Daily Worker in New York; that Hentschel's Communist motives and reliability were vouched for; and that Kibre's efforts were directed to establish a Communist faction within the IATSE. This is the same Irwin Hentschel who was the leader of the so-called rank-and-file movement of the Sorrell-directed strike of the CSU in 1945.

(b) The same program which Kibre had outlined originally in his reports (that is, before he changed his plan to procure an election under the auspices of the NLRB, and which election he lost in 1939) was used by Sorrell later, and Sorrell was aided by the same Hentschel. Many of the same persons who had previously supported Kibre supported Sorrell in the strikes from 1944 to 1947.

(c) Since its organization, the CSU has followed the Communist Party line. The president of the CSU, Herbert K. Sorrell, since 1937, has followed the Communist Party line. It has been testified by noted handwriting experts before the California Committee on Un-American Activities that Herbert K. Sorrell (under the name of Herbert K. Stewart) was a member of the Communist Party. One of the purposes of the CSU was to bring certain American Federation of Labor unions into its orbit and to bring those unions into conformity with the Communist Party line.

(d) One of the IATSE's own local unions, Film Technicians' Local No. 683, participated in the organization of the CSU in 1941, and participated in formulation of the policies of the CSU along the patterns of the Communist Party, until the latter part of 1944, when Local 683 officially withdrew from the CSU. It was almost immediately after this withdrawal that the open attack began by the CSU against the IATSE.

(e) The 1946-7 strike was only one of a series of strikes, all of which were a part of the pro-Communist agitation to disrupt labor relations in the Hollywood studio, to destroy the IATSE as a collective-bargaining representative of the studio unions, and to install in its place a pro-Communist industrial type of union which would, at the appropriate time, join hands with the pro-Communist elements in the studio talent guilds, and especially in the screen writers guild, so as to place the motion-picture industry under the domination of the Communists and their pro-Communist friends and sympathizers.

(f) The following documents are annexed hereto in support of the foregoing:

1. IATSE Informational Bulletin, dated November 13, 1945, showing record of Herbert K. Sorrell.
2. Photostatic copies of Communist Party documents and exemplars of the handwriting of Herbert K. Sorrell, dated January 4, 1946.
3. Partial report, Joint Fact-Finding Committee on Un-American Activities in California, dated February 19, 1946.
4. Report of the Congress of American Soviet Friendship, November 7-8, 1942, re Mr. Herb Sorrell;
5. Excerpt from Daily People's World, dated September 6, 1946, re Herb Sorrell, entitled "Support for WFTU."
6. Excerpt from Daily People's World, dated March 8, 1940, re Herb Sorrell, entitled "Movie City Forming First Alliance Local."
7. Excerpt from Daily People's World, dated April 14, 1940, re President Herb Sorrell, entitled "Million on 500 Campuses to Join Peace Strike Today."

8. Excerpt from Daily People's World, dated May 17, 1940, re Herb Sorrell, entitled "Schneiderman Case. AFL Leader, Liberals Rally to Defense."
9. Excerpt from Illustrated Daily News, dated November 2, 1942, re Herb Sorrell, endorsing La Rue McCormick, Communist candidate.
10. Excerpt from Daily People's World, dated July 24, 1944, entitled "PW (People's World) Wins Cheers! John H. Lawson, Herbert Sorrell, Praise Our Hollywood Coverage."
11. Dossier of action taken by Conference of Studio Unions on matter promoted or opposed by the Communist Party from August 12, 1942, to September 6, 1946;
12. Manifesto of the World Labor Conference, submitted by Conference of Studio Unions et al.
13. Excerpt from Hollywood Citizens News, dated September 11, 1946, re Conference of Studio Unions, entitled "'Win Peace' Rally Echoes Reds Minus Mareantonio."
14. Record of Emil Freed, referred to in item 6 above.
15. Photographic reproductions of Los Angeles newspaper-headline articles, published in 1939, and incorporated in 1940 proceedings of IATSE convention.
16. IATSE Informational Bulletin, dated September 28, 1945, showing excerpts from IA Local 683 publication, Flashes.
17. Letter dated May 10, 1946, from Roy M. Brewer to the secretaries of all local unions of IATSE, with respect to IA Local 683.
18. Excerpt from Hollywood Daily Variety, dated March 28, 1945, entitled "IA Rebellion as Peace Meet in Strike Opens."
19. Excerpt from Hollywood Daily Variety, dated April 2, 1945, entitled "IA Rank and File Move to End Studio Strike."
20. Additional documents will be forthcoming, if desired.

II. In 1944, a conspiracy was entered into among the CSU, the painters, and the carpenters and other organizations, for the purpose of taking away from the IATSE its historical jurisdiction in the studios.

The congressional committee will, no doubt, thoroughly examine the officials and records of the CSU, Communists, painters, carpenters, and other international and local unions involved, from which will appear the conspiracy against the IATSE and the real reasons behind the calling of the strikes from 1944 to date.

III. The strikes conducted by the CSU, painters, carpenters, etc., from 1944 to date, were conducted as a part of this conspiracy and alliance. Even the public reasons of these jurisdictional strikes were baseless.

Historically, the work of set dressing or decorating—

The ostensible cause of the 1945 strike—

and the work of set erection—

The ostensible cause of the second 1946 strike—

belong to and were within the jurisdiction of the IATSE.

The 1945 strike was called while representation proceedings were pending before the NLRB, and even the NLRB said, in its decision, that the strike showed "a disregard of the orderly processes of the Board and an unwillingness to rely upon the machinery which Congress had made available as an alternative to the strike." The Board also said that the strike "contributed materially to the prolongation of a dispute which the Board could otherwise have decided many months ago." Moreover, the 1945 strike was called during wartime, in violation of labor's no-strike pledge; it was in violation of the contracts with producers under which the internationals of the striking unions agreed to resolve jurisdictional disputes by discussions among the international presidents; and the strike was declared illegal by the president of the painters' union and by the American Federation of Labor.

The 1946 strike was called in violation of the Cincinnati 1945 settlement agreement; in violation of a solemn arbitration award; and it was purportedly supported by an illegal and void "clarification" and "interpretation" which were forced through the executive council of the AFL by the internal power politics of William L. Hutcheson, international president of the carpenters' brotherhood. It was in violation, also, of the "treaty of Beverly Hills," July 1946.

The congressional committee will undoubtedly examine the appropriate witnesses and documents in support of the foregoing.

IV. The jurisdictional strikes against the IATSE, particularly in 1945 and 1946, were conducted by the CSU, the Communists, and their allies with a maximum of violence, disorder, and violations of law, and of court orders.

The congressional committee will certainly obtain the records of the producers, the CSU, its allied organizations, and of the local law-enforcement officials, from which will be gathered proof in support of the foregoing.

V. Since November 1941 the IATSE has been democratically operated in compliance with its constitution and bylaws and the laws of the land; its top officials, pursuant to its laws, have been duly and democratically elected, its representatives have been legally appointed; and its affairs have been honestly run.

VI. The livelihood of IATSE members not only in Hollywood, but throughout the country, depends upon the prosperity of the moving-picture industry. On the other hand, the members of the CSU, such as carpenters, painters, etc., have work available for them in other businesses, and therefore they care little for the stabilization of Hollywood studio labor-management relations. Moreover, to permit other unions having relatively little at stake to control the studios, the source of all supply to the moving-picture theaters, throughout the country, would be extremely dangerous for the IATSE.

The CSU, being Communist-dominated, its ultimate purpose in seeking to displace the IATSE in the studios is to gain a foothold there in support of un-American doctrines.

Nevertheless, while the CSU strikes have been aggressive in character, the conduct of the IATSE has been purely defensive, necessitated by the CSU's repeated utilization of the strike weapon, violence and false propaganda as means of forcing compliance with its jurisdictional demands. These the IATSE has resisted and will continue to resist in conformity with the law of the land. The claim that there has been a conspiracy between the Producers and the IATSE to deprive any employee of work or any union of jurisdiction is entirely false.

I assume, in accordance with our understanding, that you will accept the foregoing statement in lieu of the uncompleted testimony of Mr. Walsh and Mr. Brewer in the Hollywood hearings. Kindly acknowledge receipt.

Mr. Luddy and I send you our kindest regards.

Very sincerely,

MATTHEW M. LEVY.

Mr. LEVY. I want to direct the committee's attention to the People's Daily World of Tuesday, April 16, 1940.

Mr. LANDIS. May I ask a question there?

Mr. LEVY. Yes, sir.

Mr. LANDIS. That will be included, but I wanted to ask the question whether or not you had any information on the People's Educational Center.

Mr. LEVY. Yes, sir. I do not have that with me. As I said, I did not know that Mr. Kearns was going to call me. I thought the arrangement was that when Mr. Brewer got through another witness would take the stand. But I will bring that the first thing in the morning.

[Indicating] "Peace or War Made Issue in May Primaries." And then the statement is made:

FRESNO, April 15, 1940.—Lines were clearly drawn in the California Democratic Presidential primary contest today, and on May 7 the State will go to the polls to vote on the most momentous issue of a generation, peace or war.

Then this statement appears:

Final stand, it was not easy travail, but with labor spokesmen taking the lead, step by step the convention moved to its final position which was expressed in the following terms: "We are definitely opposed to and cannot support the following actions of President Roosevelt and the Roosevelt admin-



istration, which are placing our Nation on the very brink of hostilities abroad, and are depriving our people of their liberties at home:

- "1. Repeal of the arms embargo;
- "2. Sale of planes, munitions, and materials to nations at war;
- "3. Extension of loans and credits to nations at war;
- "4. The sending of secretly instructed emissaries to nations at war;
- "5. The extralegal use of the FBI as a political and labor spy agency."

We will oppose the nomination of Roosevelt or any other candidate dedicated to the war policies herein complained of.

Then some discussion, and the following:

Herbert K. Sorrell, State president of Labor's Non-Partisan League, business agent of Moving Picture Painters Union, A. F. of L.: "Jack Shelley bet me a half-dollar the Patterson ticket couldn't get 15,000 votes in San Francisco. Of course, we can elect it in Los Angeles alone, and I am going to win that half from Mr. Shelley anyway."

In this People's World there is on the same page:

Johnnie Got His Gun, by Dalton Trumbo.

Anyone who listened to the Un-American Activities Committee hearing on Mr. Trumbo will remember what "Johnnie Got His Gun" meant.

And then also by Jack Young:

This Generation of Yanks Not Coming.

I ask that that be received as a reference exhibit. I will make a photostat of it for myself.

Mr. LANDIS. What is the date on that?

Mr. LEVY. 1940, during the period of the Hitler-Stalin pact.

I understand, sir, that the Committee on Un-American Activities has a dossier on Mr. Herbert K. Sorrell, and I would appreciate it if this committee would make inquiry of its committee of the House for the purpose of presenting that before the committee.

Mr. LANDIS. What is the name of that?

Mr. LEVY. Dossier on Herbert K. Sorrell, by the Committee on Un-American Activities of this House.

Mr. LANDIS. You do not mean the whole record?

Mr. LEVY. Just the dossier on Herbert K. Sorrell.

Mr. LANDIS. Yes; that will be all right.

Mr. LEVY. That is all that I have at this time.

Mr. LANDIS. We will adjourn until tomorrow morning at 10 o'clock. Mr. Sorrell goes on at 10 o'clock.

(Whereupon, at 4:15 p. m. an adjournment was taken in the hearing until Wednesday, March 3, 1948, at 10 a. m.)



# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

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WEDNESDAY, MARCH 3, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will come to order.

Before going into the statement of the witness, I have a telegram to read. I think Mr. Brewer received a copy of this telegram, but I want to put it in the record. It is addressed to me:

Newspaper accounts today have involved our organization in the hearings before your committee. During the many days in which I attended your hearings in Los Angeles, our organization was never mentioned in this connection. I am sure that had it been, we would have been given a fair opportunity to refute any charges made against us. In view of the fact that we are not in attendance at your present hearing, I am sending you a copy of the telegram sent to Roy M. Brewer as follows:

"Newspaper account here states that you have testified under oath that the motion-picture costumers are Communist-controlled and that I am an adherent to the Communist Party line. I am surprised and shocked to read such statements made under the cloak of congressional immunity against our organization, myself, and my fellow unionists. You are well aware that I testified under oath in 1946 before the Tenney committee that I am not nor never have been affiliated with the Communist Party in any manner whatsoever. Also understand that you stated that it might be well to force our officers to sign non-Communist affidavits. You are aware that our organization went on record in December instructing our officers to file such affidavits, and this action was taken at my request even though we had no action pending before the National Labor Relations Board. This action was duly published in our paper dated December 5, of which you have a copy. My non-Communist affidavit is completed and will be filed along with our semi-annual financial statement for the period ending February 1. This statement is now at the printers and will be filed with the National Labor Relations Board this week. All activities, expenditures and minutes of the meetings are published by our local monthly and are available at all times to our members, our international officials or to the Kearns committee. We invite you or the committee to question either Charles Boren or Pat Casey, both of whom I understand are in Washington, as to representations and activities of myself or our local in its dealings with them over a period of the past 10 years. Again I want to affirm that neither our organization nor any of our officials are in any way Communist-controlled and that I am not and never have been affiliated in any manner whatsoever with the Communist Party. I have never followed the Communist Party line nor am I a so-called Communist sympathizer, as I have opposed actively totalitarianism in all its forms including totalitarianism in unions, and I am willing to state under oath at any time. I am taking the liberty of sending a copy of this telegram to Congressman Kearns and am asking him to embody it in the committee record and am further

requesting that I be allowed to enter additional evidence in denial of these totally unfounded, absurd and malicious charges.

TED ELLSWORTH,  
*Business Representative, Motion Picture Costumers, Local No. 705,  
IATSE.*

Mr. BREWER. Mr. Chairman, I would like to say that I did not receive the telegram.

Mr. KEARNS. All I know is what it says here.

Mr. BREWER. But I heard his statements, and I hope his future actions will substantiate the statements that he made.

Mr. KEARNS. Counsel, will you read the other statements into the record?

Mr. McCANN. Mr. Chairman, a communication has been received by me as counsel:

DEAR MR. McCANN: Recently, while appearing before your committee in Washington, D. C., request was made that I produce data relative to authorizing the Hollywood strike as of March 12, 1945.

According to the records in my office, the strike was called March 12, 1945, at which time Herbert K. Sorrell, business representative of Motion Picture Painters' Local Union 644 called me via long-distance telephone asking strike authorization.

I thereupon proceeded to get in touch with the six vice presidents constituting our general executive board and under date of March 19, 1945, I telephoned Business Representative Sorrell that the strike had been officially sanctioned and authorized by the general executive board.

There was no written notice to this effect—but assure you—the strike was authorized by the members of the general executive board as stated.

Under date of July 12, 1945, we received a telegram from Thomas Ranford, secretary of Painters' District Council 36 of Los Angeles, Calif., that is attached hereto and that reads:

LOS ANGELES, CALIF., July 12, 1945.

L. P. LINDELOF,

*Painters and Decorators Building:*

Have been instructed by this council to charge several of our members for working behind motion-picture studio picket lines. Several have threatened suit. Reason not authorized strike. Please advise if strike is authorized by Painters Brotherhood.

THOMAS RANFORD,  
*Secretary, Painters District Council 36.*

My reply to the foregoing (July 13, 1945) is also enclosed and reads:

JULY 13, 1945.

THOMAS RANFORD,

*Secretary, District Council 36, Los Angeles Calif.:*

For the information of yourself and District Council 36 I herewith emphatically state that strike called by local union 1421 has sanction of general executive Board of Brotherhood of Painters, Decorators and Paperhangers of America and local union 1421 complied with Smith-Connelly Act before striking. Every assistance should be given strikers in Hollywood studios to the end that a speedy adjustment may be reached.

L. P. LINDELOF,  
*General President, Brotherhood of Painters, Decorators and  
Paperhangers of America.*

Now, Mr. Chairman, in addition to that, I have been presented with a statement which is notarized and which bears the title of Los Angeles County District Council of Carpenters. This has been furnished by Mr. Cobb and he asks that it be made a matter of record at this time.

Mr. KEARNS. No objection.

Mr. McCANN. It is dated March 1, 1948. (Reading:)

Mr. ZACH LAMAR COBB,  
*Attorney, Washington, D. C.*

MY DEAR MR. COBB: This is to advise you that Willis J. Hill, who held membership in Carpenters' Local Union No. 634 and was an officer of that local, was charged in this council by the undersigned with giving aid, comfort, and support to revolutionary organizations or to organizations which try to disrupt or cause dissension.

A regular trial was held and the trial committee in his case found him guilty as charged and he was expelled from our brotherhood.

Very truly yours,

EARL E. THOMAS, *Secretary.*

STATE OF CALIFORNIA,  
*Los Angeles County, City of Los Angeles:*  
Sworn to before me this 1 day of March, 1948.

[SEAL]

WALTER R. MCCOY, *Notary Public.*

My commission expires July 25, 1949.

Mr. LANDIS. Does it give the date that he was expelled?

Mr. McCANN. It does not, sir. I have read it exactly as stated.

Mr. KEARNS. Does that complete the documents you have?

Mr. McCANN. That completes the documents I have, sir.

Mr. KEARNS. Mr. Sorrell, will you stand and be sworn? You were sworn before me, but since the additional committee has come in, I will ask you to be sworn again.

Mr. SORRELL. Yes, sir.

(Mr. Sorrell was duly sworn.)

**TESTIMONY OF HERBERT K. SORRELL, PRESIDENT, CONFERENCE OF STUDIO UNIONS; BUSINESS REPRESENTATIVE, PAINTERS LOCAL, NO. 644 (Recalled) WITH WHOM APPEARED GEORGE E. BODLE, ATTORNEY FOR MR. SORRELL**

Mr. KEARNS. Do you have any statement you would like to make?

Mr. SORRELL. Yes.

Mr. KEARNS, there have been so many assertions and assumptions and analyses and so much hearsay that I am a Communist that I would like to outline as much as possible, go through it as fast as I can, because I have a tremendous lot to say here. I have a lot of things that need to be read into the record.

I have had a little trouble with one eye since I got here, and I wonder if I could have my attorney sworn in so that I could have him help me do the reading. Would that be possible, or must I go through all the reading?

Mr. KEARNS. I have no objection.

Mr. SORRELL. I want him to help me read in some of the material.

Now, I am going to cover as much as I possibly can in a preliminary statement in which I hope I will not be interrupted too much.

Mr. OWENS. You will not be interrupted at all.

Mr. SORRELL. I am going to skip a lot. I will not be able to tell you the first time over, but I purposely skip a lot of things because I do not want to repeat when we put in evidence. At least, I do not want to do like Mr. Levy. I do not want to make an opening statement and then make another statement and put it in and then make another statement and tell about it. I realize that my time is limited for the

11 years I have to cover, and I want to do everything as concisely and as quickly as possible.

Is that satisfactory?

Mr. KEARNS. Yes.

Mr. LANDIS. Now, wait just a minute. Do you object to the committee's stopping you? I mean, I think you should have no interference from the outside, except from this committee.

Mr. SORRELL. Not at all.

Mr. LANDIS. As far as we are concerned and our committee is concerned, your time is not limited. I want that clear, that you can present your whole case.

Mr. SORRELL. I do not mind at all, as long as it is a constructive criticism or a constructive question. I will try to clear it for you, because I am not a college graduate, I never went to college, and I may not be able to express myself as intelligently and as clearly as these high-priced lawyers that have been on the witness stand previous to my getting here.

Mr. KEARNS. Mr. Bodle, will you stand and be sworn?

Mr. BODLE. Yes, sir.

(Mr. Bodle was duly sworn.)

Mr. KEARNS. You may proceed, Mr. Sorrell.

Mr. SORRELL. Now, I want to say for the record that I was born in Deepwater, Henry County, Mo., on April 18, 1897. My mother was born in Illinois; my father was born in the northern part of Missouri. My mother takes great pride in tracing her ancestors back to the *Mayflower*. I am told by my father that his father was a Senator from Missouri.

I am an American, first, last, and always. So we will get that straight.

My father, when I was first born, worked at a factory in Deepwater, Mo. They organized a union. They had a strike. The company imported Negroes to break the strike. My father was more or less a leader of the strike. They ran the Negroes out. And this is hearsay. This is what he told me. They ran the Negroes out of town. They probably killed some of them, drowned some of them. No Negroes ever came to that town any more to stay overnight. So I did not see a Negro until I left that town. They won that strike.

There was another strike that happened while I was still very young, and that strike was broken. The men went back to work. My father never went back to work. Instead, he moved away. After that, he always worked as a superintendent or he ran factories, part of the time for the same company where he had worked previously. I heard him say many times, "If you can't pull the men up with you, pull out and leave them."

Now, another thing that my father always warned me was, "A liar is worse than a thief."

I do not think that you can even get my enemies to say that I am a liar, and I know that you will never get me for perjury. I will tell the truth whether it hurts or whether it does not.

When I was 12 years old, my home was broken up, and I had to go to work to support my mother and brother and sister. I received what at that time was a man's pay, \$13.75 a week. I worked for over 2 years. I worked in a factory among a group of Portuguese people, some of whom were very nice and some of whom were morons. One

fellow in particular chose to whip me about twice a week. If I did not do my work a certain way, I got a beating. If I did it the way he told me, another fellow licked me. I was in between. I was where the producers say they are.

This went on for a long time. Other people remonstrated with these men, but it did not do any good. One day one of them came up to whip me, and I knew it, and I grabbed a shovel and I went after him and I sent him to the hospital. A few hours later, the other man—and I have to explain the work just a little bit. I had to pick up clay sewer pipe, turn them over, set them down on the other side. The sewer pipe weighed as much as I did at that time. It was hard work. The rest I got was picking up the boards that the sewer pipe set on. Now, these boards were about 10 inches square with cleats under them and holes in them to let the air circulate. The other man that I was working with would spit tobacco juice all over these boards. I asked him not to do it, and I was right behind him picking them up, and I again asked him not to do it, and he turned around and kicked me. And when he kicked me, I went down right into the spit. I picked up a board and I beat him up. I sent him to the hospital.

From that time on, and that goes for yet, nobody bullied me into anything. Now, when I make up my mind I am right, I am willing to go all the way. I can be convinced that I am wrong. I have changed my mind many times, but I tell the whole world about it. I think that that is the way to do, and you will find that that is the policy that I have followed ever since.

Now, later I became a shipyard riveter.

Another thing my father always did, he tried to do everything the best and do the most. And I had that instilled in me when I was young, and I won prizes driving rivets in a shipyard. I did not believe that this country should go to war with Germany. I was opposed to that. But once we went to war, I wanted to go to war to see the fun. I really did not think it was right that we should go to war, but if we were going to be in it, I wanted to be in the fight.

The shipyards put me in class II-D. That was industrial exemption. I carried a class I-A card. We had strikes in the shipyard. I was picked up in one of these strikes and taken to jail, but not put in jail, but taken before the judge immediately without going to jail. And I do not know whether I was booked or not. I explain some of my criminal activities, now.

The judge gave us a lecture about stopping work in wartime. I pulled out my class I-A card, and said, "Let me go to war. If we have to go to work and make money for people, I want to make them for my kind of people, too." And I gave him a talking to, and he turned me loose.

Now, I do not know about that. I hear that my criminal record is going to be brought up here, and I mention that because that is one of the crimes that I committed that I do not know whether is on the books or not.

Now, eventually I quit the shipyards and worked under an assumed name in order to be drafted, because you could only join the Army as an engineer and go up and cut spruce. And I wanted to see the fight. They found that I was working under an assumed name, and again they put me in class II-D.

After many months, thinking that I was in class I-A, I found out what had happened; so I quit altogether and I was finally drafted. But just when I was drafted, I think on the 8th or 9th of November, 1918, the Kaiser heard I was coming, and he called off the war.

I explain this because it was not my fault that I was not in the fight.

Now, later, and I do not know the exact date—it could have happened between 1919 and 1923, because I left Oakland, Calif., in 1923—I was approached and invited to attend a Ku Klux Klan meeting. I attended that meeting, and it was very impressive. They had drill teams and they stated the things that they advocated, and the things that they told me were that you had to be a pure 100-percent American; you could not have any allegiance to anything but the American flag. It seemed to be fitted for me. You had to believe in the Bible; you had to be a Christian. They pictured it as a very fine organization.

I decided to join. Then I happened to think that I had a very good friend that I would wait until the next week and bring this very good friend in with me. Then I happened to think that this very good friend—and believe me, he was the kind of friend who would split his last dime with me, and I would with him—he was a Catholic, and Catholics were not allowed to join the Ku Klux Klan because they claimed they had some allegiance to the Pope or something, who was a foreigner.

Now, I could not join the Klan because I had a friend who was a Catholic, and it would have been an insult to him if I did. If it had not been for that, I would be a Klansman today; that is, I would have been a former Klansman.

I explain these things to you, because I want you to know that I am not holding back anything. If I joined the Communist Party, I could just as well tell you, because there is not anything you or anybody else could do with me at the present time. You could not deport me back to Missouri, because that is one of the States. There is no law against belonging. There is no reason why I should not belong to the Communist Party if I so see fit.

I tell you now, so that you will not be in any suspense, that I am not now nor never have been a member of the Communist Party. I say that under oath. As you see as I go along, you will understand exactly the reasons for the things I have done. I will expose the filth in the labor relations of the motion-picture industry. I have never had an opportunity before.

My name has been dragged in mud throughout these United States as a Communist, as a subversive element, and people who have known me all my life think that something is wrong and they do not understand it. People who have fought me have had access to the press. I have not had it. The people who have advertised these things carry huge—pages, I will say—of advertisements in all the papers throughout the Nation. They have a large staff of publicists. They get their word out much better than I do.

Now, I am glad to have this opportunity to begin to clean up the situation and expose those racketeers who are responsible for it. I do not mean to pull any punches. I mean to expose them. I am going to call names and I am going to call names who are high in your Government offices.



Now, I went to work in the motion-picture industry in 1923. When I went to work in the motion-picture industry, up until that time, I had been more or less of a rugged individualist with one thing in mind. That one thing was that if I made enough money I could have an easy time in my old age.

I made considerable money a couple of times, and I had it taken away from me, because there was always somebody a little bit smarter than I was: and, in order to make money, you had to plunge, you had to gamble; and you always plunged one too many times: and, whenever you did, you would lose the money.

I sold my business in Oakland, Calif., my painting business, and came through Los Angeles expecting to make a little visit and then go on some place to a small town of probably 25,000 and start up in business again.

I have been an employer. I know that side. I have employed many people. I know the problems an employer has. I feel that I know that, and I hold no prejudice against employers or people who hire men to do the work. It is a necessary thing, and, having been one, I feel that I know that end of it.

I went to work at Universal Studios. I walked in there to see how pictures were made. I had to crash the gate. I met the boss; first, I saw painters in there, and that surprised me. I did not even know they needed painters in motion pictures.

I met the boss and asked him for a job. He said he did not need anybody, and I said, "I do not need a job, either. I have just sold my business and I am traveling, but the only reason I thought I would like to have a job is to see how pictures are made."

He said, "If that is all you wanted, you can work today and tomorrow."

That is all I wanted. He put me to work. I worked all that day until 8 o'clock that night. I worked all the next day until 8 o'clock the following night, and continued to work that way all the rest of the week.

On Saturday I went in and told him that I understood they only paid up to Thursday on Saturday, and that my folks were in a hotel down in Hollywood, and that I wanted to move on, and I wondered if it was possible for him to pay me up to date.

He said, "No; I do not want to pay you up to date." He said, "I want you to stay here."

I was not particular about staying, but even working 12 hours a day was much easier than the contracting business I had had where I had to get up early in the morning, work all day to see that the men were going, and after they had gone home, work half the night. It was like a vacation. He asked me to stay. He said, "Am I paying you enough?"

I said, "No." So he paid me more.

I said, "I have my folks over in a hotel."

He said, "I know where there is a furnished house."

I got in his car. This man's name is Van Alstine, if you want to check on it. I got in his car. We went over to the hotel. We got my folks. We took them over and put them in this furnished house, paid the rent on it, and he took me back to work.

That is how I got to work at Universal Studios.

Now, I begin to learn something. In the first place, I got acquainted with an Italian by the name of John Patriarca. Old John was a great old guy. He was an Italian. I think he was a naturalized citizen, but he could not talk very well, and it was very hard to understand him. At first I resented it, because at that time a foreigner was—he might as well have been an animal to me. A Jew was—well, he was a pawn-shop proprietor or he was a clothing merchant or he was a big-business man, far removed from me. And I had these—not exactly prejudices; I had an open mind—but I did not understand these people.

I went to John Patriarca's home, and I found out he was working for the same thing that I was. He was raising a nice family, he wanted to see his children go and be well educated. In fact, other than his language, he was just like me. I liked him.

There was Ben Simons. Ben Simons was a Dane. He had come to this country and brought his family, and he was a very important sort of a man. He wore a goatee, an excellent artist, but a foreigner, talked broken. Mr. Simons, we used to call him, because he was so dignified. Nobody ever called him by his first name. It was always Mr. Simons—had two boys who also worked in the motion-picture industry as painters. The two boys have worked there ever since, until this black-out, and they have not worked during this black-out, and they are not Communists.

Mr. Simons was so dignified, yet, although he weighed much over 200 pounds, if he would get tickled and exulted about something, he would tip himself up and walk around on his hands.

That attracted me because I had always been a bit athletic, and I liked that. I went to his home and I learned how he lived, and I learned to love that guy, too.

There was a couple of little Jews, Harry Abels and Jack Holen. They worked together. They fought all the time. They worked hard, but they fought all the time, and anybody that stepped in between them got the worst of it. They were Jews to me. I didn't want to have much to do with them at first. But little Jack Holen, he was the cleaner of the two and the smaller of the two, although neither of them were very big, and somebody picked on him one day and I took his part and I became a friend of his, and he came over to see me, and I went to see him, and I found out he had a daughter and a son and a home, and he also had a fruit market, and he would get up at 3 o'clock in the morning and go to the wholesale place and bring back fruit to the market for his wife to run.

Then he would work all day and sometimes until 8 o'clock at night, go home, and do more work in the market.

He was a slave. No wonder he only weighed 110 pounds. He could not pick up anything. He was working to bring himself up to a standard where he could put his boy through college, own his home, and have the things that most of us want.

I found that underneath this shell was a guy just like me. The other little Jew was one of these particularly nasty little fellows. He would come up to me and he would slobber when he talked. I could feel the spit hit my face when he would say, "Herb, Herb, give me a cigarette; got a match; vat time is it"; I did not like him.

This was much later, but while I was working in the studios I had a streak of very bad luck. My wife went to Michigan, and while

there she was very seriously sick. She had to have blood transfusions and was lots of trouble. My father was killed. He lingered on a month. He was killed by an automobile. He lingered a month, and I stayed that month by his bedside.

I came back to work and I was broke, but I did not say anything about it, and this little guy who had spit in my face for years was the only one of over a hundred men that came up to me and said, "Herb, Herb," and I expected him to say, "Got a cigarette"; but instead, "you must be broke; you must need some money."

I said, "Yes; I'm broke, and I need some money, but I don't want to borrow any. I want to pay what I owe."

He says, "Well, maybe you need some now. I got some money and I want to give it to you."

I took his money. I went to his home. I found that he had two boys and he was struggling to put them through college, and he wanted to make good Americans of them.

These things I tell you because I made up my mind, from working in the studios with these people, that anything that I could do to benefit those people I was going to do it, because in doing that you make better citizens, better Americans, and you do not necessarily have to be born here.

I was in a minority group when I worked in the sewer-pipe shop, when I got kicked around, and I had to fight my way out. Some of these people are minority groups, because people are ignorantly discriminating against them because they happen to be foreign-born, even though they come over here and make good citizens.

I worked in Universal without losing any time except when I stole the time off or just refused to go to work sometime in 1926; I do not know the exact time.

Now, in 1925 the vice president of the painters' brotherhood held a meeting to organize the painters in the studios. I heard about it. And they supplied a barrel of beer. This was in the times when it was outlawed. You know, you just were not supposed to drink beer and whisky in 1925.

I went to the meeting because I had belonged to the union and I had to take out a withdrawal card because I became a contractor, and I went to the meeting, for one reason, to see if they really gave the beer and, for another reason, because I could see that was one way that we could raise the standard of living in the studios. I joined the union that night. I was very proud of my union card.

In 1926 the boss made a tour and he asked everybody if they had a union card. Some of the boys said they did; some of them that did said that they did not.

He came to me. I will never forget it. I pulled out my union card and I said, "You bet I have got one, always had one: when I was in business I always hired union men, and I am very proud of it. And if you do not belong to the union, you should," I said.

In other words, I could be called an organizer, because I believed in the union, and my father had believed in the union, and I saw no reason why we should not all belong.

I was fired because I was honest enough to tell them I carried a union card. I went to other studios. When they fire me for carrying a union card, I go to other studios and get new recruits. Pretty soon

I was fired out of all the studios. That did not bother me as far as making a living is concerned, because I was a mechanic, and I never worked for the wage scale, I always get more. And I went to work for an outside firm, Arans & Warne. I worked for Arans & Warne about 6 months, but I never missed a week attending my union, and I knew what happened, I know what pressure was on, and I think I am going to be very frank and tell you some of the pressure we put on in trying to organize the studios.

Now, you have heard here someone says historically the IATSE had all this work, and all this and that. There was not any IATSE or anybody else in there in 1926, because we all got fired. And what had been before, I do not know anything about it, but I do know what has happened ever since.

We had a little gag, and I will probably get hell for telling you this, but at that time the studios did a lot of their work in the sunshine. They would have locations, go out along Hollywood Boulevard, Vine Street, nearby places, and shoot the exterior of stores where they could get the benefit of the sunshine. Some of us thought it was our duty, because we were discriminated against by the studios, to disrupt these places. My duty was to go and represent myself as a union organizer. I was not getting paid or anything, but I was a union man. And I would say, "I want to see your union cards."

If the cameramen did not have a union card, and that is an IATSE card, then as well as now, and if the grips did not have a card, and so forth, we usually ended up by smashing the camera. I know that is admitting something that I should go to jail for, but I never went to jail. Why, I don't know.

We smashed the camera, and that stopped the company, and the company had to go back to the studio.

Now, later, in 1926, an agreement was made, the first agreement with the studios, and that agreement was not for wages or hours. The only agreement was that they would not discriminate against union men working in the studios.

I went back to the studios. I like studio work. In fact, there is a little story, and I think I will take time to tell about that.

The boss that I worked for had about 300 men, and I found that they were graded in seniority and ability, and I found only two men graded ahead of me in seniority and ability, and they were getting a dollar a day more than I was, and I said, "Look, I want that dollar a day."

He said, "Well, you know, we have only so many \$6 a day, so many \$7-a-day jobs, a few less \$8-a-day jobs, a few less \$9-a-day jobs, and very few \$10-a-day jobs."

I, of course, was getting \$9. "I want the 10. If you don't have the work, that's all right, I will work some place else."

He gave me the 10. He worked me Monday, Tuesday, and Wednesday and told me to lay off Thursday, Friday, and Saturday and come back Monday. On the couple of days that I was off I dropped into a studio where I knew the foreman, and he asked me if I would work those couple of days. I said I would. I worked those couple of days.

He said, "We will pay you the \$10 if you stay here." So I was then privileged to go back and tell the employer who had laid me off for a few days that it was his hard luck, that I was leaving, and

I would not be back. I never went back to work for him. I worked in the studios from then on.

The union grew in importance because a lot of the men did not realize what good it was to them, but it grew in importance because they would choose the union men to go on the locations so they would be sure to not have any interference. We organized into a local which, if I remember right, ran about 500 or 600 people. In 1933, as has been testified here, the IATSE pulled a strike. Now, I have heard both sides of that story. I have heard all sides, and I do not intend to try to tell you anything about that. Maybe it was jurisdictional, but maybe it was not jurisdictional, but they pulled a strike.

And this is the way they pulled that strike. They sent the men telegrams not to go to work. They told them to stay at home, go fishing, have a good time, and, if the producers did not capitulate, they would pull the operators out of all the theaters throughout the Nation, and they would shut her down and they would win. There was no picket line established. I never went through a picket line in my life but once, and that is when I came out of the place, out of my office where they established a picket line. Brewer's men established a picket line in front of my office, so I came out and went through it.

I did not go back to the office. I did not give them the privilege of saying that I had even gone through a strikebreakers' picket line. I did my business from another office.

So in 1933 I did not lose a day's work, because there was not any picket line, and we just waited. In a few days the men began to drift back to work.

You understand, that was open shop. It is true that in places the carpenters did the grips' work. This I know, because I was on the sets and I saw it. At that time the staging around the sets, where the lights are set to pour it down into the sets, they were not hung as they are now. They were constructed, and they were constructed by grips. The carpenters constructed those.

Some of these carpenters belonged to the union, and some did not, and they were out to the gate to hire people in open-shop conditions.

The grips automatically got a raise because they hired in as carpenters, and carpenters were getting a dollar a day more at that time than the grips and the electrical operators.

It has been mentioned here, the assemblage or the erection of staging was given to the grips; the carpenters could not claim the erection of staging; the erection of staging is assembling the stage, which is hung by chains from the roof; and, of course, there are nails driven on braces and planks to connect them.

I just want to bring that in, and I really should not depart that far from what I have to say.

Now, I think you can find where Walsh testified, and I think it has been read into the record, that the IATSE could not even get a laborer on the job when they go on location. They were impotent.

Now, then, in 1935—1934 or 1935, and I am stating this completely from memory—the IATSE made a deal with Nick Schenck as heading this deal, and this is where the conspiracy started; Nick and Balaban had been dealing with George Browne in Chicago. George Browne had a very firm hold, and he was a very liked man. People liked George Browne. He made deals with the producers for their work in

their theaters, and he controlled them pretty well by all of the projectionists belonging to his union.

I am not going into that. There was a lot of graft at that time.

When he became president of the IATSE, he naturally went to his friend, Nick Schenck, who is the general when it comes to the bosses in the motion-picture industry; Nick Schenck is the general. He made a deal with him.

Consequently, the IATSE—or signs were posted. There was also the basic agreement crafts come under a deal, and signs were posted that the men must show a paid-up card in the IATSE, and so forth, on a certain date—and they were signed by Pat Casey—or not report to work. It is a beautiful way to organize.

By Walsh's own testimony, less than 200 men in the studio, IATSE men, when we painters had two or three times that much, but we got nothing, but they got a closed shop.

Now, it so happened that that was the most destructive thing that could have happened to the workingmen in the motion-picture industry. There was no meeting. The business was run by Willie Bioff. He was appointed by George Browne. He was never elected. And I think that we can show that he never carried a union card in his life and never was a product of labor. He was a filthy panderer. He was rotten to the core, and we will prove that.

But he was appointed by Browne to come there and run motion-picture labor. He received a 10-percent raise. Immediately he absorbed a lot of jurisdiction that no one in their right mind should think that he should have.

It looked good, 10 percent, everybody was tickled. But what happened? They took in 50 percent more members. The high hourly wage looked so good that people rushed to join the union, and they took their money. The consequences were that wages would go up 10 percent; men who worked in there steady and made two or three thousand dollars a year now sit by their telephones and waited for a call of maybe 2 or 3 days, maybe 3 or 4 hours. Men who had worked steady all the time—suddenly their earnings per year dropped from three or four thousand to eight or nine hundred. It did not work out so good.

For a few, yes. A few people in key positions benefited greatly. Production costs were being whittled in spite of the fact that the men got a larger hourly rate.

Competition was terrific, because when they would get in there they would pile over each other and just ravenous to get an extra day's work, at first.

Then wages went up another 10 percent, and more people joined the union. In the meantime—I was a painter at the time—I was working on the sets, all of the union halls were supposed to supply new, all they wanted on a minute's notice. Our conditions were affected also.

Now, there was many of the crafts, not only the painters, who did not get either of these 10 percent raises. And I think that there were about 12 crafts. I could name some of them offhand. I do not have them before me, but there were the painters, the scenic artists, the make-up artists, the machinists, the molders, the sheet-metal workers, the craftsmen who are now called set designers—no carpenters; carpenters got one 10-percent raise, but they did not get the next one.

I cannot think, but there were a number of crafts that were being pinched out of this. They were discontented.

The IA were discontented, and our people were discontented, too. We formed what was called the FMPC, Federated Motion Picture Crafts. All that was was a conference of union heads. The actors were a part of that group. The actors were not recognized at that time, either.

Kenneth Thompson and Audrey Blair were in charge of the actors, and I understand they went to New York with our boys and tried to get something and got nothing, and eventually it wound up we went on strike.

We went on strike April 30, 1937. The actors got a union-shop agreement, and everyone who was an actor in the studios had to join their union, and so, consequently, they did not go on strike, but they felt sorry for us, so they sent us \$500.

Now, this strike lasted from April 30, 1937 to June 10, 1937. I am quoting these things from memory, but I lived them. I know that that is a fact.

As soon as we went out, Bioff and Browne said we were Communists. I think that we have clippings here to show that at that time the papers, through the papers and every place, we were called Communists and disrupters, and a man by the name of Charlie Lessing, a scenic artist from New York, came to be more or less the head of the group. And he was accused of slandering people, and they said if he got out they could settle it.

And Bioff said when it was settled it would be settled in his office, and so forth.

The studios pretended to be in a position not to quote their own minds, but that they were in the middle; they are the greatest people in the world for being in the middle. They put themselves there.

This strike was very vicious. We had the underworld connected with this strike to such an extent, we had a fellow by the name of Nitti, Frank Nitti, who seemed to carry the most dough and have the most connections, even more, I would say, than Willie Bioff. Bioff was the spokesman appointed by Browne, but Nitti was the under-cover man, so to speak. Now you say, Where do you get your information? I am not going to get a chance to give you all the information I knew about Nitti and Bioff, but Nitti paid the bills to the goons that they brought in from other towns.

Now, they made a mistake. I can say now that they made a very serious mistake when they went down to the gymnasiums in Los Angeles and hired a lot of old pugs. These old pugs scare people because they get their ears all rolled up, and so forth, but you understand when a man has got tin ears it is because he is softened up and he is not too good. Some of these men knew me because I used to do a little boxing, too.

I had a pipe line through these fellows, and they would tip me off to the moves that were going to be made. They would meet in the Taft Building, and they usually started from there.

I can say very clearly that I am not the kind of a fellow who is going to set like a pigeon and let somebody bump him off. So when I got word, and here I think I skipped something that I should put in the record.

I was not an officer at the start of this strike. I was not an officer during this strike; but they made me a captain of the Warner Bros. picket line. The first day I walked continuously from 6 o'clock in the morning until 7 o'clock at night. There was an ordinance throughout southern California, and all these cities around southern California, that you could not picket across a driveway.

Now, it so happened that all the studio gates are driveways. So they told me about 9 o'clock the first day of the strike that we had to disband the picket line.

I said, "I won't do it. If you've got men enough, you take them off, but I won't do it. You tell the chief of police to come out and see me."

I knew the chief of police of Burbank. His name was Elmer Adams, and this you can check. He came out to Warner Bros. studio, and he drove right through the picket line. You understand, we had a mass picket line, but we let people through. He drove through the picket line, and then he came out and he said, "Herb, you will have to disband the picket line, because there is an ordinance that you cannot picket across a driveway."

I looked Elmer Adams over and I said, "Look, Elmer, see all these people across the street." and there were a couple of thousand. I said, "We came out here to win a strike. We will do it the hard way or we will do it the easy way. If we have to take the picket line off, we are going to chase all these people out of the neighborhood so they do not come into the studio. Now, it is probably going to be a riot, because if anybody tells me I have to do something, I am going to fight, and I expect these people to do the same thing. If you think you have got enough people here to handle the situation, you give me the word, and I will go to work."

Elmer Adams thought a little bit and said, "Go ahead and picket; it's public property; and I will have to get a ruling from the city attorney or something."

So we continued to picket Warner Bros.: very good.

That night I went to a meeting, and they made me picket captain over all of the studios, general picketing captain.

You understand, the main reason for calling this strike was not because it was Communist, but because we were 20 percent behind. We had a cause, and we wanted a closed shop like the other people. We did not have it. Our men would be laid off and others brought in, efficient sometimes, and sometimes no efficiency at all, but to keep us off guard. We wanted to stop that.

As soon as I became over-all picket captain, we started to picket all of the studios, driveways or no driveways.

I had a number of conferences with Major Shaw and Chief Davis of the police department. They took me for a ride one day and showed me how the teamsters were picketing back and forth on the sidewalk but not across the driveways. I could not help that. I refused to pull the pickets off, and I said we would fight for our rights, and I felt that that was one of our rights, and we had a man by the name of Bill Heinz—we called him "Red" Heinz—who was in charge of strikes and such as that, and he pulled a very foolish trick. He drove with a squad of men, he drove the picket line off the Lemon Grove gate at Paramount, drove them right out, and saw that everybody came through.



So we had, you know, just like a wrestler, you get a hold, the other guy gets a hold to break it.

So I contacted a lot of people and they drove their automobiles down to the end of this blind street, and they could not get back because people piled in behind them. They did not only pack that street, but they packed the street crossways.

There was a fire station; there is a fire station on that street, and finally it was blocked, and people turned in the fire alarms and they could not get out.

We finally came to an agreement that if I would clear the streets they would allow the picket line to go on.

We picketed for the full 6 weeks.

I got off the track a little bit to show you why I came to be one that was sort of in the lead. When my friends would call me and tell me that we were to be attacked at a certain place, we formed our strategy; we did not wait for them to attack us; we went and attacked them. We went to their hotels when they were having a meeting, and we would catch them coming out and we would slaughter them. That is, we never carried a firearm, we never carried anything but our fists, but we knocked the devil out of them. We would report to the police, and the police would not do anything about it. So we had to do it ourselves.

Frank Nitti himself had a large group of men who were particularly going to take care of me one day, and they came out of the Taft Building. I was tipped off, and, instead of waiting to be picked off, we met them at the Taft Building and surprised them. It is probably in the police records.

Now, understand, I am telling you something that I was not convicted for. I am laying it bare. We took those fellows, and I told one of my friends to put his hand on Nitti's shoulder so I would know who he was, and I think he did, and I think he was very well taken care of.

Maybe I have not explained who Frank Nitti was. My attorney says maybe I have not explained it. I cannot explain too much; I do not want to go into too much detail.

Frank Nitti was one of Capone's boys. He was high up. And he was one of the worst people. He was not one of the loud-mouthed ones like Willie, but he was one of the bad boys.

Mr. OWENS. He was high up and low down at the same time?

Mr. SORRELL. He was high up among the low-down people.

Mr. OWENS. How tall was he, and how much did he weigh?

Mr. SORRELL. You know, I do not know, because it did not matter to me then, because—here is another thing—I had just turned 40 years old on April 18, and I thought that a man was all done at 40, he should not live any longer. I had been told that a man's activity was gone, and from 40 on he was done, and I was through living, and lived a good life, and I raised a couple of children, and they were big enough at that time they could take care of themselves. And I felt I had a job to do, and I felt at that time that I would be killed before I got through, because I realize you cannot live by the sword but what you will die by the sword.

Mr. OWENS. You do not believe with Mr. Pitkin that life begins at 40?

Mr. SORRELL. No, I don't. I think if I were to die tomorrow, I have had a good, full life. I have lived far enough that it does not matter.

Now, I want to say that a lot of this will be brought out by the things that I will have Mr. Bodle read. They did everything they could to plague us. We had our union offices at the corner of Wilcox and Santa Monica. IATSE also had union offices in the same building. They suddenly decided to use those offices to hire men to take our jobs. They put ads in the paper; and the ads in the paper said to come to that address for union jobs, they would give them a union card and send them into the studios.

I came up once at the request of the laborers, and I think it was Lou Helms that asked me to come up there. He said, "We have got to capitulate, and our executive board is meeting."

I went into the executive board, knocked at the door, and they let me in, and in there was Joe Touhy telling them, "You have lost everything, fold up, pick up the pieces, start all anew," and those were fighting words for me.

Joe Touhy, they let him out the back way. I said, "What do you mean, quit?"

He said, "Look at those people."

At this time the IATSE did not have a laborer in the studios. But they said, "Look at those people, the stairs are jammed, the halls are jammed, those people are being sent out to work to take our places. If we do not go back, we will never get back."

Mr. KEARNS. What year was that?

Mr. SORRELL. That was in 1937, during the period of the strike in 1937.

I said, "Lou, you come up and take a look at that place in 30 minutes." I wedged my way up to the office. I got hold of four or five fellows. There was a hunch-backed fellow there and I said, "You go across the street, and when you see all these people come that I am calling up, you sit down. That will be the signal for us to start from within, and we will clean this place up."

I called up people to come to catch these people that we drove out, because we were going to clean them up. There were over 200 people there.

Mr. OWENS. Were they not your own people?

Mr. SORRELL. No; they were not our own people, it was Skidwell bums, and trash, and God knows what. They would come there for jobs to take our places in the studios. The IA had their office there, and they were supplying not only cards but jobs.

Of course, the guy sat down too quick, but we emptied the hall.

This is a fact, that two or three men—or there were five in this case, organized men—can do a lot of things, and believe me that does not only go for fighting, four or five Communists can do a lot of things too.

But in this case we emptied the hall, and the ambulance made 19 trips hauling them away.

So you see, I told you, or I tell you the facts, and I am not pulling any punches. We had to fight for everything we got. Finally, I was at a meeting at this same hall, and believe me they did not hire any more people there, but I was at a meeting at this same hall one night and Lessing came over to speak to us, and when he went to go away he was picked up by the police. It was reported to me immedi-

ately, and since I had worked very good with police in this way, that if a striker got drunk or a little unruly, and they took him in, and I got there before they booked him, they would turn him over to me and I would see that he was taken off the picket line and kept off. And in turn, if an officer got out of line and unbearable, I would report him, and they would transfer him some place, and put another man in his place. We had a sort of working agreement.

So when they reported to me that they had picked up Lessing and some of our boys, and took him to the police station, immediately I went to the police station.

When I got to the police station I said, "There are some of our boys here," and they said, "Go around here," and I went around, and there I found Blayney Matthews. He is the chief of police of Warner Bros. And he had Mr. Lessing in handcuffs. Some of the other boys had handcuffs on. There were four or five of them. And they did not have enough handcuffs to go around.

"Well," I said, "what's this?"

And Blayney immediately says, "Pinch that man."

Well, none of these officers wanted to pinch me because I was not doing anything. I was used to coming in there, and they did not do it. So Blayney tried to do it himself. At least he tried to push me around.

Now, it is natural for a man to protect himself, so he made a run at me, and I pushed him very gently in the face.

MR. KEARNS. Let us have order, please.

MR. SORRELL. He made another run and I caught him by the arms, just as a boxer will to protect himself, but he was heavier than I was at the time, and the floor was slippery. It was a tile floor. And he shoved me down the hall, and I stepped into an office. And when I stepped into the office he pushed me until I felt my legs touch a desk. And you know that is no business, you cannot be pushed across a desk. So I quick whirled and, you know, I let him have it. There was a man sitting behind the desk, a lieutenant, who was kicked off his chair. The typewriter, the telephone, everything was cleared up.

I held Mr. Matthews down close to the desk so that he could not hurt anybody. And then one of the officers came in with a spring leaf that he had gotten out of a car that they had picked up, that you change tires with, it was an old Cadillac, and he swung that on my head. When he did that, I wrung Blayney's neck.

Of course, I had to duck and roll, and I took the spring leaf, and threw it over to one side, and I said, "Look, I don't want to get hurt; I don't want anybody to get hurt, but more than anything else, I am not going to hurt."

So I said, "I don't want to be resisting an officer, and I am willing to go along, but I will take none of this pushing around."

I was handcuffed and put in jail, and I was kept in jail for 19 hours.

They brought people there to look at me, to see if they could spot me in any mischief. In the morning I heard a very familiar voice, and I could not see out, but I called out and found it was the man's voice who I thought it was. I lived in Burbank and they had put me in the Burbank jail, although they picked me up in Hollywood. I told them to get a few pickets and put around there, and look at the finks that are coming in to look me over, me and five others. There

were 17 or 19 of us arrested, but there were 5 or 6 of us put in a cell.

They did that, they surrounded the police station with pickets. In a little while there were two or three hundred around there, and then they turned us loose.

Now, I tell you that because, again, I do not think they booked me, though, I do not think that will be in the record, because I sued Warner Bros. for false imprisonment.

Certain people who I am sure were Communists came to me and said, "Withdraw the suit." I said, "I am not going to withdraw any suit."

And more and more pressure was brought to withdraw the suit. Finally, a fellow who admitted that he was a Communist, "Lou, I have been talking to the Communist Party down there, and they are pretty good guys, and they can give you the reasons for withdrawing the suit."

I am departing a little bit, getting a little bit ahead in time, but I want to get this told.

Two or three men, and I do not remember their names now, but it may come to me later, who were known Communists, wanted to talk to me. They said, "But you will have to meet them some place."

I said, "I will meet them right here in this office. Anybody can come to my office. I'm not meeting anybody on the quiet."

After some haggling they came to the office. I talked to them. They tried to convince me that I had been connected with a lot of violence during that strike and that the producers would put me in the penitentiary for my part. I said, "Well, I have a clear conscience, any violence that I participated in was pushed on me. It may not look like defense, but any violence that I participated in was done in my own defense."

MR. KEARNS. You cannot remember those names, though?

MR. SORRELL. Paul Cline was one, but I do not remember the others, but you can get that because I testified before the Tinney committee, and at that time it was fresher in my memory, and I think I told this story at that time.

MR. OWENS. Are you telling us that the Communists at that time, some of these people who were helping you, that because of their help, that they had given to you, that they were coming and asking you to take this other step of withdrawing the suit? Is that what you are telling us inferentially?

MR. SORRELL. No; let us get this clear. You see, I am ahead of my story. I should not tell this until after I have cleared up some other things. But it will clear up, you will see it.

But anyhow, these Communist people come to me and they tried to get me to withdraw this suit, with the thought that I was now a martyr, because I had gone to jail for a cause, and I did not want to be a martyr. Then finally they said, "You can't win under the present system, you must, we must teach you that we must change the system, and then you can win all the time. Labor will have the reins and labor will drive them."

I told them at that time I was not interested in any system that I can win all the time at. Because if I could win all the time at it, it would not be any good, because I only wanted to win the just things.

The suit went on. I got a jury's verdict. The judge returned judgment, notwithstanding the verdict, and changed it. I knew be-

fore we did it, because some newspapermen told me that Warner Bros. had gone to him just before election and told him that they had considerable campaign contributions but that they were not going to give it if they did not get some action out of this. So he held it on his desk 85 days and returned judgment notwithstanding the verdict.

I appealed it. It cost me \$1,250 to buy enough transcripts to appeal. I had spent a few hundred dollars in suing. I won in the next court above. Then Warner Bros. appealed it, and I won again, and finally I collected, and with the money I bought my home in Glendale.

So I now say that is the home that Warner Bros. bought me.

Mr. LANDIS. How much was that?

Mr. SORRELL. There were two of us, Ralph Peckham, the father of the man that Mr. Brewer spoke about, and myself. We sued for \$10,000. I got \$5,000. Ralph got \$7,500. Then I got all my costs back, which ran \$2,000 or \$3,000, with interest. I got that in 1941. The suits came in 1937.

Mr. OWENS. You really found that justice would triumph when you went into the courts of law?

Mr. SORRELL. I have always found that you get justice. Sometimes it is very slow coming, but we are going to get justice in this case.

Now, I am getting a little bit ahead of things. We have a lot of stuff that we will ready to show you why I could not be any part of the Browne and Bioff set-up. When it came to settling the strike, I was in jail—no; I was not in jail, I was out of jail, but I was trying to get Ralph Peckham out of jail, who stayed 4 or 5 days. The fact of the matter is he said to me, "You've got so many hundred dollars an hour, and I only got half as many hundred dollars per hour." Although I got more, it's all right, I had been in jail once before and he had never been in jail before. He was 47 years old. He says, "I am an apprentice, so I only got half the hourly rate that you did."

Now we get back to the sentiment of the strike in 1937. After most of these unions were broken and destroyed, practically destroyed, we got a lot of threats. I was standing on the curb on the boulevard in front of our strike headquarters one day, and I was handed a letter and then opened it up—and the fellow was gone in a flash—and its said, "Get out of town in 12 hours or find yourself on the curb."

I laughed and tore it—I did not tear it up, I handed it to Joe Marshall, who is the international representative of the laborers. He took it very seriously. He said, "You do not understand; this is a terrible thing; it will happen; it will happen." He began telling me about things that had happened. I says, "Let it happen. I bet you I get a sandwich while they get a meal."

The laborers did not sell out, but they were scared, and they sent their people back to work. The laborers themselves came to me and wanted to know what to do. And I said, "Look, I will go to your hall and I will tell you fellows, all sticking together, do not sacrifice yourself in this cause, because your officers are honest, I think, but they have capitulated and you just cannot hold on any more."

I went to their meeting and told them that. The strike was settled with an agreement which was entered into with the make-up artists, the scenic artists, and my Local 644 and the machinists. The agreement

said that we should return to work immediately—that was on June 10—and that on July 1 all nonunion men would be eliminated, fired; and that negotiations would be completed within 30 days from July 1.

Now, the business agent of our union, his name was Rudy Kohle. He has been mentioned here. Rudy I knew very well. I knew his family. I knew his wife and his daughters. He had a very bad personality. During the strike he was so centered on what he was doing he forgot to talk to people. One man who had been a foreman in the studios came up to Rudy one day and said, "Rudy, how's it going?"

He says, "Who the hell are you; why should I talk to you," and he turned around and left him. I went to that man and I said, "Look, Van, I can tell you how it is going; I know as much as he does. This is your fight the same as it is my fight."

What did he want, to drive the men back to work? And then I tried to bring him up to date. That was something that Rudy could not help, it was his personality. I would not have run against him for business agent, because he was the business agent. But he wanted me, after leading the pickets through the strike, to run for secretary of the union. I told him, "Rudy, I can't take care of my own money, why should I ever take any of the union's money? I wouldn't have the job."

He said, "Will you run for business agent if I run for secretary?"

I said, "Yes." So I was nominated for business agent along with nine others. They all dropped out but one. That one only got a few votes, so I got to be business agent. But I told them at the time—but Rudy was defeated for secretary. And that was solely due to his bad personality. He is a good fellow.

I told the people, "I don't want this job; I am a painter; I like to make things look pretty; I like to make things look clean; I like to go into a house or a set that is just boards or just filthy, and I like to when I walk out have it look nice."

MR. OWENS. You usually used your hands in making things look pretty, did you not?

MR. SORRELL. Yes, sir. I like that. That is the reason I chose to be a painter, because I like the work. "I'll take the job, but I only want it for about 3 months. I want to make a good agreement. I am in this thing pretty deep."

You know, I very fortunately just switched a loan. I had some property in Burbank, and I just switched a loan, and my wife had paid off a lot of money I did not know about, so I had a few hundred dollars which I loaned to the boys, and borrowed a few hundred more. So I said, "We will make it up."

So I was elected business agent because the business agents in our union are elected in June. I took office July 1, when the nonunion men were to be eliminated, 1937. My job was to go up to Pat Casey's office and ask him why he did not eliminate the nonunion men as the agreement stated.

Pat Casey said, "Now, boys, you've won a nice 97 percent victory; you'll now absorb these nonunion men and we'll go happily along."

Now, it so happened that when we went out we had 876 members. We had everyone organized in the studio. Out of that 876 we only lost 12. And we did not want to absorb more men. We wanted work for those people who were in the studios. We did not want a Bioff union; we did not want our people sitting by the telephones.

I said, "Look, Pat"—I did not speak it first, because I waited for the others of my committee; there were four of us. But when they did not speak of it, I said, "Look, we thought we won a hundred percent victory, but since we did not, we will go out and win the other 3 percent."

"Now," Pat said, "wait a minute." He said, "Don't do anything right now; give me until 2:30 this afternoon."

At 2:30 his secretary called and said Pat wanted another half hour. Then he told me, "You go over to MGM, you will find all of the nonunion men are gone. You go to Columbia, you will find all the nonunion—" he named all the studios except Warner Brothers.

I said, "What about Warner Brothers?" He said, "Don't go to Warner Brothers. I can't get ahold of the right man," or something, I don't know what excuse he gave me, "but come and see me at 11 o'clock in the morning."

I went to see Pat at 11 o'clock in the morning and he told me that Joe Gilpin had told him that he knew how to handle the painters, and that he would not lay off his nonunion men. Pat came back and he said, "Now, I don't think you were kidding me yesterday. Otherwise, I wouldn't have given them this notice."

And I was not kidding, and I meant what I said, that we would go out and with the other 3 percent. So I went over to Warner Bros. and I sat down with Gilpin and I tried to convince him that he should send these men out. He would not be convinced at first, but when I left—

Incidentally, I told him that it was a terrible situation, because the next day was Saturday, and the following day was Sunday, and the next day was the Fourth of July, or at least Monday was celebrated as the Fourth. I do not know whether it was the Fourth on the calendar or not, and it meant that our people would have to concentrate and picket on Warner Bros. theaters during that time, and they were footsore and I hated it because a lot of them had planned parties and so forth, but if we had to do it, we had to do it.

Just as I was leaving the policeman detained me, and Gilpin came down and capitulated to the extent of taking the people out temporarily, until he thought about it. He took them out, and we did not have to picket over the week end.

On Tuesday, at 1 o'clock, they caught me at Paramount and told me that they had brought eight of these nonunion men in. I immediately went to the office and communicated with the men and arranged for them to walk out at 3 o'clock. At 3 o'clock they came out, and I say everyone except one old man that they did not notify down in the trainshed, and he was very much perturbed about it, and they packed up their kits and they walked out and were escorted by the police and the place practically shut down and Gilpin got on one phone and Pat Casey on the other, and he said, "Now, get the people back in."

I said, "You have got another shift coming on at 6 o'clock."

He said, "Get them back in; get them back in."

I said to Joe Gilpin, "You are going to dock them for the time they are off anyhow."

And he said, "Yes."

"Then you will wait until 6 o'clock."

And he said, "Then I won't wait until 6 o'clock."

I said, "I will call the boys and see what we can do." I called them and said, "We have not seen the undesirable people come out yet, and we won't go back."

I called Gilpin. He said, "I sent them out the back gate, because you don't think I would send them out with that bunch of Reds."

I picked a couple of the most militant ones and told them to go in and look the place over, fumigate the place, and come back and notify the boys that it was important to get back to work.

They went in and some of these undesirable people had left their bags and overalls, so they took them down and put them in the incinerator. They did not need them anymore anyhow, because they never came back.

Then I went to the business agent of the scenic artists, and the business agent, Verne Murdock of the make-up artists, Charlie Elrod was business agent of the scenic artists, and I told them, "Now, here is what has happened. Our house is all clean. Nobody but our people are in there. But your house is very dirty, they've got all the non-union people of yours in there, and the good people who have come out for a purpose are not working, so let's go up and give Pat Casey notice, 24 hours' notice to clean house for you people."

Well, they told me that during strikes that was one thing, but now the strike was over; so we had to take it through the Government channels. And they took it through the Government channels.

This is what happens to a union when they go to the Government for help. If they have untold resources and they can go on forever, eventually they get help. But this is what happened to those unions.

MR. OWENS. Which two were those? Pardon me. I missed that.

MR. SORRELL. The scenic artists and the make-up artists.

Bioff started to take them over. They could get no place. Nobody paid any attention to them. They had no economic force, unless we all went together, and those two unions were destroyed.

The IATSE took in all the nonunion people and some of the strikers, and they got them a raise, and they are in the IATSE today. The next to last time that I saw Bioff, I went up to him and I said; "Look; you have some people that you have taken in as scenic artists, and you will have to give them up. And if you don't give them up, we will make the fight now rather than later, because I know that scenic work and decorating are so close to each other than there will be jurisdictional difficulties from now on."

He at that time had 48 of these scenic artists. We had only seven. He agreed to give them up. He agreed not to try to argue any more.

Now, we never force anybody in our union; so these people, quite a few of whom had gone back to work, did not join our union. They formed an independent union. I will tell you more about that later, or I will bring them into the picture later.

Now, the next time I went up to Casey's office, I met with Pat Casey, Jack Gaines, Charlie Sullivan, and Victor Clark. And I think it was Charlie Sullivan, but I am not sure—but you can check with Pat Casey—they had cut a clipping out of a Chicago paper which told about a business agent, and I think it was a painters' business agent, who had been shot to death just getting off a train. In some slurring way, it showed that he was connected with the—you know how newspapers get around things—that he was connected with an underworld or something of that kind.



I was told that that was an honest man. He never took a dime; he died a poor man, but he did not play ball. They said, that man could have had a nice home in the country. He could have been a respected citizen. He could have been a leader of labor, but he didn't play ball. So he died, and it is asserted that he died because he was a roughneck.

I thought considerable about that, because I had determined not to have anything to do with any rackets or any pay-offs or anything of that kind. You will check with Pat to see whether it was Charlie Sullivan or not. But one of the group told me that.

I told them, "Look, I am not interested in that. I am not going to keep this job. I am just going to make a good contract for these painters so that they get back what they lost in that strike, and I am going back to work."

Then Pat told me that he liked to make a deal but, of course, he says, "I can't give you over 10 percent. I will just make you a straight 10 percent deal."

I said, "Oh, no, you won't. We didn't say we would just take a 10 percent deal. We want a 20 percent deal."

So he said, "Well, I can't give you 20 percent. If I give you 20 percent, Bioff will strike."

"Oh, no," I said, "he won't strike."

He said, "But he will."

"Well," I said, "what kind of union man is he supposed to be, anyhow? You and I know what he is."

He said, "Well, you go up and see Bioff, and if he will give us permission, we will give you the whole 20 percent."

I said, "I will go right now."

I went up to see Bioff, and, oh, he had an illustrious set-up. First you come to a telephone girl. She punches a buzzer, and then you went into another room, and she punched a buzzer, and eventually you got in to Bioff.

Bioff was sitting at a big desk, and Harland Holmder—I haven't seen Harland Holmder, I don't know whether he is living or not—but he was there sitting at a desk. Harland Holmder was a vice-president or an international representative of the IATSE.

Bioff jumped up, put out his hand to shake hands with me, and I said, "Oh, I didn't come up here to shake hands with you," because Pat just told me he was tough and he did not like painters. So if somebody don't like me, I don't like them first.

I said, "I didn't come up here to shake hands with you. What kind of racket have you got up here?"

"Well," he said, "this is a labor union."

I said, "It don't look like any labor union to me, and it don't act like one. Anytime anyone acts against a laboring man getting a raise, he is off with me. I don't have no part of him."

"Well," he said, "he wasn't standing in the way." He said, "Who told you that?"

I said, "Well, Pat Casey just got through telling me that you wouldn't stand for me getting a 20 percent raise."

Well, Bioff was a very vile talking, slimy individual, so he cussed Pat up one side and down the other and said it was not true, and I said, "Well, look, I will shake hands with you on the condition that

you come down and tell Pat that tomorrow." Then I said, "I don't want any interference other than that."

Well, Bioff got all white, and he sat down and he got sick. So he did not get back to work for several days. Now, I thought he was pulling a fast one on me, so I went up there and I planted myself in the office, and he didn't come, and Harland Holmder didn't come, and I pinned him down, and so then he sent his doctors and the dentists, and I don't know who all, up to his office to tell me that he was actually sick, that he had had a heart attack.

Finally he came to Pat Casey's office, and he sat down with Pat and me and he said, "Look, Pat," he said, "I don't want to stand in the way of this man's getting any money, but my people won't be satisfied if he gets that 20 percent." He said, "They will make me strike you."

I said, "Well, now, that is a different song than you sung the other day when I was in your office. What is this?"

"Well," he said, "Pat, you go outside."

So Pat went outside.

He said, "Now, look, these movie people have got a lot of jack." That is the words he used. He said, "Suppose they give you 10 percent raise and we give you 10 percent retroactive to the first of March, including the time that you were out on strike."

"Well," I said, "that is impossible. Each individual producer would say he didn't have that many men, and he wouldn't pay off, and somebody would be short."

He said, "Look. I figured it out. The most that your painters could make would be \$56,000. We will give you \$56,000, and you spread it around among them."

I said, "It is no deal. I don't like it. I want the 20 percent. I got it coming. It will amount to many more times than that."

And he said, "Now, wait a minute, just hold your peace." He called back Pat, and he said to Pat, or repeated what kind of offer he had made me for the producers. He said, "Will the producers go through with that?"

Pat says, "It sounds like pretty good business. I think that I can sell that."

You can get this from Pat.

He said, "Go on outside again." He went outside. Then he says to me, "Now don't be a fool. We will give you the money in nickels, dimes, quarters, dollars, credit, any damned way you want, and if you are foolish enough to give it to your people, that is your business. If you've got any sense you will keep it for yourself."

I said, "Call Pat back in." I told Pat, "I don't want anything to do with this deal. To hell with it. I don't want anything to do with this deal; I don't want anything to do with this guy."

He left, and he didn't do any more. Pat and I sat down and made the contract.

Now, Pat is a pretty shrewd guy, but exceedingly honest. I have never had him lie to me yet. Sometimes he's got around talking to me and ducked me and ditched me, and he is an employer, and I respect him as such. But he never has lied to me yet.

So he made a deal with me by which we would classify our painters. The painter who just paints the floor, and just the flat painter, would get one rate, which would be a 15 percent raise. In fact, we got a 15

percent over-all raise. But those who did decorating would get an additional raise; those who did spray-gun work or work that was not nice—a spray-gun man don't live long. I wouldn't go it at any price—but he would get the decorator's rate. The sign painter rates were not established. They were high in one studio and low in another. So we would get 15 percent on the highest, which was, maybe 40 percent for some.

And in lieu of getting the higher rates for certain crafts of the painting trade, I would let him off for a 15 percent raise, a 15 percent general raise, with the understanding that when another raise was given to anyone else, we would get an additional 5 percent, or if there was a cut in the industry, we would get cut 5 percent less than the other crafts.

Now, that was the deal that Pat and I wrote up. Now comes more trouble. Pat and I could have a thorough understanding. We would draw it all up, he would give it to the attorneys, and I would pull my hair, and I couldn't make anything out of it. They put so many words in it that I did not understand it, and we would end up throwing it in the wastepaper basket.

Finally I said to Pat, "Look, you write this thing out or let me write it out so a third grade student can understand it, and then maybe we won't have to get a lawyer to interpret it."

Pat agreed with me. He don't like lawyers, either. We wrote out an agreement which I submitted to the union and which they adopted and which we lived under for a couple of years with absolutely no trouble. There was no trouble whatever. There was a provision for arbitration in this agreement, and Pat and I had quite a fight over that, because he wanted to put it in there that you could arbitrate any time, and eventually we ended up with getting the agreement to reach that—and I haven't got the exact words—there would be no stoppage of work by the painters for the producers, and that any disagreement should be arbitrated, but pending the decision of the arbitration, the cause of the dispute must be removed by the producer.

Now, it was a very nice clause, because very shortly after that, Warner Brothers hired sign painters from the sign painters union. Now, that is another union of the painters' brotherhood, but they were written in our contract, and they had a different scale, and we had nothing to do with it. Now, it so happened that the painter that was hired was one who worked in there while we were on strike, who had gone over to the other union and joined, and he said one card was as good as another, and he insisted on hiring him.

I said, "That is a clause which must be removed." And I would have removed all the painters on the lot had he not abided by the contract and removed the man, and it never went to arbitration.

There were only two cases of arbitration that ever came out of this contract: One was Ralph Peckham, the man who has gone to jail with me and sued, and eventually, later, obtained judgment, and another fellow by the name of Price, William Price. Peckham was abused by the foreman in RKO. He was laid off repeatedly, although he had worked there for years continuously. He was just kicked around and laid off until it became unbearable. And I finally took up the case, and I told Pat that they had to keep him on until they arbitrated. That was the only way we could get quick action.

So they kept him on the pay roll steadily until they arbitrated, and they said, "You pick an arbitrator."

I picked a man, and I can't think of his name now, but he came from Nebraska—Omaha, Nebr. When they heard that I had this fellow, a former judge, from Omaha, Nebr., they said, "Well, we can't pick anybody better than that. Suppose we pay him half and you pay him half, and let him make the decision."

That was all right with me. We only picked honest men. We didn't want to pick a man that had the edge.

Stalnaster was the fellow, Irving Stalnaster. He arbitrated it, and they had to put these men on and keep them on a year at the highest rate to make up for what they had lost. So we were right.

The second arbitration came over the same two men, because at the end of the year, they kicked them around again. They really kicked them around. In that arbitration I got Mr. Bodle here for my arbitrator, and I have forgotten who they got, and they submitted a list of people, and we submitted a list. They picked out Judge Bob Kenney, and he arbitrated that. And if I remember right—I won't be positive about the figure—they had to give them, one in the neighborhood of \$1,200 and the other in the neighborhood of maybe \$1,500, cash. We were right again. We never lost an arbitration, and we never asked the producers to arbitrate if there was any doubt about our winning an arbitration.

MR. OWENS. You had fairly good success each time you used those methods?

MR. SORRELL. That is the only two times we ever had an opportunity.

Now, I want to say here that we never have threatened a strike or threatened economic action on anything that we would not arbitrate on. We have always offered to arbitrate everything. But we can't get it.

Now, let us see. I get off the track a little on some of these things.

MR. KEARNS. Well, Mr. Sorrell, I think it is 12 o'clock, and you have been going pretty hard here.

We will recess until 2 o'clock this afternoon.

MR. SORRELL. I am sure going to have a hard time getting it all in.

(Whereupon, at 12 noon, the subcommittee recessed until 2 p. m.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

MR. KEARNS. The hearing will come to order, please.

Mr. Sorrell, you may continue with your testimony.

#### TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE—

Continued

MR. SORRELL. So far, I hope that you realize that I am just laying the background and the basis for a lot of things that have happened since in the motion picture industry.

Now, I have testified to some small extent about what happened in the 1937 strike. One of the things that I have not told you is that during that strike we not only had the opposition, or the IATSE, who did their utmost to hire people to take our places, but they also used their influence on the American Federation of Labor.

George Browne was a vice president on the American Federation of Labor Executive Board.

Mr. KEARNS. Was he a member of the council?

Mr. SORRELL. Of the executive council.

Now, I am not positive if he was right at that time, or not, but he was close in there. And if he was not at that time, he was shortly after. He made his influence felt on the other A. F. of L. unions.

Since the producers had built up Willie Bioff to be the dictator in the motion picture industry, they had influenced all other A. F. of L. unions, almost all other A. F. of L. unions, to go along with the racketeers. There was in charge of the Central Labor Council a man by the name of Buzzell, J. W. Buzzell. He tied in with Willie in every way, as you will see in some of the things we are going to read into the record, and I won't go into that. The reason I mention him now is that when we went to the Central Labor Council to ask for help, we not only got help, but we got letters sent out from the Central Labor Council not to help us because we were a bunch of Communists and disrupters. That may not be exactly the tone of the letter, but it was a letter which barred us from going into the American Federation of Labor unions where he had any pull at all.

As you must know, it takes money to run a strike. We went where we could get it. There were some CIO unions who donated very freely. Harry Bridges' CIO longshoremen in San Francisco donated \$500 a week for that strike.

Mr. KEARNS. That was in 1937?

Mr. SORRELL. That was in 1937.

The Wilmington local—I think it was the Wilmington local, I am not very well acquainted down at the harbor—sent down \$200 a week. Some of the liberal actors, writers, directors, and sympathetic people who may or may not be Communists and who may or may not be accused of being Communists helped us substantially with contributions.

We got absolutely nothing out of anyone except our own international people from the A. F. of L.

The painters' organization was wholeheartedly behind this movement. It was sanctioned by the president, and I know that we received money from painters' organizations all over the country in that 6 weeks.

So you can see that my allegiance is due to the people that helped us, including the painters' international and some of the other internationals who were on strike with us.

I have mentioned that I got no help, but only abuse, from the IATSE. I have told you how Bioff was injected into the negotiations with Pat Casey and what he gave.

Mr. LANDIS. Was Bioff connected with the IA?

Mr. SORRELL. Yes. He held the same job then that Mr. Brewer holds now. Bioff, as I tried to tell you before, was not a labor man. He was a bum. He helped in the muscling in of Browne into the IATSE and was appointed to run things in Hollywood while Browne took things easy, I suppose. I don't know. The same as Brewer was brought in from Nebraska to run things in Hollywood today, Bioff was then a fellow who dictated things for the IATSE.

I don't want to go into detail on my reasons for knowing that Bioff was crooked, but it appeared from the record, I think, yesterday or the day before where Cambiano spoke before a committee of A. F. of L. people, and I know that some of the people thought that that was the 3-man committee, and he spoke very disparagingly of certain interests which sounded like Communist interests. I know that that was made back in the Bioff and Browne days.

Mr. McCANN. For the record, Mr. Chairman, that occurs in the opening statement of Cambiano on behalf of the carpenters before the 3-man committee.

Mr. SORRELL. Mr. Bodle has just shown me Mr. Bioff's official title, so we can get him straight. He was the personnel representative of International President Browne.

Now, I am purposefully skipping over a lot of things, because I do not want to repeat them, because I am going to answer them when I answer some of the charges that have been thrown at me. But I want to clear up one other thing about Bioff. We negotiated the contract, and upon signing the contract Bioff wanted to see me. I went up to see him, and he said—no. First, I talked to him on the phone. He saw, "Will you give me a letter thanking me for the help I have been to you in concluding your contract?"

And I laughed at him. I said, "What do you think I am?"

He said, "You had better come up and see me."

I made an appointment; I went up to see him, and he said, "You know, we have to cooperate, you know, we have to live together," and he gave me a nice talk, and I knew that he was making an inroad on these scenic artists that we were going to fight about, and he said, "Now, why not be good friends?"

And I said, "Well, I guess it is all right with me."

He said, "Why don't you give me a letter that I have helped you in negotiations?"

I said: "No, I won't do that. That would be a lie. But I will tell you what I will do. I will report our conversation at the meeting, and if they see fit, the secretary can send you a letter. Is that satisfactory?"

"Yes," he guessed that would be all right.

"Now," he said, "let us call in the press and make a joint press statement."

He called, but he could not get anybody. And he cussed around a little bit because he could not get anybody from the Variety.

I said: "Well, what is the difference? You make a press statement, and I will join you."

That is the only time in my life I ever made a mistake about a press statement, because when I saw the press statement, I was thunderstruck. The press statement said, we were the best of friends, we were this and that, and that Willie Bioff got up out of his sick bed to come and help me negotiate an agreement.

And it was very, very bad. I could not holler, because I had told him, "Tell them what you want, and let it go at that."

I brought it up at my meeting. I told them without any malice, I told them that we were probably going to have to live with Bioff, and that I refused to give him a letter, but if the secretary wanted to give him a letter, that was all right. I think the secretary sent him a

letter. I have been accused of sending him a letter of thanks myself, and I defy anybody any place ever to show me anything where I have commended or thanked Willie Bioff.

Now, it so happened that I had a discussion with Variety who carried this story, and they got straight what I meant, that I felt bad, very bad about being placed down with the dregs, like Bioff.

Mr. OWENS. Did you tell the truth about what he had offered to do, to pay you \$50,000 to keep for yourself?

Mr. SORRELL. At that time?

Mr. OWENS. Did you give the paper that at any time?

Mr. SORRELL. Yes. Mr. Unger of the paper knows all about it.

Mr. OWENS. Did you give him the story at that time?

Mr. SORRELL. I told Mr. Unger, but he did not put it in the paper. This is not a new story. This came out in an assembly investigating committee, and I testified to that before. But Arthur Unger then wrote—Arthur Unger is the editor and may be the owner of the Variety, a trade paper in Hollywood which carried the news of the studios—he wrote an editorial complimenting me about something. I do not know what it was. And Mr. Bioff demanded that he write an editorial about Bioff. He refused to do it. He said he only wrote as he saw fit to write.

He then told Mr. Unger that none of the major motion-picture producers would put any ads in the Variety until he wrote that editorial that he demanded.

I became rather close to Arthur Unger at that time, because he knew that Willie was crooked. I told him what I knew, and he had told me what he knew, and in that way, Westbrook Pegler got some of the items that you have probably seen in the papers since then.

Now, I was harassed by Bioff, Browne, Buzzell—I don't know. There were several. We had a very prominent representative by the name of Licks at that time. It seemed like they were all "B" boys. I could get no help from the Central Labor Council, because they dominated that, and I will show you by some things that I will read in the record in a little bit. But I did get help, as I told you before, from liberal people. Whether there were Communists or not, you will have to be the judge.

Now, local 37 of the IATSE was one big local, with no meetings. We put the heat on them and, you know, we advertised among the men. In order to stop a revolution, they decided to call a meeting. They had a meeting, and they allowed them to elect a board of governors. Now I do not know who was on that board. I knew then, but I do not remember, except the leaders. One of the leader's names was Joe Carpenter. He was the president of the board of governors. We were quite elated at the time that they should get that much autonomy, and we sat down with the board of governors to adjudicate all of the jurisdictional differences in the studios.

And you understand, the painters did not have any. We cleaned that up completely at the end of the strike. But there were jurisdictional difficulties between the IATSE and everyone else. One man that we all agreed has no beef and would not be partial in any way was an actor. We chose Aubrey Blair of the Screen Actors' Guild to sit in as the chairman, so to speak, impartial chairman, with committees from each and every local.

The jurisdictional issues were worked out with everyone except the carpenters. Now, we had an ace in the hole. The producers told me, "If you get that ironed out, we will give you another 10 percent raise."

I worked hard. I was instrumental in getting this put over. And the only thing left was an argument between certain carpenter interests, as to who was to get the carpenter work, the IA or the carpenters' union.

They had it worked down until it did not amount to more than 15 or 20 men. I sided with the IATSE boys there, and I told them, "Look, I will see that the carpenters accept that. That is a just deal. I will take it to their meeting, and I will explain it to them. And what is the difference if 10 men from the IA take carpenters' cards, or 5 men from the carpenters take IA cards, and so forth? But we will wean this deal up and we will get 10 percent and won't have any trouble. And nobody will lose anything and everybody will benefit, and I will override that stubborn business agent in his own meeting."

Just when we thought we had everything in apple-pie order, the international stepped in and took over local 37 and divided it into many locals, which made it utterly impossible. They appointed people and put the head of this local, that local, and so forth in. Out of what we thought we had spooned out they caused a complete disruption.

Mr. OWENS. Who was controlling the international then? Browne?

Mr. SORRELL. Browne was the president, and Bioff was controlling, and he brought in J. W. Buzzell from the Central Labor Council to divide these locals and take care of it and help in the appointing of the people to run it.

Mr. OWENS. Mr. Chairman, I just want to ask something.

Without breaking your thought too much at this time, but just to get your mind running on this trend, you are up into 1937, now, are you?

Mr. SORRELL. That is right, 1937 or 1938.

Mr. OWENS. And you have already passed by 1936, when Mr. Hutcheson and Mr. Browne were supposed to have had some deal together that you purportedly knew about with respect to the jurisdiction between the IA and the carpenters? Do you recall he discussed that the other day?

Mr. SORRELL. In 1936?

Mr. OWENS. Yes.

Mr. SORRELL. I did not.

Mr. OWENS. You heard me ask Mr. Hutcheson the question, and he didn't want to answer it? He didn't want to answer about what deal if any he had with Browne in 1936?

Mr. SORRELL. Now, look, so as to straighten you out, Mr. Owens, that is right. They had a deal to cover over everything, but it did not go into detail. There has always been the argument of what is a prop, or what is not a prop. There have always been certain small arguments, not enough to cause a strike, but sometimes enough to cause a hold up of production for an hour or something to decide who should do it, the carpenter or the propman.

Mr. OWENS. Of course, at that time, you remember, I asked him if he had a deal with Browne whereby they agreed to accept the February 5, 1925, agreement, and he didn't say he didn't have. He said he did not want to discuss it.



Mr. SORRELL. Well—

Mr. OWENS. And I was thinking that inasmuch as you were sitting down with them to straighten it out, you probably must have been aware of what took place then.

Mr. SORRELL. Well, I am aware of what took place, and I am aware of the practices that went on in the studio. And I can bring that out in detail. But I wish to do that a little later.

Mr. OWENS. But I want you to have that in mind while you are doing it.

Mr. SORRELL. Yes. Just hold that in your mind and I will bring that out in detail later.

Now, there was formed Labor's Nonpartisan League. I encouraged my local union to join Labor's Nonpartisan League because in that way I could help to pay off some of the debts that we owed some of the CIO unions.

In Labor's Nonpartisan League were not only American Federation of Labor unions, but also CIO unions. That has been tabbed here as a Communist-dominated organization.

I want to say now that if that was a Communist-dominated organization at the time we were in it, I am a Chinaman.

Mr. LANDIS. Could I ask you a question there, if you please?

Mr. SORRELL. Yes.

Mr. LANDIS. Do you recall any Republicans that they backed in Labor's Nonpartisan League?

Mr. SORRELL. I am not sure. Mr. Bodle tells me they backed Richard Welsh in San Francisco.

Mr. LANDIS. I see.

Mr. SORRELL. Labor's Nonpartisan League was a league of labor, and they did not back anybody that was not for labor.

Now, in California, I realize that the Republicans are much anti-labor. Up in Oregon, the Republicans are much pro-labor. That varies in the different parts of the country. I do not remember too many of them they backed, but I know they did back some Republicans. I forgot to mention also—

Mr. KEARNS. Right there, Mr. Sorrell, on what criteria do they say the Republican is anti-labor, and somebody else is pro-labor? Is that just hearsay?

Mr. SORRELL. No. Labor gets together and backs the people that say, "If I am elected, I will do this for you"; they say, "I am against the hot-cargo law"; they say, "I am for labor unions," and so forth.

We only know what they say. Sometimes they get in office and do other things, and then we do not back them again.

I will go into that later, more to your satisfaction.

Mr. KEARNS. All right.

Mr. SORRELL. On Labor's Nonpartisan League executive board, were two people who will become permanently mentioned in this hearing. One was Jack Tenney; another was Jack Shelley, and there will be others named as we go along.

I am going to skip a lot of this, because I want to take up some of these things chronologically with respect to the accusations that have been thrown at me.

Tenney, I thought at that time—it was my opinion secretly—that he was a Communist, because he went down into the—I think it was

the fruit growers, something like that, mingled with them, and got himself arrested—at least that is what I was told—and served 30 days.

Now, he studied to be an attorney, and was supposed to be a lawyer. He was very, very radical.

On the executive board of Labor's Nonpartisan League, he advocated the things that if someone would do today, I might, like Mr. Brewer, think he was a Communist. We had those types. We also had straight thinkers.

I forgot to mention that prior to this time, one of the organizations that I joined was called the Utopian Society. I do not know whether that is considered a red organization or not. It never amounted to anything. They really didn't know where they were going. I joined it to find out what it was, and it fizzled out.

Also, I joined the Epic Movement. That was a movement to elect Upton Sinclair as governor; Downey, who is now Senator from California, ran for lieutenant governor, I believe, or something of the kind. Culbert Olsen ran for the State senate, and we elected a number of these people.

Now, that might be considered a regular organization, because Upton Sinclair—that was during the depression, and he advocated production for use for the surplus of the people that couldn't make a living. It made very good sense to me, and I worked very hard on that in that campaign.

It is necessary that you know these things because later they will appear.

Mr. OWENS. Did Eric Johnston address that group, by any chance, when he addressed them on utopian production?

Mr. SOBRELL. I did not know Eric Johnston then. I will tell you more about Eric Johnston as we get along, too. I am not going to leave out anybody.

I want to tell you how the forces worked, and I am going to give you an illustration. Everyone knew that I detested Willie Bioff.

One other thing: I met Willie one time later in a parking lot next to the Brown Derby in Hollywood. He walked up to me very belligerently and he said, "I hear something about you saying that I got some money off of these producers."

I said, "Yes: what are you going to do about it?"

"Well, I didn't get anything. If there is anything got, you got it."

I said, "Well, Willie, I know different, and I hope you are lucky, but I hope to see you behind the bars."

I cannot give you the exact date, but to my recollection, that is the last time I talked to him.

You will see by the number of things in the press that he was completely on one side and I was completely on the other side, and he set out to get me, and he told everybody he was going to get me, and he was going to do this, and he was going to do that, and in his gutter language he was going to have me doing things to him down on Seventh and Broadway that no man should do to another—very bad. And he repeated that time and time again.

So I set out to get him. When he bought his mansion out in the valley, I knew about it immediately, because everybody knew that I did not like him, and everybody knew that he did not like me, and everybody that had anything on him came to me.

I give you this as an illustration. I am not a policeman. I have been accused of being a policeman because I am built big, and people think I am a policeman. One time I walked into a bookie joint, not knowing what it was, and they jerked the telephone off the wall.

I am not a policeman, but with Willie I had to defend myself. When he got his place, he had it altered extensively.

So I went to the business agent in the community and I said, "Check the guy's cards on this fellow's house, because if he was not using union people, and him being a high union official, it would be embarrassing." He checked the cards and they all worked for Warner Bros.

I used to go way out of my way, to go out in the valley and go past the place.

Across the street was a real estate sign, a place for sale. I marked down the real estate man's office, went by his office and asked him how much the place was; I wanted to know what things cost out there. He very graciously told me, said, "I just sold the place across the street. I sold it to a big movie man by the name of Bioff." He said, "Very peculiar man, never goes alone, always has people with him. And he should, because he carries a tremendous lot of cash. We went to the bank and he took out his billfold and paid me in \$1,000 bills."

I said, "Did he have any particular bank that he wanted to go to?"

"Oh, yes." He told me where it was. I told this to the FBI. They always wanted me to make an affidavit for everything. So I get the affidavit made and take it up to them. Then if I was lying, I would be in trouble, and if I was not lying, they would look into it.

Many of these things, and I can go into that, because we have things here I have reported, because if the guy was going to get me, I was going to get him.

Mr. Bioff, when he was accused of pandering, which we go through the CIO Newspaper Guild, the FBI boys, and the boys in Internal Revenue Department, says, "If you can knock the glamour off the guy, you can get rid of him." So, that is something, that kind of a terrible thing is something that would knock the glamour off of anybody. So we made it public and did a lot of work on it, and Governor Olson was asked for extradition papers, to issue extradition papers.

It so happened that because I was State president of Labor's Non-Partisan League, and I had campaigned with Governor Olson, and it was purely accidental that I had campaigned with Governor Olson because there was on the ticket at the same time proposition no. 1, which was an antipicketing ordinance, a hot cargo ordinance, so to speak, and I did not want that—that meant that we could not picket the theaters, if we had trouble in the studios. Governor Olson did not want it either.

So I appeared at one place and I got to speak before the then Senator Olson and I told all about Olson because I knew all about him, and I used up my whole 15 minutes telling about Olson. And then I said, "You know, I came here to speak about proposition no. 1. I have lost it. I don't know what my people will say, but maybe the next Governor of the State will help me out a little bit because I don't want to encroach on his time."

MR. OWENS. Is this the dumb painter that was doing this, that you were telling us about?

MR. SORRELL. It was purely accidental the first time. Governor Olson did not want to talk about himself, then; he talked against proposition no. 1, and it worked so good, we played that trick. It was not accidental any more.

I am quoting this from memory, but labor all appeared to want to save Willie. So they sent us a delegation to Sacramento to meet the Governor, to see that he did not sign the extradition papers.

I am talking from memory, and names are very hard for me to remember. But if I remember right, A. H. Peterson, or Pedro Pete, as we knew him, a discredited former longshoreman who became an A. F. of L. organizer who was later thrown out—eventually these fellows always discredited themselves, but he was still no good—he and Hal Moore, who at that time was connected with the ASC camera men, that was the top camera men, who were not in the IATSE; I believe Herb Aller of the IATSE cameramen; Joe Touhy, Lon Helms, and there were others went to plead for Bioff.

I called the Governor and told him I heard they were up there and asked him if he would not see them until I got a chance to get up there.

"Well," he said, "O. K.," he would not see them until I got up there, "when could I get there?" I could not get there for nearly a week. So they waited around up there until I came up and had dinner with the Governor, and we had a very nice time, and then he said to me, "Now, Tom, bring in your committee against Bioff," because he knew Bioff's manipulations pretty well.

I did not have any committee. I came up there alone. All I had was a stack of Variety's that Arthur Underwood had given to me. He expected me to bring in a committee.

I went to the hotel and scratched my head and said, "What am I president of Labor's Nonpartisan League for. I have got an active vice president in Los Angeles, an active vice president in San Francisco, both on the pay roll."

I was not on the pay roll, I was just the president.

I called him up and I said, "I want a committee up here at 10 o'clock in the morning," or 11 o'clock, or whatever time it was. "I want 30 people if you can get them. I want people who can come in and shake hands with Governor Olson and he can call them by their first name."

He said he would do the best he could. The next day he brought up people who were behind me and against Bioff, and he brought up people that Olson knew and could call by their first name. Among the people was Harry Bridges, a man by the name of Bulcke who Olson had appointed to something in the harbor; I believe Dewey Meade, a San Francisco supervisor, was along, I am not positive; Tom Mooney, whom Olson had pardoned, who had suffered a long imprisonment for something he was not guilty of, and Olson pardoned him; and I cannot think, as I say, names do not come to me very clear very fast.

We walked in and we saw Olson. We told him, "Now, look, for labor's sake, send this panderer back."

He said, "Yon don't need to come and tell me this, but I know that you know I must have this pressure because I was going to do it anyhow."

And we shook hands. There was a man by the name of Egan there, who came back from Chicago. I do not remember Mr. Egan's

first name. He came to take Willie back; and he was waiting. We came back and I met him and said, "What's Touhy doing here?"

He said, "Who?"

"Joe Touhy."

And he said, "Yes." He said, "I should take him back too."

Then he proceeded to tell me some of Touhy's background in Chicago. Of course, he did not take Touhy back. I do not want to go into that at this time. And Touhy was linked up with the mob in some way before he came to Hollywood, and he was a very firm friend of Bioff, and was trying to help Bioff.

The Governor told this other group, he said, "There isn't any use of our discussing it here. We will discuss it at the hearing."

At the hearing the Governor made quite a talk, and I spoke to Jack Shelley, who was then a senator from San Francisco, and while I was talking to him in his office, Bioff called him and told him he would get rid of Myer Louis, if he would help him in this crisis. Myer Louis was, I believe, an appointee of William Green, and was at loggerheads with Jack Shelley.

Jack Shelley, as well as being a senator from San Francisco, was a president of the Central Labor Council in San Francisco. Jack Shelley was also beat up at the 1937 convention at Long Beach of the State federation of labor, because people accused him of being a Communist. He was in the hospital quite some time. When he came out he was elected as the senator from San Francisco, and Jack Shelley is a very good friend of mine, is not a Communist; he is a devout Catholic, which as you know they can't be two things.

These people influenced me to do certain things, not to join the Communist Party, because I am very—well, I have a very rigid mind; I do what I think is right, and I do not do things when I think they are not right.

Jack Shelley turned down Bioff's request and did not interfere for him. Consequently, as we all know now, Bioff was extradited, he went back, he served his term as any crook should.

Just before this happened, he formed a conference of A. F. of L. studio unions.

Now, I have heard a lot of stories about the Conference of Studio Unions, did not have a charter, had no right to exist, and so on, and so forth, but of course it was all right when Bioff formed it. There is a report of this in the 1940 proceedings of the International Alliance of Theatrical Stage Employees. There is also in this book on pages 86 and 87 a resolution that I am not going to take the time to read now advocating that Bioff be brought back and cleaned up, and so forth. Those signing this were the International Moulders Union of North America, Local 374, Robert Black, business agent-secretary; Plumbers Local Union No. 78, Ralph A. MacMullen, business agent; Sheet Metal Workers International Assistants, Leonard Graham, business agent; International Brotherhood of Blacksmiths, Deep Forgers and Helpers, George Keykendall, international representative; Brotherhood of Painters, Decorators, and Paper Hangers A. L. U., No. 831, Sign and Picture Painters, Howard L. Hanners, president.

Now, I must explain that the sign painters in Los Angeles wanted the sign painters from us. That is quite a story in itself and would take too long to go into here. Eventually they gave it up. But they

were in Bioff's corner. That was only one small local, and a very small local at that time, of the painters, who were in Bioff's corner at the time.

Local Union 40, IBEW, Al Speed, business manager; Metal Polishers, Buffers, Platers and Helpers, by James Murphey, business representative; Motion Picture Studio Projectionists, No. 163, IATSE, by Richard H. Watson.

Los Angeles Central Labor Council, H. B. McMurry, assistant secretary; International Union of Operating Engineers, by Henry E. Schapel, assistant international representative.

Mr. OWENS. What did you mean by saying, "Wanted them brought back and cleaned up"?

Mr. SORRELL. I think we should read the resolution. Maybe you should know what this resolution is. Maybe it should be in the record.

Mr. KEARNS. I think it is all right.

Mr. OWENS. It is not very long.

Mr. SORRELL. Would you read that?

Mr. BODLE. This was a resolution that was entered into the proceedings of the International Alliance at the 1940 convention at Louisville, Ky.:

Whereas, for the past 3 years there has been considerable turmoil in the motion picture studios concerning the relationship of the various American Federation of Labor unions therein with their employers; and

Whereas there has been and is a concentrated attack upon these unions, by the CIO influenced by the Communist Party; and

Whereas one point of attack by this Communist-CIO combination is to continually attack and harass William Bioff, chairman of this conference, and representative of the IATSE; and

Whereas these attacks seem to be so perfectly timed that each of them commits on the eve or in the midst of negotiations between the unions of this conference, and the Motion Picture Producers Association, said negotiations affecting the hours and wages of the combined membership of the American Federation of Labor motion picture unions; therefore be it

*Resolved*, That the Conference of Motion Picture Studio American Federation of Labor Unions, that we use this means of expressing our resentment against the attempted use of law-enforcement agencies to embarrass the labor organizations in the studios, and to hamper the negotiations between the unions represented in this conference and their employers, and inasmuch as Mr. Bioff has been instrumental in aiding the studio props, in recently securing increase in wages, and in securing contracts that protect their organizations and memberships; it is further

*Resolved*, That this conference express its confidence in him and convey a copy of this resolution to the national security board of the IATSE now meeting in Miami, Fla., and that a copy of this resolution be sent to the executive council of the American Federation of Labor now meeting in the same place, and that a further copy be sent to the Honorable Culbert L. Olson, Governor of the State of California, this last copy to set forth the names of the unions that are members of this conference.

I might point out that at this time a request had been made by the State of Illinois for Mr. Bioff's extradition on a pandering charge, on which he had been previously convicted, but on which he had never served a sentence. He was also under an indictment in the Federal courts for income-tax evasion, for failure to declare \$100,000 which he had received from, I think it was either Joseph or Nicholas Schenk, in 1936.

Mr. SORRELL. I tell you this because I want you to know who was lined against us.

You will also see that there are a number of letters. The letters all read similar to this:

Membership absolutely refused to accept resignation of our chairman negotiating committee. Imperative that you represent us, producers taking greater advantage daily. Request immediate return. Membership feels entire future depends on you. Rely on us for any assistance possible. Best wishes for good health and early return.

Fraternally,

ERIC CARRUTHERS,  
*President.*  
DEL CRAWFORD,  
*Secretary-Treasurer.*  
TED HANSARD,  
*Business Representative.*  
*Local 44, IATSE.*

This is one of the locals that was a part of local 37. These men mostly at this time were appointees. They were appointed and later confirmed by elections.

In the meantime, a crew of men who were so resentful at the way working conditions were in the studios, started what was called the United Studio Technicians Guild. It will be noted here that it was brought out that all A. F. of L. unions supported the IATSE except my union and myself. That was deliberate. I did it then, and I would do it again. I am not afraid of communism because I know how to take care of that. I am not afraid of racketeers, but I don't like them any better than snakes.

There are similar letters, and I do not want to take up your time reading all these, coming from Owen Compton, business representative; Douglas C. Thompson, financial secretary, local 80, IATSE. Another one from local 165, Edward M. Egan. Another from Herbert Aller, local 659, IATSE. Another from Dave Lory, President, local 683, IATSE.

Here is one I wish you would listen to, for the way it is signed:

International Sound Technicians of the Motion Picture Industry, Local 695, IATSE, 1219 Taft Building.

That business agent would not put his name on it. That was Harold Smith, who Mr. Brewer said the other day was favorable to the Conference of Studio Unions, one of the men. Harold Smith is so well thought of by his people, he does not have to cater quite so much to the international, and the international does not dare do too much about it.

William L. Edwards, executive secretary, local 705, IATSE.

Willard Cooley, business representative, Make-Up Artists Local 706. That is the make-up artists that stole from the painters.

Guy Rushing, secretary, local union 728.

That is the local that absorbed the laborers that they stole from the laborers organization in 1937.

I made a mistake. 728 was the "juicers," the electricians, by Zeal Fairbanks, business representative of local 727, IATSE. That is the one they stole from the laborers. He was eventually defeated as business agent of that organization and more recently was assistant to Mr. Brewer in the recent conspiracies in Hollywood.

The Secretary of the conference of A. F. of L. Studio Unions, Joseph F. —excuse me, I will let him read it.

Mr. BODLE. Myer L. Louis, representing the American Federation of Labor. These are all telegrams, by the way. They will be read into the record later, but they are all telegrams demanding that Willie Bioff continue to represent the studio unions.

A. H. Peterson—that is Pedro Pete—representative, A. F. of L.; I. W. Buzzell, secretary, Los Angeles Central Labor Council; Anthony L. Noriega, secretary, California State Theatrical Federation; and then on behalf of the Conference of American Federation of Labor Studio Unions, a resolution similar to that which I first read, signed “Joseph P. Touhy, secretary of the Conference of A. F. of L. Studio Unions.”

Mr. SORRELL. I know that there are others. I know that O. T. Wayne, of the machinists, sent a letter like that, too. People were browbeaten and thought that they had to go along with this racketeer.

I tell you this to lay a basis and a background so that you will understand, when I answer the charges, my reason for doing certain things.

I want to get along as fast as possible. I have got so much to cover, and I want to do the quickest thing possible.

Mr. KEARNS. Just take your time.

Mr. SORRELL. I know my attorney knows that I am missing a lot, because he was with me at that time. Mr. Bodle was with me most of that time. I released him to go to the War Manpower Commission at the beginning of the war. Later he went into the Army, and it is only recently that I have been able to associate myself with him.

I know he is worried for fear I will not get things in. I want to get everything in, but I do not want to get it in twice.

I would like to answer each and every charge they made against me and explain to you so you can judge, and believe me, I want you to know whether I am a communist or not, in your opinion. As soon as I clear myself of that, then I am going on the attack, then I will tell some things.

Now, if you will tell me what I am charged with here, I can answer it.

The first thing I look at here is [reading]:

One Jeff Kibre was the representative of the Communist Party in Hollywood prior to 1939, planned to form an unemployment conference of various studio unions for the purpose of laying a foundation for an industrial union in opposition to the IATSE.

Let me tell you about the unemployment conference and Jeff Kibre. Jeff Kibre I met, I think, the first time at the unemployment conference. The unemployment conference I was the chairman of, if I remember right. I called the meeting. They made me chairman. The reason for calling the unemployment conference at that time was that so many people in the studios were not working. We invited the producers. They did not accept. We invited all local unions. They all accepted except the IATSE. We met in the carpenters' hall with the doors wide open. We discussed plans of alleviating the distress among the workers during this unemployed period.

Mr. KEARNS. Was there a public notice of this meeting?

Mr. SORRELL. I do not remember whether it was a public notice or not. I think it was in the trade papers. I am not sure. I know that all the unions received a notice. I know it was boycotted immediately by the IATSE, and later the teamsters ordered their men out.



It was at this unemployment conference that I first became acquainted with Jeff Kibre, and I see, according to what was read in the record, that a letter or something, that Jeff Kibre was on the CIO pay roll, and he took credit for organizing it. If he did, he was getting money under false pretenses, but I can understand how an organizer might do that.

We accomplished quite a number of things in this unemployment conference in spite of the fact that it was called communistic. We made a survey to show how much per year our people made, or how little per year, in spite of the fact that they got high hourly wages. That survey was made at the combined expense of the local unions whose representatives were there. It was made by, the name of, Gershenson who is now the statistician of the labor division in California. He is a very fine statistician. I hope to be able to get a copy of this. We had several copies, but I have left them in various hearings, and various trials, and it is very illuminating. It shows how little the average guy working in the motion-picture industry made, considering what high hourly wages were paid. We used this very effectively in bargaining.

Jeff Kibre I have not seen, I do not think, since probably in 1939 or 1940; and furthermore I want to say that it is said that the things that they read here about Jeff Kibre were printed in the Los Angeles Citizen. Now, for your information, the Los Angeles Citizen was edited by J. W. Buzzell, a thief, who stole money and who was removed by President Green because he used money that did not come to him on his pay check.

I traveled to Miami along with a representative of the actors, a representative of the teamsters, and a representative of the musicians. We got a man sent out there, and I have forgotten his name now, to investigate Buzzell. He investigated him. We did not send him to jail, but they removed him. And they elected the present man, W. J. Bassett, in his place, and we got rid of the guy who put this stuff in the paper which I do not know whether it is right or not. He would put in anything that Mr. Bioff told him to put in there. If Mr. Brewer went there to get his facts, they are mud.

If you look through the 1940 convention proceedings of the IATSE, you will find following page 95, you can read all of this stuff that you have been hearing here about Jeff Kibre, and all of this Communist stuff. You can go right on through and you will see that each one is headed by I. W. Buzzell as the contributor. He is no better than Bioff; he is just a cheaper chiseler. I make these allegations knowing that I am under oath, and knowing that I have to back them up.

I am not going to spare anybody.

Mr. OWENS. In other words, you are telling us that Kibre was not a Communist?

Mr. SORRELL. Oh, no; I did not say that. I said that I do not know whether Kibre is a Communist or not. I am saying that I met him first at this unemployment conference, but all this stuff that I have heard read here I heard for the first time, and all of this stuff that I heard read was published in the Los Angeles Citizen, edited by I. W. Buzzell, and also put in the 1940 convention proceedings of the IATSE. So I doubt anything that Buzzell says. It may be true or it may not be true. Do I make myself clear?

MR. OWENS. I was just wondering about Kibre. They were not referring so much to that as the fact that there was a regular plan that seemed to emanate from him which was followed in later years. That is something I want you to cover. If you can show that Kibre was not a Communist, it will make a great deal of difference.

MR. SORRELL. I am not going to try to show that Kibre was not a Communist, because I do not know. He did not tell me he was a Communist; he did not tell me he was not; in fact, I never asked him. I do not think I ever thought about it. I met with many people who could have been Communists, or could not have been Communists, but I am saying because all of this stuff that they read from the Los Angeles Citizen could or could not be true. I do not think it means anything. Probably Kibre could answer better for himself. I am not going to protect anybody in this. So much for Kibre.

Another thing: Kibre never was a member of any of our unions. Kibre was only a member of the IATSE. Kibre came and represented himself as being a progressive IATSE man. Anybody, and I do not care if it was Bioff himself, could have come in and sat in at that unemployment conference, as I tell you, and as can be testified by people who were there. It was always held in the downstairs hall of the Carpenters Building with doors open, and everybody welcome. That explains Kibre and the unemployment conference, which is supposed to be communistic.

Now, I will go along here. It says here [reading]:

MR. LEVY. Our statement sets forth that Mr. Kibre planned to form an unemployment conference of various studio unions for the purpose of laying a foundation for industrial union in opposition to the IATSE, which was and is a bulwark against Communist supremacy in Hollywood.

I think I have answered that, partly, because if Kibre said he organized that, he lied, because we organized it ourselves. Here he says—

was and is a bulwark against communism.

Let me tell you, Mr. Owens and you other Congressmen, that Willie Bioff made more Communists in Hollywood than any other Communist organizer could possibly make. He laid down the racketeering, domineering attitude to the workers, and he made them do things that they did not want to do, and they resented it. If there were Communists in there, believe me he should have done very well, because if he did not do well in that situation, they will not ever do well in this country.

Now we go on a little further and I may miss some things because I am depending on reading the things that my attorney has marked. This, I believe, is from Mr. McCann:

That one Irving Henschel was a part of that organization and assisted Kibre.

In another spot he shows me:

This is the same Irving Henschel who was the leader of the so-called rank-and-file movement of the Sorrell-directed strike of the CSC in 1945.

I know who Irving Henschel is. He is not a member of any of our organizations; that is, I do not think he is. Irving Henschel, who I became acquainted with when he talked to me after he had been to the 1940 convention of the IATSE, told me that Willie Bioff hit him on the jaw.

Now, as I remember Irving Henschel, he was a very little, slight-built man. I may be mistaken. In the course of years you forget.

But I know at the time he would be no match for my wife, much less Bioff or anybody else. I told him at the time sometime I would meet that scum and I would get even with that punch in the jaw.

I do not remember having met Mr. Henschel any more for many years. I might have seen him, might have spoken to him and not recognized him. As to him being the so-called rank-and-file movement, the leader in the 1945 strike, that comes as a bolt out of the heavens. I do not know a thing about it. I know that many of the IATSE boys are with us heart and soul, and if Henschel was working, he was probably one of them.

Here is something:

One of the IATSE's own local unions, Film Technicians Local No. 683, participated in the organization of the CSU.

Now, I think I have to go into that slightly. I am going to have to go into this several times, but this you must know. We started to organize the screen cartoonists. The reason we started to organize the screen cartoonists was because they came to us. The CIO also tried to organize the screen cartoonists. Here may be I did something that may not look right. I knew that I had strength in the major motion-picture studios. And the CIO was trying to organize Disney's. So I deliberately went out and got myself acquainted with some people who worked at MGM. Among them was a man by the name of Bill Littlejohn, who was an animator, and who is one of the greatest guys I ever knew.

Bill Littlejohn they all looked up to because he made in excess of the average wages, probably \$100, \$200, \$300 a week. I don't know. But I talked to him, and I discussed how poorly paid the cartoonist was, and if a local union, if we could make a union there, we could bring up the standards. He and a little boy by the name of Pepe Ruiz cooperated with me.

We got the whole cartoonist studio organization at MGM signed up. I went to Eddie Mannix of MGM and I said, "Look, Eddie, we have got your cartoon department; the painters is the right place for them to belong; I don't think there can be any question of jurisdiction, and I want to make an agreement for them."

I met the usual opposition. "Well, I think there should be 15 or 16 internationals in there. Some guy washes the film; he should belong to the laborers. Some guy writes or traces the film; he should belong to the office workers," and so on and so forth.

I discussed that at great length with Eddie Mannix, and I told him that he had people working in there for, I think, \$18 a week. He told me he did not have anybody working that low. I said, "Well, I will prove it to you. Call up."

He called up and found for the first time that he had people working for, and I think it was as low as \$18 a week. I said, "You can either sign that up and keep it in one unit—we don't want the cameramen; we don't want anything that the IA claims; we don't want anything but the artists and the people that draw."

We concluded an agreement with MGM, which was much better than any place else in the industry. Then, naturally, the other car-

toonists all wanted to go to work there, and we told them, "Look, join the local and make your studio fit to live in too."

Mr. KEARNS. Let us recess for 5 or 10 minutes.

(Short recess.)

Mr. KEARNS. You may proceed, Mr. Sorrell.

Mr. SORRELL. I have forgotten where I was, Mr. Chairman.

Mr. OWENS. You said you made a fine contract with MGM.

Mr. SORRELL. No; it was not a fine contract, it was a good contract for the cartoonists, as the first one. They still did not get what they should. I am not proud of that contract. They got much better than they had gotten before, but all over the industry the cartoonists were very badly underpaid.

In answering this, I am going to have to get into the Disney strike. I will sketch over it quickly.

The next place that we got a hundred percent organized was Leon Schlesinger Cartoons, who made cartoons for Warner Bros. We then organized most of the artists with Disney. We could not hold them in check, and there was a strike at Disney's.

I must go into that, but I can go into that on another question.

Those who helped us, who contributed to the winning of that strike in Disney's were: No. 1, the machinists; No. 2, local 683 of the IATSE; No. 3, the little office workers independent guild, who had a few people there; and the painters, who paid me while I organized them; and I think that was all.

After we had won that strike, and I will have to explain that, as I said, but I will do it on another question, we had to do something for the people that helped us. The machinists were 20 percent behind. They managed to survive the '37 strike, but they did not get the wage increase that we did.

Mr. KEARNS. You speak about all these various organizations that are either 1 percent behind or 20 percent. Did they ever catch up?

Mr. SORRELL. I was just going to say, we put the lug on the producers to give the machinists the 20 percent that they had coming, in our estimation. We think that mechanics should all be in one category. We do not believe that because we are painters we should get more than the carpenters, or because we are carpenters we should get more than the machinists, and so forth, and we very successfully negotiated the deal with the producers for the 20 percent that the machinists were behind.

Mr. OWENS. You were in a peculiar position on that, were you not? Were the machinists not part of those who went through the picket lines in 1937, so you had a divided proposition when you were through with that strike, did you not?

Mr. SORRELL. Look, the machinists went out in 1937. I did not watch. I do not know. I do not know how many went through the picket line. I know nothing about that except what I heard Mr. Wayne testify here the other day. I know that Mr. Wayne stayed out, because I got acquainted with him in 1937.

Now, the machinists refused to cross the picket line. We did not establish a picket line, but if we did, they would refuse to cross the picket line at Technicolor, thereby helping out the strike against Disney, and we felt indebted to them. And we obtained by joint

action—the machinists, with our concentrated help obtained the 20 percent they were behind.

The next in line was local 683. We took the officers of local 683 into the producers and we obtained a contract for them; 683 seemed to have been forgotten by Bioff. They worked steadily and there was no, probably no chance to get a rake-off, so he forgot them. So we took them in and with joint action got them a deal. That we will read in the record later from news accounts of it.

Then the office workers, and that is another story. We organized them, making a few local unions who were working together. We decided to call it a conference. That is all that the conference of studio unions is today, is a conference of democratic unions bound together to maintain the democracy and the autonomy within the union.

It is our opinion that the man who pays the dues to make a union possible should have some say in the running of it. Only those unions are eligible to join the conference of studio unions.

I think that that answers this question, or the reference that 683 was one of the conference unions at the start.

Mr. LANDIS. What is the name of 683?

Mr. SORRELL. The Laboratory Technicians, who develop and print the films after they are shot.

Mr. McCANN. It is an IA union, is it not?

Mr. SORRELL. It is an IATSE union.

Now, then, we slip down here to where there is some reference to the "motion picture democratic committee which brands Roosevelt a warmonger."

As I have testified before, up until 1931 or 1932, I was a Republican. I would have voted for Hoover when he ran in 1928, but I happened to be a little bit filthy rich and I had hit the stock market, and my wife and I were on a tour. We toured all over the United States, Canada, and Mexico. We just had a grand time. And I did not get a chance to vote.

As I say, I changed then, and I voted for Roosevelt. I voted for Roosevelt everytime he ran. I realize that I do not agree with you on this, Mr. Owens, and that would make me a Communist if you were Mr. Brewer, but this is a fact.

Mr. OWENS. You do not know how I voted.

Mr. SORRELL. You are a Republican I understand.

Mr. OWENS. I did not vote for Roosevelt at any time, though, I will grant you that.

Mr. SORRELL. All right, I did.

Mr. OWENS. You were one of the deceived persons. Go ahead.

Mr. SORRELL. Mr. Owens, maybe I was deceived, but I liked it.

I was a member of the motion picture democratic committee, and I never heard Roosevelt branded as a warmonger. However, let me make it very clear that I did not think that this country should go to war. Now, don't get this confused. I did not think they should go to war, but I did think they should arm and keep armed and be prepared if attacked.

I cannot say exactly what the motion picture democratic committee did, because I did not only belong to the motion picture democratic

committee; I belong to the Burbank democratic committee, the motion picture democratic committee, and I am not sure at that time whether I was a democratic central committee man or not, but I was out to help elect Culbert Olsen and the friends of labor.

I do not ever remember their ever branding Roosevelt as a war-monger. However, I do not think the motion picture democratic committee was Communist controlled, and maybe I do not know some of the things that happened at the motion picture democratic committee.

To make it very clear to you, as they would like to make it appear that I followed the Communist line, this brings up an incident where this country started to issuing defense bonds. Now, I do not know the date that they started to issue them, but the Communists did not believe in that. They did not want to arm us. They did not care if Russia armed, but they did not want to arm us.

Now, I believed in defense; so I could not follow the Communist line. To make it clear to you, since these people are trying to make you think I followed the Communist line, I have to make it clear that I did not, by the fact that Mr. Gavery, the superintendent of construction at MGM called me one day, and he said, "I would like to talk to you. Could you drop over?"

I dropped over, and he said, "I've got a proposition here. We are going to make some shorts, and Frank K. Whitbeck is going to write these shorts, and he wants to make a picture of a union in meeting, and someone get up and make a motion by the union to buy \$5,000 or \$10,000 worth of defense bonds, and have it passed, and so forth."

He said, or rather he discussed this with me, and I only know one democratic union that can do that and do it snappily.

And he said, "You hold meetings every week, don't you?"

And I said, "Yes."

He said, "Could you do that for us?"

And I laughed, and I said, "Mr. Gavery, don't you know that I am supposed to be a Red, and that the Reds do not believe in defense bonds?"

He said, "Yes, I know, but I know different. I know that you are not a Red."

I said, "You are right."

And naturally they wanted the union actually to do this, so it would be an authentic story, but they wanted to reenact it on the stage where it could be shot properly.

I said to Mr. Whitbeck and Mr. Gavery, "Now, understand, I think that it would be better for the musicians to make this picture, because the musicians have musicians in every theater, most of the theaters where it will be shown. They are a little more impressive, and they have more money, and maybe they could buy \$10,000 worth, where we could only buy \$5,000, but I will take this up to my union on a Monday, and I will make the motion to buy the \$5,000 worth of defense bonds, and I am sure that it will carry. But I will also talk to Spike Wallace, who was then the president of the musicians, and see if he can buy \$5,000 worth and make it more imposing."

He thanked me, and the next Monday meeting, I can truthfully say, and the minutes will bear me out, I made the motion to buy \$5,000 worth of defense bonds and we were the first union in Hollywood to buy defense bonds when they first started issuing them here before the war started.

Now, that, I happen to know, is not the Communist line, because I paid the People's World, and it is supposed to represent the Communist line, and they gave us hell.

I think I have answered that question.

While I am at it, I will go to another one——

Mr. KEARNS. Did the musicians make the movie?

Mr. SORRELL. I do not know whether they made the movie, or not, but they bought the bonds, the same as we did, but we bought them first. That was the thing I wanted to bring out.

Now, it is said in here that I did not support Roosevelt because I——

Mr. OWENS. Some inquiry was made as to the date. You said you did not know, but I do not recall. I think it was 1939, was it not?

Mr. BODLE. In 1939, I believe, when lend-lease first came in.

Mr. SORRELL. You can check the records here, and I can check, and if you wish, and I would like to do this, I will check my minutes when I get home, if you will make a note of it, Mr. Bodle, and I will send a certified copy of the minutes of that motion.

Would you like that?

Mr. KEARNS. Yes; that would be very good.

Mr. SORRELL. You shall have it.

Mr. McCANN. Mr. Chairman, may the minutes, when they arrive, be received in evidence at this point?

Mr. KEARNS. No objection. The date will have to show there, Mr. Counsel.

Mr. McCANN. I know. But I mean, inserted in the record at this point.

Mr. KEARNS. Very well.

(The minutes referred to are as follows:)

EXTRACT FROM THE MINUTES OF MOVING PICTURE PAINTERS LOCAL UNION 644,  
MEETING OF MAY 19, 1941

Meeting called to order Monday evening, May 19, at 8 p. m. by Brother Warnock.

Roll call of officers. All present or excused.

Minutes of the previous meeting were read; approved as read.

\* \* \* \* \*

(Sections here omitted: Proposals of membership; communications and bills; accident, sickness, and death report; secretary's report; reports of delegates and committees; business representative's report; and unfinished business.)

\* \* \* \* \*

New business: Letter from Brother Halstenburg asking for time to pay note. Motion by Brother Ball seconded by Brother Friedman, that he be allowed to pay 10 percent per month.

Motion made by Brother Sorrell that the treasurer be instructed to buy \$5,000 worth of Defense bonds, seconded by Brother Friedman; 21 for motion, 13 against motion.

Motion by Brother Hoffman, seconded by Brother Friedman, that \$5,000 be taken from the general fund. Amendment that matter be left to the trustees to transfer the money from the fund. Amendment and main motion carried.

Brother Misner requested that his objection to the motion go on the minutes.

Receipts, \$149.30; expenses, \$686.81; \$40.00.

Meeting adjourned at 10:15 p. m.

Respectfully submitted,

E. C. HEAD,  
*Acting Recording Secretary, Pro Tem.*

The foregoing extract from the minutes of the Moving Picture Painters Local Union 644, 4157 West Fifth Street, Los Angeles 5, Calif., consisting of portions of the minutes of a meeting of May 19, 1941, is, to my best knowledge and belief, a true and exact copy from records in my possession.

VERNON K. MANGOLD,

*Recording Secretary, Local Union 644.*

STATE OF CALIFORNIA.

*County of Los Angeles:*

Subscribed and sworn to before me this 22d day of March 1948, by Vernon K. Mangold, personally known to me.

[SEAL]

WM. F. HEYLER,

*Notary Public in and for the County of Los Angeles, State of California.*

My commission expires August 5, 1951.

Mr. SORRELL. Also, I am listed as being on the pro-Communist slate to support Ellis Patterson in preference to President Roosevelt. In other words, I am supposed to throw down President Roosevelt to support Ellis Patterson on a peace plank.

That is correct to a certain extent. It was the understanding and it was laid down to me as cold facts that there would be an Ellis Patterson slate and that we would vote for Roosevelt, but they would put a plank in the democratic platform which was a peace plank. And that is my reason for supporting Ellis Patterson, and if you subpoena Ellis Patterson—believe me, he is not a Communist—he is a former Congressman here—he will tell you that he ran on that ticket to put a peace plank in the platform. And I supported it, and they used my name as one of the delegates.

Now, another place here, it says:

The official literature of this organization will show that right up to the time of the Stalin-Hitler pact, it supported Franklin D. Roosevelt and advocated his running for third term.

It will also show that right after the announcement of the Stalin-Hitler pact, when the Communist Party line changed to isolation, it opposed Franklin D. Roosevelt and his foreign policy for aiding the allies.

Now, I cannot remember it, because the Communist Party line crosses the Herb Sorrell line. I cannot help that. If they want to go along on my road, that is their business, and if they want to go on another road, that is their business, too.

But I do know the IATSE bulletins have said that I changed coats every time the wind changed, like the commies do. That is not true.

In 1940, when the Communists were tearing Roosevelt to pieces, I was making speeches on national hook-up, and let me see if I can think of some of the people on that. There were several stars, and I represented labor, and among others, one of the others was Fred Meyer, from 20th Century Fox. That was on two national hook-ups, supporting Roosevelt.

I have a kind of bum photostatic copy of a certificated membership in the Democratic National Committee, and this certifies that Herb Sorrell is a member of the 1940 campaign of the Motion Picture Division organized for the purpose of helping to elect Franklin D. Roosevelt President and Henry Wallace for Vice President, and there is some more here. My name is engraved on it. They gave it to me for the parts that I played in the election of Roosevelt. I had it framed, and it is hung in my office, and I sent for a photostatic copy, and I would like to put it in the record if there is no objection.

Mr. KEARNS. No objection.

Mr. McCANN. As a reference exhibit.



Mr. KEARNS. As a reference exhibit.

Mr. SORRELL. I do not care what you use it for. It is a fact.

(The document referred to was filed with the committee.)

Mr. OWENS. When these charges were made against you with respect to that particular matter, was it charged that you were moving separately along that same line, or that your name was linked right with that particular Communist front organization?

Now, which was it?

Mr. SORRELL. They said that I was a member of the executive board of the motion picture democratic committee. They said that I was a member of the—I don't know. You heard all the stuff they heard, and I am supposed to back it all up.

Mr. OWENS. I do not mean it that way. Did they make any separate charges that you made any talks about peace during that time, or was it because your name was linked with these organizations that were standing for that program? Which was it?

Mr. SORRELL. I think that it was the latter.

Mr. KEARNS. We will have to watch the prompting on questions.

Mr. BODLE. He is not familiar with the record, Mr. Chairman.

Mr. KEARNS. That is all right with respect to reference to the record.

Mr. SORRELL. I think it was the latter. However, I talked for peace, too, and I want that understood. And I wrote President Roosevelt letters for peace. I do not know that it did any good, but I wrote them.

Mr. OWENS. Don't you think that would be the time, even though they might seemingly be adopting your program, be a time for you to keep yourself separate from them, rather than having your name linked with them in any way, inasmuch as you were thinking about the same thing, just as though at the present time I might have, say, some of the same views that, say, Mr. Wallace would have, and I should be very careful in keeping my name separated and showing that I did not stand for the things he stands for?

Don't you think you should have been in the same position?

Mr. SORRELL. Look. I always work to get a thing done. I work to get a thing done. And if I think the people are all right, I work with them. And when they depart from my way of thinking, I break with them. Now, I do not know when I broke with the democratic committee, I just do not remember. That was several years ago. I know that they did some things that I did not approve of. I know that it graduated from the motion picture democratic committee to some bunch of letters. I have forgotten what the letters are now. But it was mentioned here, and I did not go along.

I know that at the present time that organization is called the—I can't remember the name, but it is the Artists—I can't remember the name. But it is a long name, and I am not a part of it. I am not a part of it because I can't see where I would gain anything by being a part of it. Their views are not like mine.

I think we will come to it in here, because I think they have mentioned that the Motion Picture Democratic Committee became something else and then something else, and they probably think that I am still behind it. They would like to make you think that I think that.

Mr. OWENS. In other words, you feel that they feel that you were using them and they were not using you; is that the point?

Mr. SORRELL. Nobody uses me.

Mr. LANDIS. Was that the HICCASP?

Mr. SORRELL. HICCASP.

Mr. LANDIS. HICCASP.

Mr. SORRELL. Yes. I think I did pay a little dues to it, but I quit, because they got far afield from my thoughts. Then they went in to the Associated Arts and Sciences, or something—one of these high mental names that is over my head. And I had nothing to do with it at that time.

Now, it says here, when Mr. Douglas and Mr. Dunne resigned, that I was a member of the Motion Picture Democratic Organization and one of the executive board. Now, to clear this, I may have had some meetings with the executive board of that organization, and I may not. I don't remember. I made one speech to the Motion Picture Democratic Committee, and I spoke for money. I distinctly remember I told them—in California at that time there were a lot of pension plans. There was the Townsend plan, and—I don't know—all kinds of old-age pension plans, and I told them I had the Sorrell plan, and as I was a member of the executive board, they could not stop me from saying it, and mine was a retirement plan, too, and I needed some money to start it with, and I wanted to retire Merriam as Governor and elect Olsen. We had some stars there, and we got a tremendous amount of money. But I do not remember meeting with the executive board. Those were just names.

Mr. KEARNS. Were the stars interested in a retirement plan?

Mr. SORRELL. Retiring Merriam and putting Olsen in? Yes; they were, because they contributed heavily. Then they wanted me to make money speeches all over, and I do not like to make money speeches. Money and I don't get along, anyhow, and I just didn't make any more speeches, and I kind of dropped off from the organization.

Now, I want it clearly understood that I was opposed to this country going to war before and after Russia got into the war. I was opposed to this country going to war until Pearl Harbor, but I was not opposed to this country being prepared for war. And when Pearl Harbor came, I wanted to go to war. But I had gotten too old.

Mr. OWENS. You mean, you are telling us any organization you are affiliated with took no step whatever to show any change in your position at the time that Germany took steps against the Soviet Union?

Mr. SORRELL. That is right. Any organization which changed their policy when the Soviet Union went to war with Germany—any of them that changed then, I was not a part of them. And, believe it or not, it was hard for even those people who were pro-Communists to change quickly, and that came over a several months' period.

Well, this is all about Communists, all the time. I want to skip over this as fast as I can, because I have so much to tell you.

Oh, here it is:

On June 6, 1945, the Hollywood Democratic Committee became the Hollywood Independent Citizens Committee of the Arts and Sciences and Professions.

That is what I was trying to think of. And I do not think that my name is linked with that at all. I am not saying anything against that

organization. Those people have a right to think. And I think that everybody has a right to think and do as they please, but I have an independent right, too.

I think I have already explained why Labor's Non-Partisan League said, "The Yanks are not coming to fight Stalin and Hitler." I think I made that plain.

It states here that Herbert K. Sorrell was State president of the organization—this is speaking of Labor's Non-Partisan League—during this latter period opposed his third term for President Roosevelt, and Sorrell denounced him as leading us into war, that being from the *People's World*, May 2, 1940.

I want to say something about Mr. Sorrell's supporting President Roosevelt. I understand—then he explains, because Matthew Levy knows that I have told a lot of people that that kind of thing would not hold up; that I have proof that I was supporting Roosevelt. Now, it seems to me—well, I will come to this later.

MR. LANDIS. But you supported Roosevelt at that time?

MR. SORRELL. I have always supported Roosevelt.

MR. LANDIS. You have always supported Roosevelt.

MR. SORRELL. Mr. Owens and I were not in accord. He thinks it was not good, but I liked it.

MR. OWENS. It may have been good for you, but I did not think it was good for the country.

MR. SORRELL. I think it was good for the country, too, because I only do what I think is good for the country, because only by doing what is good for the country can you raise and improve your own living standard. You can't do it individually.

MR. OWENS. I don't hold it against you, you may be assured of that.

MR. SORRELL. I don't care whether you do or not, Mr. Owens. That is my opinion.

I keep seeing repeats here—repeats. The Patterson slate. I have explained that.

Now, the Workers' Alliance—this is a laugh.

It tells about all this Communist business, and I want to say something about this. I think, and I am not positive about it, but I think that I did speak at that place, but I was up there looking for offices and hall rents for a union one evening, and they had this Workers' Alliance, or whatever it is, there, and they heard I was there, and they asked me to speak to them. And I spoke a few minutes. I don't know: it didn't amount to anything. But that is all of the recollection that I can possibly get through my head. And I think that was a Workers' Alliance meeting. It was a group of people—probably, as I remember it, 150 or 200 people. I guess if that makes me a Communist, I must be a Communist, but you had better be careful, the kind of people you speak to, you Congressmen, or you will be fellow travelers of mine.

Now, here we see Emil Freed. Now, let me tell you my connections with Emil Freed. I know Emil Freed as a newsboy, and so help me. I never knew until I came here that he ever made speeches. It says I spoke from the same platform as Emil Freed and LaRue McCormick. Now, if I spoke from the same platform as Emil Freed and LaRue McCormick, I didn't know it. And I don't know it now. I think

I have met LaRue McCormick; I am not positive. I would not know her if she came in.

I supported LaRue McCormick, and that will come up a little later. Incidentally, Emil Freed was arrested on a Columbia picket line across the street from the picket line selling People's World papers. He was arrested, and he was given a year and several hundred dollars' fine, because they picked him up with the rest of the pickets in a zone that was supposed to be only so many pickets.

Now, the people had formerly gone into the studio and gone to work, so they could not go in, so they demonstrated outside. So they all got pinched. There will be more about that later.

And Emil Freed was selling People's World papers across the street, and they took him in, too, and they gave him a long jail sentence, and we are appealing that, the same as we are appealing the people that we had in there, because we do not think that is just.

Mr. LANDIS. Was it the zone or what was in the People's World?

Mr. SORRELL. Nothing in the People's World, but he happened to be in the wrong part of town. He was in the zone where they surrounded them and pinched everybody.

Mr. OWENS. Was that a Communist publication?

Mr. SORRELL. Some claim it is, and I am inclined to think it is Communist—everything is for the Communists in the publication. I don't say everything, but I am inclined to think it is a Communist publication. I can't swear to it. I take it, and I will continue to take it. I even take the Times, which is antilabor, completely.

Mr. OWENS. The People's World; is that the one where the editor is now up for deportation?

Mr. SORRELL. Oh, I don't know. Who is that?

Mr. OWENS. Zanis, or some name of that type.

Mr. SORRELL. I don't know. I am not that well enough acquainted with it.

Mr. OWENS. You mean, you take the paper, and you never notice who the editor of the paper was?

Mr. SORRELL. No. I just take the paper to see whether the Communist line is following the Sorrell line or whether they are fighting me.

Mr. OWENS. You don't know that the editor of that paper is now up for deportation?

Mr. SORRELL. No; I don't know that. I don't read it that close. I should read it close like Mr. Brewer, and then I could pick out all the things that I need to, but I don't read it that close, and, in fact I should keep a file of the copies, so that I could go through. I sent a hurry-up call to Hollywood, and I got a few extracts which will be introduced in here. But I will be more careful in the future.

Now, the National Federation of Constitutional Liberties, southern California branch. I think I endorsed that. I usually endorse things like that, because the people who helped me when I needed help are the people who endorse things of that kind.

I also endorsed the Jewish Relief, something about the Jewish Relief, or something, and they put a big paperful of publications. Of course, they did not bring that in, because I think Frank Freeman and some of them got on there with me.

Now, I am not a Jew. But, of course, I have been accused of being a Jew, because I have been accused of being everything. But that

is one thing I can prove. You know—well, we won't go into that. But I can prove that I am not a Jew. And look, I am not saying that disparagingly, because some of the smartest people I know are Jews.

Well, all it says is that I am one of the sponsors of that organization, and I think that is right, and I think I was prevailed upon to sponsor that organization by a man by the name of Abe Isserman. Now, Abe Isserman is connected in some way—I think he is, I am not sure—he is an attorney. He did some work for us, and he will come up in this hearing again. I know Abe. He is probably tabbed as a left-winger. But I know him as a very able attorney, and he did something for us here in Washington that I do not want to go into now, but which is going to surprise some of you probably when I bring it out.

Abe Isserman's name is mentioned here. He is the national chairman. Yes; that is it. Abe Isserman is a friend of mine, and has done some things for me, and I think the organization is all right, or I would not have endorsed it.

Now, some of these things that I think are all right, you might tab as a Communist front, and I still do not think they do any harm.

Now, I see something about—

To induce the students to peace strike, a demonstration under the auspices of the committee in cooperation with the American Student Union, a Communist-controlled group, was held in the University of California at Los Angeles on April 18, 1940. The purpose of the meeting was to induce the students at the college to stage a peace strike. That was during the period of the Stalin pact. Herbert K. Sorrell was listed as one of the speakers.

So help me God, I never spoke there at all. April 18 is my birthday. How I know I did not speak there was that April 18, 1940, I spent with my daughter and my grandchildren up in Oakland. Now, I place it because it just happens to be one day in the year that I could place. I have spoken at U. C. L. A. I have spoken at Stanford. I have spoken at Cal Tech; I have spoken at U. S. C. I have spoken at a number of these places to the labor classes.

The last time I spoke at U. S. C., they packed Bovard Hall with, I think they said, 2,500 people, or something like that. I spoke for an hour, or something like that. It had nothing to do with politics. I did not even discuss the studio strike. But where they get some of this is beyond me.

MR. KEARNS. What did you talk about to those students?

MR. SORRELL. I talked about democratic labor unions, not the racketeering kind. I have definite ideas on how unions should be run. I have very definite ideas on labor relations, and anybody that wants to hear it, I am glad to tell them.

MR. OWENS. Are your thoughts along the line for instance, of the AFL, the CIO, the English system, or the Soviet Union? I don't know which.

MR. SORRELL. Well, I will tell you. I am a craft unionist, and I think it is necessary to have good labor relations, and to have it done by craft unions. I have never advocated a vertical union in any industry, as the CIO, except in the automobile industry, or something like that, where they have failed to organize under the craft union set-up.

MR. LANDIS. How about the coal miners?

MR. SORRELL. The coal miners—I think they pretty nearly have to be a vertical union, too. Let us put it this way—

MR. LANDIS. We have united crafts, too, in the coal mines.

MR. SORRELL. What is that?

MR. LANDIS. They are united like the studio unions, I imagine.

MR. SORRELL. Yes. But you will need some central control there, I imagine.

MR. LANDIS. That is right.

MR. SORRELL. Because the trouble you run into, the only trouble that craft unions have is when you have one engineer; so he belongs to a union by himself. You have one electrician; so he belongs to a union by himself. You have a couple of maintenance carpenters, and a couple of painters; they belong to a union by themselves, and then you have a mass of people.

Now, in a case like that, in order to organize them, I think they have to be organized in industrial unions. The racketeers in this industry have hollered that, talking about Bioff and all his stooges all the way along, that I advocated CIO unionism. Now, there are a lot of people that think the way I think, and at the end of the 1937 strike, it would have been very easy to have affiliated with the CIO or anything else, because they were pretty disgusted with the treatment they got at the hands of the central labor council and the treatment they got by many of the A. F. of L. unions.

But I don't think that that was proper. We are still painters; I am loyal to the painters' brotherhood. I voted for President Lindelof. I respected him as the president of the organization. And as we go along with this story, you will see that there is complete cooperation there.

I spoke at the request of the faculty of each of these organizations that I mentioned.

MR. KEARNS. If you can find that out, I would like to know what member of the faculty invited you to be the speaker.

MR. SORRELL. Now, there was a doctor—I am speaking from memory—a doctor—Dr. Graham, a Professor Graham, invited me to U. S. C. I wish Charlie Boren were here. He knows some of these people better than I do.

MR. KEARNS. If you get this information for me, I would like very much to have it; I mean, as many as you can get, of the particular faculty members who extended you the invitation.

MR. SORRELL. Yes; now, some of these people have changed.

MR. KEARNS. I understand.

MR. SORRELL. Dr. Robert Gray at Cal Tech is still there. I will try to furnish them.

MR. KEARNS. Yes; I will appreciate it, as many as you can give, Mr. Sorrell.

MR. SORRELL. Yes.

Now, we go along here and we find the Schneiderman-Darcy defense committee. I want to tell you about that. I was speaking at some kind of meeting some time, and I was telling them that I believed that you should not kick people around because they are members of a minority group. If you kick them around enough, they have a right to fight for what they believe is right, and if they can't go to the ballot and they can't talk about it, then they will probably start a revolution.

I don't believe in kicking the Communists out of anything. I make that very plain to you.

MR. KEARNS. You mean, of any labor organization?

MR. SORRELL. I don't believe in kicking them out of a labor organization, or anything else.

MR. LANDIS. As an officer? You mean even as an officer?

MR. SORRELL. Now, after all, I have a streak in me, too. I think that that is the labor organization's job to do it within themselves. That is my opinion.

MR. LANDIS. Well, that is all right.

MR. SORRELL. It is my opinion that when you kick people out, for every one you kick out, you make a dozen.

Schneiderman and Darcy were a couple of foreign Communists who admitted they were Communists, and I admire a guy who admits that he is a Communist, because so many do not. And they were up for deportation. I voiced my opinion on that, and somebody said, "Would you get on their defense committee?"

And I said, "I never say anything to you that I wouldn't say to the whole world. Sure, I will get on their defense committee."

I sponsored Schneiderman and Darcy; that is, on their committee, and I said that they should stay in this country.

Now, it so happens that Wendell Willkie defended these people, and I am told that he did not defend them for the price, that Mr. Levy has said he was entitled to, but I understand that that was his theory, and I understand that the Supreme Court of the United States ruled just like this lousy painter thought. So if I am a Communist, I have got a lot of comrades.

Is that clear?

Now, that is my opinion, and as an American, I have a right to my opinion.

MR. KEARNS. Then you oppose the noncommunistic phase of the Taft-Hartley bill?

MR. SORRELL. I wish you would not put me in such damned spots as that. I signed one myself.

MR. KEARNS. All right. That is good enough. You signed it.

MR. OWENS. The only thing that I say is that there is no difference between your beliefs and those of the Communists, then, inasmuch as you make the statements that you do?

MR. SORRELL. That I do what?

MR. OWENS. That they should not be taken out of anything, it is up to themselves to handle it as they wish, that you would defend them?

MR. SORRELL. Look——

MR. OWENS. Maybe you know more about them than I do. Maybe I have been misled as to what their thoughts are here.

MR. SORRELL. Let me give you a little illustration. In the first place, it is very, very hard to pick out a Communist and kick him out of your organization. I think Mr. Brewer told you that. I have learned that you are a labor attorney, and I think you know that. Now, we have in our organization some Communists, and I know down deep in my heart they are Communists. We also have in our constitution a provision for kicking these Communists out, and I was there; I voted against that, but I go along with the majority. I am

a strict believer in democratic procedure as far as unions are concerned.

One of our members was investigated since I have been here. His name was Frank K. Spector. He was investigated by the Un-American Activities in California. He has been driving and cutting my throat and doing everything he could, and that will be brought up, because I have some minutes here from my own union to show, and they naturally want to destroy our organization. They want to go into the IATSE. They want us to make ourselves available for work and go back so that they can go back into the IATSE, which they can cut the throat of quickly.

Frank K. Spector testified before the Un-American Activities Committee that he was a Communist, and had been a Communist since 1919. And he was also a foreigner, and not naturalized. Then they said, "we should report you to the Immigration Authorities and have you deported."

He said, "You are a little late. That was done 21 years ago, and I am still around."

Now, that was communicated to me over the phone, and I said, "Well, so long as he has committed himself, he is a Communist, you have to prefer charges against him."

They said, "Well, now, it is lucky that you are back there and don't have to do it, because we will have somebody else do it."

I said, "No, you won't. I take the bitter with the sweet. I don't like it. It is against my principles to throw Communists out, because he is only going to go some place else, and it is only going to cause more trouble. It is in the constitution, and we will live up to it, and you prefer charges against him in my name, and I will sign them as soon as I get there. You will take the usual procedure. I think that you should call an executive board meeting, and I will wire the recording secretary accordingly and tell him to get the findings from the Un-American Activities to use at the trial, and I won't crawl out from under the obligation."

I wired that. I have a return wire. I cannot put in the telegram, because I sent it to them, but I can put in their answer. I will put in their answer to show that I go along with the procedure that was laid down in democratic courts. However, I don't agree with it.

MR. KEARNS. Don't you keep copies of telegrams you send out, too?

MR. SORRELL. No. They keep them at the office. When I am away from the office, my attorney is a very poor secretary. He might have it and he might not. At the office, yes, we keep everything there.

This is a wire from Los Angeles dated February 26:

WASHINGTON, D. C.

Following your wired instructions have preferred charges in your name against Frank K. Spector who last Wednesday admitted before the State un-American activities committee he is a member of the Communist Party. Charges are based on sections 107-A and 107-E of the brotherhood constitution which bars Communists members. Executive board tonight removed Spector as delegate to Painters' District Council 36 as you suggest. I contacted committee and am authorized to obtain their transcripts.

VERNON K. MANGOLD,

*Recording Secretary, Local Union 644.*

MR. LANDIS. You don't believe your constitution ought to have that section in it?



MR. SORRELL. I don't believe it should. But I will go along with it.

MR. LANDIS. The point I was making is that if there was not some individual who believed in the American system and another individual who believed in the overthrow of the government by force. I think the Communists believe in that.

MR. SORRELL. Now, let me give you my views on that. I think that as long as a man has a right to express his opinion and a right to vote, he does not have a right to try to overthrow the country by force. Now, if any Communist—I don't care whether he is a Communist—if any Republican comes to me—

MR. LANDIS. Yes, any subversive.

MR. SORRELL. and says, "I have an idea to overthrow the country by force," brother, he's got a fight.

MR. LANDIS. That is right

MR. SORRELL. But if you bar that man from expressing his opinions, if you bar that man from telling you his thoughts, and trying to convince you, then you drive him to do the very thing that we don't want him to do. That is my opinion.

MR. OWENS. You know that Spector was a Communist before he admitted it, didn't you?

MR. SORRELL. I didn't know. There was no way for me to prove it. I didn't ask him because I didn't think he would answer me. If I had had any idea that Spector would have said, "Yes, I am a Communist," I would have asked him, and believe me, he wouldn't be a part of our organization.

But as a rule, Communists don't answer that way.

I have read that in the record; so we will save that, because we have copies.

MR. LANDIS. Most of them don't answer; is that right?

MR. SORRELL. Most of them give you a lot of double talk.

Now, let me tell you. A certain group of Communists headed by Frank Spector, because there was one now that I know was a Communist, have been contacting Mr. Brewer about putting some scenic artists back to work. They come to our organization and they call a special meeting. It only takes a few signatures to call a special meeting of the painters' organization. So they called a meeting, and they said, "Let us make ourselves available for work." They are voted down overwhelmingly. They vote another meeting, and they say, "Let us make ourselves available for work."

They are voted down overwhelmingly, and this goes on and on.

We have a lot of meetings, and unlike Mr. Brewer's organization, although we have been on strike for 8 months last year and been locked out for a year or a year and a half now, we had 1,000 to start with, we call a meeting, and we get 600 or 700 or 800 to the meeting. Our people want to know what it is all about. And that is the reason they are not racing back to the studios, and they are not Communists.

Well, they didn't get far; so they got a little group that they call the Scenic Artists' Group. They tried to needle that scenic artists' group to go back to work separately. And in order to do it, they sent a delegation to see the executive board when they met the last time; that is, the executive board of the painters' organization, to ask for a separate charter.

Believe it or not, one of the boys went with the delegation to prefer charges against two of the other boys, two or three years ago, calling

them anti-Semitic, pro-Hitler, and everything in the book. I suspect the guy is a Communist. I suspect the other guys are just as bad a little bit on the other side. But in this, they group together, and they all rode back to St. Louis in one little car, and they were all cramped in together, the Commies and the Fascists, they all mixed up.

Politics makes strange bedfellows. Well, those fellows became strange bed fellows within union politics.

Mr. LANDIS. You never suspected Hank Spector of being a Communist?

Mr. SORRELL. Oh, I suspected him. Sure, I suspected him because he is a very clever strategist on the floor. He will do to me what Mr. Owens did to me the first time I testified.

He will break in in the middle of a sentence and break the continuity of my thoughts and destroy my effectiveness when I try to say something. Mr. Owens did that to me the first time I was up here.

Mr. OWENS. I assure you it was accidental.

Mr. SORRELL. And do you know, I came pretty near saying, "Mr. Owens, you act just like some people I suspect of being Communists or fellow travelers."

I think you did it in trying to help me get myself expressed, but that is the reaction. It confused me very badly. I am pleased that you are not doing that today. I like you better as we go along.

I have explained the thing about Darcy.

Here I see Leo Gallagher's name. I might as well catch these as I go along.

To go back for a minute. I signed a petition to release Earl Browder from jail, and I did not remember that I did it at Columbus. But I not only signed the petition: I wrote President Roosevelt a letter requesting him to release Earl Browder from prison. Now, let me tell you why I did it.

This I am told, that Earl Browder falsified in some way his signature on a passport, and I was told that the most anybody ever served was 6 months for that offense, and I was told that Earl Browder, because he was of a minority group, got either 4 or 5 years. Is that right?

Mr. LANDIS. I forget that.

Mr. SORRELL. You seem to know the case, Mr. Landis. So that is why I asked you is that right.

Now, that is unjust. If you are going to penalize the guy because he is a Communist, because he is a Communist to penalize him, but if you are going to put him in jail, give him the same treatment, whether he is a rich man, poor, beggar, Republican, Democrat, or Communist.

I signed it, and not only did I sign it, but I wrote a letter to President Roosevelt, and believe it or not, President Roosevelt pardoned him. I do not know who is the biggest Communist, me or the man I admired so much.

Mr. LANDIS. But you mentioned the Browder case. Of course, I have not said anything about the Browder case, except that I used to be on the Un-American Activities Committee. But I want you to understand my position in this, since you mentioned that I knew something about the Browder case, that Communists or any subversive individual that believes in the overthrow of the United States Government, if he is foreign-born, I say deport all of them. If they are

American citizens, let us put them in the penitentiary. That is the way I feel about it, anybody that believes in the overthrow of the Government by force. That is the point I want to bring out.

Mr. SORRELL. You have got to show—

Mr. LANDIS. I did not speak of a political party, either. I do not speak of the Communist Party as a political party.

Mr. KEARNS. You are speaking of them as individuals?

Mr. LANDIS. I am speaking of them as individuals, or an organization—any individual or an organization.

Mr. SORRELL. I will go along with you to a certain extent, but I say that when you drive them underground, you are breeding trouble for yourself. I think that if I were a Communist, I would want to be the kind of Communist that said, "Look, Mr. Landis, this is a better idea. Let us endorse it. Let's go along. Let me show you why."

Only I have never come to that conclusion.

Mr. LANDIS. They have never showed me why, either.

Mr. SORRELL. That is right. But maybe they have not showed either of us, because they were driven underground. I am not sure, because I don't have as much time to devote to laws and legislation as you do, and I don't intend to try to get up there and debate with you about something that I don't know anything about, any more than I expect you to come and debate with me how to paint a very nice background, or even to paint that wall.

Mr. OWENS. You can paint a very good background, all right.

Mr. SORRELL. I don't know about that.

Now, there was some mention here :

Herbert K. Sorrell, who was a delegate from his Hollywood local 644, signed the petition, citing the *People's World*, September 24, 1941, United Spanish Aid Committee.

I don't just remember this. It says further here :

The purpose of the committee was to furnish aid to the Communists who took part in the Spanish Civil War in 1936-38.

Who said the Communists took part in the Spanish Civil War? I am not a Communist, and had I been a young fellow, I would have gone over there, because I think that was a terrible thing. It is my opinion now—you might convince me that I am wrong—but it is my opinion now that Hitler and Mussolini and Franco all got together and put on a little preview of the World War, and I think it should have been wiped out at the time. I think that the people there who voted those people in office should have had no outside interference. If they were going to have a revolution, I think we should have kept everybody out of there and let them have it.

I did not ask for any aid for any Communists. If my name appeared, and I just can't remember, but it is my opinion that if my name appeared and there was relief for the people who participated in the Spanish War, that is all right. And it didn't have to be Communists, either.

Now, I see Leo Gallagher's testimonial to defend the rights of the Communist Party.

That is a lie. There was a Leo Gallagher testimonial. Why anyone should put "to defend the rights of the Communist Party" in there, that is simply more smokescreen, typical racketeering hiding behind a smokescreen, because there are things going on in their

camp which I want to bring out. They keep you off balance. They left-jab you with those things, just as a boxer keeps a man off balance.

Believe me, I never, and I am sure you can't show me anything in that Leo Gallagher testimonial that says, "to defend the rights of the Communist Party." And I signed and proposed and went to that meeting, that testimonial dinner of Leo Gallagher.

Now, let me tell you why I did that. I know Leo Gallagher. Leo Gallagher is a little Irishman, and he ran on the Communist ticket one time, so they tell me, and Leo Gallagher will defend Communists, but he will also defend anybody that is behind the 8-ball. I know Leo Gallagher as a little guy who goes to mass every Sunday. I know Leo Gallagher is a guy who has been over in Russia, who knows all about these things. I admire Leo Gallagher for the things he has done, and not just defending the Communists, because that is only one of the very many nice things that Leo Gallagher has done.

I am a business agent. I get everybody's troubles. I got people that were sunk in trouble until they had to have attorneys. I got an attorney here. I have had other attorneys. They worked their nails off. They don't have time for this; they don't have time for that, but Leo Gallagher always has time for the guy that is in trouble, until I wonder how he lives.

And if they have another testimonial dinner for Leo Gallagher, I will not only sponsor it, but I will go. I owe it to Leo Gallagher for the many good things he has done, and in spite of the fact that Leo Gallagher will run on the Communist ticket at some time or other, he is not what you would term a "Communist."

Do I make myself clear?

MR. KEARNS. Was there proof entered here that he was a Communist?

MR. SORRELL. I don't know. Pat Casey said he supposed he was a Communist, and somebody said that he ran on the Communist ticket at some time. That is quite possible.

MR. OWENS. I am beginning to wonder whether the Communist Party would need you in there to champion their cause, and if you were not doing a pretty good job outside the party.

MR. SORRELL (to his attorney). Well, I'll be damned!

MR. OWENS. I mean, would you ever find a better champion of the things that they stand for than what you have been saying here during the last hour? I mean, sincerely.

MR. SORRELL. Well, I will tell you.

MR. OWENS. Here is what I mean by that. If things happen once, as you know, that they say you stand for the very same things, it might be an accident; twice, it is coincidence, third, it is a habit.

MR. SORRELL. Well, I will tell you. When I get through testifying here, maybe you will think I am a Communist; but I do not think so, because I have not started to tell you the disagreements that I have with Commies.

MR. OWENS. I wouldn't say that.

MR. SORRELL. I am answering their charges. I have not brought in anything here to show that I do not follow the Communist line. I am just trying to answer their charges.

Now, some of these charges are true, and they make it sound like I am a Communist. Some of them are an awful stretch of the imagination, or a stretch of the truth. It is beyond imagination to think that some of these things that I appear as sponsoring here could make a man a Communist.

Mr. OWENS. You are beginning to show us that a Communist is a pretty good fellow here. I will have to be frightened and get out before you convince me.

Mr. SORRELL. Well, look, I don't think so. If I thought they were good fellows, I would belong to the Communist Party. So far, they have not convinced me that they are good enough fellows that I should join the Communist Party. I haven't told you any of the bad things about it yet. I will, in the course of this, as we go along.

Mr. OWENS. All right.

Mr. SORRELL. Harry Bridges' defense, to defeat the deportation of Harry Bridges. I hardly think it is worth while, my taking too much time on that. I signed on the committee to defend Harry Bridges. He was found not guilty of being a Communist. As he told me, "I am the only man in America who can say that I am not a Communist. I have been found not guilty in court."

Harry Bridges gave me help when I needed it, and the least I could do was to get on Harry Bridges' committee, which meant no work, to keep him from being deported.

Now, I have talked to the former international president of the musicians' union, Mr. Weber, who is now a member of the executive council of the American Federation of Labor, and he told me that he also felt that they did not want to deport Harry Bridges because he was a Communist; they wanted to deport Harry Bridges because he was a good labor leader, because he got something done. And that is what I think. And that is all I can say on that Harry Bridges incident.

Mr. KEARNS. Do you have the testimony of Joe Weber's where he said that?

Mr. SORRELL. No. He said that to me in private conversation. But Joe Weber is an honest guy.

Mr. KEARNS. Yes, he is an honest man.

Mr. SORRELL. If you would care to ask him that, he would tell you that.

Now, there is LaRue McCormick. Now, I have told you about Jack Tenney. I mentioned Jack Tenney in my preceding talk, and I told you that Jack Tenney, I thought, was a Communist; at least, I thought he leaned that way. I told you I had heard that he participated in some fruit pickers' strike or something, and he went to jail, and he was opposed to Buzzell. But I couldn't link the guy up. I didn't personally like Jack Tenney. He suddenly, after he got the job with the musicians at \$150 a week, which at that time was pretty good money, decided that he should run the musicians all by himself.

Jack Tenney all of a sudden did a flip-flop. I found he was not a Communist, but he found fault with the Communists, and I said, "What is the matter, Jack?"

And he said, "My union is full of Communists."

He said, "My executive board is dominated by the Communists. The union is dominated by the Communists."

He had a proposal, and if I remember right, the proposal made a proposition that made him the king of everything he surveyed in the union. He was the boss. He would have one meeting per year. I am quoting this from memory, and I might be a little bit off, but I am not far off. He would run the union, and they would have one meeting a year to O. K. what he did, and he did a lot of Red baiting.

At the 1939 meeting of the State Federation of Labor in Oakland, he was invited by J. W. Buzzell, who was his old-time enemy, to come and make a speech. At the same meeting, Jack Shelley, whom I have already mentioned, almost had his credentials pulled because they thought he was a Communist, but Tenney, who had been even more radical than Shelley, was now invited to come and make a speech.

He came and talked, and he harangued and harangued, and when he got through, I said, "Jack, you know, you are thinking about running for United States Senator. I do not think there is any use of your running. I don't think anybody would vote for you. I think if your members could have heard you talk today, I don't think you could be elected president of the musicians any more.

"Jack, I am surprised at you. I am not too surprised, because I never did think much of you, but I am convinced now that in my own opinion I am a pretty good judge of human nature."

I never liked Jack, and he don't like me. That was in September. In December Jack Tenney was beaten 2 to 1. His program was beaten 2 to 1, excepting one thing, and that one thing was that you should eliminate Communists out of the organization.

Now, he said the Communists beat him yet they voted to eliminate the Communists out of the organization.

Jack Tenney and I have never been very good friends since then, never. Jack Tenney once ran for United States Senator. He didn't get any votes, so it didn't matter about that. But he ran for State senator from Los Angeles County, and he obtained both the Democratic and Republican nominations. In California you can run on both tickets. There is cross filing there.

There was only one person left. That was LaRue McCormick, who was running on the Communist ticket. I not only sponsored LaRue McCormick, but I told them to use my name and put it in the paper, "Democratic Committeeman for LaRue McCormick", using anything they wanted, anything against Jack Tenney.

Even for a Communist I would vote; even for a dog I would vote in preference to Jack Tenney.

Now, I think that explains the LaRue McCormick phase.

Mr. LANDIS. But Jack won, though?

Mr. SORRELL. Oh, surely. She did not have a chance. She got more votes than they ever figured she would get, and she got my protest vote, too.

Mr. OWENS. I would just be interested in knowing what he said, what particular thing that turned you against him in that meeting.

Mr. SORRELL. It was not only in the meeting. You see, he was in Labor Nonpartisan League, and he did a lot of things that went against my grain. You know, I gradually come to like people or dislike them.

Mr. OWENS. You know, it is pretty tough that that is the way it is with yourself, and you say you have always disliked lawyers.

Well, go ahead, anyway.

Mr. SORRELL. I get along with Mr. Bodle.

Here is one sneaky little thing that he did, just one of the things. There was an investigating committee. Jack Tenney gets on all these investigating things. If he was a good active lawyer, I guess he would have to practice, but this State senator's job that he gets pays him \$100 a month, so he gets on the investigating committees to make a little extra money. And the committee he went into—I think it had something to do with Bioff, I am not sure, but it had something to do with labor leaders, and so forth, and he got Pat Casey on the stand, and he put a question to him like this:

Mr. Casey, didn't you supply Mr. Weber, the international president of the musicians with a car and a driver, and so forth?

And, of course, Pat had to say "yes."

Now, let me give you the inside on that. Pat Casey and Joe Weber were old-time friends. They are both old men; and they are both honest men, I am sure. Pat Casey was in New York and Weber was coming to California. Pat says, "Go out and use my house instead of going to the hotel. You have your wife with you. Go out and use my house and my car, and so forth."

So he went out and he stayed in Pat Casey's house for a couple of days and used his chauffeur.

Now, Jack Tenney, at the time he asked this question, was president of the musicians under Joe Weber. That is just one of the sharp tricks, you know. And he was full of such things, because he got thrown out of the musicians, and he tried to pass a lot of antilabor legislation. I don't have that legislation with me, but I could get it from Spike Wallace, his successor.

Mr. OWENS. Why was he thrown out of the musicians?

Mr. SORRELL. He was voted out. I just got through telling you. He was voted out 2 to 1 when this election came up.

Mr. OWENS. I thought you said he lost his office 2 to 1.

Mr. SORRELL. That is right. But after he lost his office, and before LaRue McCormick ran against him, he tried to inject a lot of anti-labor—what we think is antilabor—propositions.

Do you get me clear now? Prior to the time LaRue McCormick ran against Jack Tenney and after he had been thrown out of his job as president of the Musicians Local 47, he had tried to put through some antilabor legislation.

Now, in spite of that fact—in spite of that fact he had the support of Buzzell of the central labor council, but not the musicians, so much so that the musicians for a long time withdrew from the central labor council.

Now, of course, I do not believe in withdrawing from an organization that don't do what you want them to do. We still belong to the central labor council.

You seem to be puzzled.

Mr. OWENS. I am still wondering what he was put out of the union for.

Mr. LANDIS. He was not elected.

Mr. OWENS. No, no, he only lost his office in the election. But I want to know—

Mr. SORRELL. Wait a minute. I did not say he was put out of the union. I meant that he was defeated as president of the union. No, he is still in the union.

Mr. OWENS. Oh, I see.

Mr. SORRELL. Let us get that clear, because he ran for president again, but the next time he ran he did not get 10 percent of the votes.

Mr. OWENS. You used the term "put out of the union."

Mr. SORRELL. I could see you were puzzled, and I am glad you cleared me up on that.

I didn't know LaRue McCormick. Let us make that clear. I didn't know her. All I know is that it was a name on the ballot. Now, I have probably met her, but if she walked in here, I would not know her.

Now, then, there is something about the American Youth for Democracy, and it says here:

On October 17, 1943, the Young Communists League held its national convention in New York City. At that convention the name was changed from Young Communists League to American Youth for Democracy.

Now, I sponsored something like that, but American Youth for Democracy is something that I used to know back in 1939; and if I sponsored something that I did not know what it was, I have made a very serious mistake; and I am not sure. This is such terrible evidence here. I don't think that is a fact. I thing the AYD, as I remember, was an American Youth for Democracy, and that was in 1938 or 1939. And if I have sponsored a Communist organization as this says I have, then I need to check up and not do it any more. I might have made a mistake.

It has other sponsors here. Among them I notice Judge Stanley Moffatt. Now, Judge Stanley Moffatt is a presiding judge in Los Angeles County, and not being an attorney I don't know what kind of court it is. But he works at it. He sits on the bench. And Judge Stanley Moffatt is a pretty good guy. Judge Stanley Moffatt is a pretty good friend of mine, and it may be that I signed this. It says that I signed it, and it says Judge Stanley Moffatt was a signer also, and signing his name on a thing would make me think that it was all right, too. They also have—

Mr. LANDIS. What is the name of that?

Mr. SORRELL. What is that?

Mr. LANDIS. What is the name?

Mr. SORRELL. That is this American Youth for Democracy.

They also have a sponsor of this, Ellis E. Patterson, Congressman, Sixteenth District, and Ned R. Healy, Congressman from—it doesn't say what his district is, and I forgot.

Now, Ned Healy, in my book, is all right. You will hear more about him as we go along.

I know that Mr. Brewer does not sponsor Ned Healy. He thinks that because he is out for clean unions and democratic unions, and Mr. Brewer is out for a different kind—there is a difference of opinion. I do not agree with Mr. Brewer there, but that does not make me a Communist. And I say that this might have influenced me, seeing the names on here—Ellis Patterson, Ned Healy, Ernest Caldecott, and Judge Stanley Moffatt. They are friends of mine, and I do not think they are Communist.



Frank Scully is another friend of mine, and he is a newspaper writer. I see Albert Dekker, assemblyman from the Hollywood district, acted as master of ceremonies. And it also says:

Ellis E. Patterson and Ned R. Healy, Congressmen from the 15th and 13th Districts, respectively, were honored guests.

It also says that Reuben Borough welcomed the guests.

That is to a press conference for the People's World; is it? I don't know. But these are pretty good people, and I don't mind having my name linked with them. I wasn't there, but it may be that I sponsored that on the belief that they were on it, and it would be all right.

It says here that I have upheld the People's World and so forth, and that is right. I get the People's World. I don't get a chance to read it, but I get it just the same, as I get the Times. I think it is very biased. I think the Times is very biased. I think the right line is to draw between them. And I will continue to get it as long as they put it out and as long as it is lawful. I will go even further than that with you. I even used to get literature from the Public Library of Information from New York that gave me Hitler's side of everything. I think that is what it was called. I think I have some of those things yet; and I believe as an American I should read everything. Of course I don't get a chance to read much of anything. These people keep me too busy. But I get them, and if I get an opportunity, I will read them.

It says that both Sorrell and Lawson were supporting the current \$75,000 victory expansion drive for the People's World.

I remember the People's World calling me up and asking me if I would sponsor their drive for money, as usual. I said, "With money— not a cent. I haven't got any.

They said, "Well, do you mind saying something in my favor?"

I said, "What am I going to say?"

They read me a statement that somebody said. I said, "That is good enough for me." That is what happened.

Mr. LANDIS. Did you know Lawson?

Mr. SORRELL. I have met him two or three times. I can't tell you where I met him. All I know is that he has a great big nose. I don't know him personally; that is, I have never been to his house; but I would know the man if I saw him.

Now, here it says that at the third annual convention of the Communist Party, I am supposed to have been there. I understand, held at 121 West Eighth Street, Los Angeles.

I was never at that address, to my knowledge. I never was at a Communist convention.

Now, also, the photostatic copy of the Communist card is here, and I want to explain something about that. During 1937 I had many threats and sometimes actions taken against me. That was in 1937 and 1938. Among other things, I had a fellow come and tell me, "Look, there is a Communist Party card going to be planted against you."

I questioned him a little bit, and I said, "Look, do you know this to be a fact?"

And he said, "Yes."

And he told me a little bit about it. He gave me his name. This was in 1937 or 1938. I was called to hearings by the then Yorty investigating committee, and they kept me cooling my heels outside, but they didn't give me a chance to come inside.

In 1941 there was a strike going on at Disney, as has been testified before here, and this strike was supported by all unions for 4 weeks, or maybe 5 weeks. I don't know exactly. The strike lasted 9 weeks in all. When Willie Bioff who had, I believe, gotten back from his jail sentence and who was supposed not to have any further dealings for the IATSE—he was supposed to have been fired by the IATSE, but was living in his beautiful home in the valley—entered into the negotiations—

Mr. KEARNS. What year?

Mr. SORRELL. 1941. Now—

Mr. LEVY. For November 1941, I think it is important for me, Mr. Chairman, to rise—

Mr. KEARNS. No.

Mr. SORRELL. No; I am trying to keep my thoughts in line here, and as I should tell them all about the Disney thing. I want to get over it quickly, but I must go back and tell about the Disney thing.

Walt Disney and Willie Bioff made a contribution to Art Samnick, a lobbyist, through Bill Jaspas. Now, I have to explain that. If you went in to see Art Samnick and you had less than \$100,000, he did not take it. But before you got outside Bill Jaspas would get you. So they made a contribution, anyhow, and I got this.

Mr. LANDIS. Did you finish the card part of it?

Mr. SORRELL. No; I am just getting started.

Mr. LANDIS. That is what I thought.

Mr. SORRELL. I am trying to tell you that in 1941—

Mr. LANDIS. Now, who was Samnick?

Mr. SORRELL. Art Samnick is a high-priced lobbyist in California.

Mr. KEARNS. For whom?

Mr. SORRELL. He lobbies for the whisky interests and lobbies for a lot of them. He is a noted lobbyist.

Mr. LANDIS. All right. Go ahead.

Mr. SORRELL. So I found this out. Never mind how I found it out, but I found it out. Tenney then became the head of the un-American activities. He succeeded Yorty. So they came immediately to Los Angeles and opened hearings, and they called me. But it so happened that we were in the process of settling the Disney strike. The people had gone back to work, and we were settling the Disney strike.

Now, James Dewey, from the Conciliation Service, was the man who settled the strike, and first he notified Madam Perkins, and then he notified them down there that I would be there to testify, but that they shouldn't call me and have me wait; that I would make it and come right back; that I was needed in the negotiations.

I went down and testified before this committee, and I told them what I knew. I said, "You people are being used by the vested interests. This is a planted deal." I said it was paid for, and so forth.

And then they told me that that committee had to be—it came from the two houses in California, and I said, "I know, but you do whatever Art Samnick tells you, and I know he got paid to tell you to do this."

The papers came out, and I don't know whether I can get the

clippings or not; but they said, "Committee investigates Sorrell; Sorrell investigates committee."

At that time they were supposed to have this Communist Party card, and I told them so, because I had been told by this man, and I can't think of his name now, that it was planted in there, and I told them so when I went there, and I said I wanted to see it. They did not show it to me. They showed me instead a copy of a letter which said, Communist Delegation or Communist Convention, or something, and then it was all blocked out, top and bottom, and in the middle it says, "Committee consisted of Herschel Daniels, Herb Sorrell"—well, there were five of us, Tom O'Connor, and I knew what the committee was. That was a committee where we each put in \$1,000 from our locals, and we called it the C. U. R. A. L. Committee—I don't know where we got the letters "C. U. R. A. L.," but we used it under that name. We printed banner strips for automobile bumpers, bumper strips. We bought radio time, which the A. F. of L. had contracted for and was going to lose. We spent the money, had it audited, returned it to our locals, the audits, and so forth, where the money was spent, and they knew all about the committee but it had nothing to do with the Communist Party.

They said that this girl—her name is slipped to me now, Rena Vail—had turned in an affidavit that I, among many, many others, was at this convention, and that I was a doorman. Now, of course, Rena Vail was a confused female, I knew. She was pointed out to me at the hearing.

However, she did not take the stand or anything, and later I am told she went to the insane asylum. Well, it is no wonder. She was seeing things. I wasn't there. The party card was not shown to me, but when I went down, I alerted this guy, who told me he knew something about it, and I was going to bring him; and unfortunately, I told somebody outside about my plans, and I think that they got that, because they didn't present the card. They have never shown me the card.

Now the guy is dead; but I still think we can prove where that card came from. I am not positive, but I know that they can't prove that it is my card, because I never saw a Communist card, and so testified at that time. And they didn't present it to me then. The card is a fake. There is no card like that, or if there is, it is manufactured.

I have no reason for telling you that I didn't belong there, because if I did, there wouldn't be anything wrong with it. I could say that I belonged or I didn't like it any more, or I can say that I didn't belong. As an American I can say what I please.

It says here that I denied that. Now, I tell you—

MR. LANDIS. Was this the one you were talking about [indicating]?

MR. SORRELL. I don't know for sure if I recognize it. The only time I ever saw it was in the paper.

[Document handed to Mr. Sorrell.]

MR. SORRELL. This is some of the same stuff.

MR. KEARNS. You say the only time you saw that was in the paper?

MR. SORRELL. The only time I remember seeing anything like this was in the newspaper. They put it in the newspapers.

MR. KEARNS. When you were at this hearing, did they show you photostats?

Mr. SORRELL. They didn't show me. I wanted them to because I was going to pin them down on it. But they didn't show me this. That was in 1941, and I know that they had this in their possession, because I was told that they had it in their possession in 1938, and at that time I was ready to come back, but they didn't show it to me then. It didn't come out until later.

Mr. KEARNS. Did you personally ever contact the handwriting expert?

Mr. SORRELL. No, I did not.

Mr. KEARNS. Weren't you interested enough to?

Mr. SORRELL. Well, I will tell you. When I get through talking here you will understand why I did not.

Let me tell you. There are many things I haven't done right. One time—and this is departing from the usual run—in 1945 the strike was settled in Cincinnati, but we didn't go back to work immediately because there was a little difficulty there. We took the picket lines—except Warner Bros. And Lindelof called me, and he said, "Get them off of Warner Bros." He says, "You will ruin me. I won't have any prestige left," and so forth.

And I said, "Boss, it is an awfully hard thing to stop this right now, just when we are winning. And the people trust me, but they don't know you."

But I went and took them off, anyhow. Then, I think it was around October 30—I am not sure of the date, transportation was hard to get. Eddie Mannix called me and said, "Are you ready to go with me?"

I do not remember whether it was Washington or Cincinnati. He said, "Would you go along? We want to get things straightened out."

I said, "Sure, I will do anything; but I don't think I can get transportation."

He said, "I am chartering a plane for Paul Mantz."

I said, "O. K."

So then, after a while, somebody called me on the phone, an anonymous person, and said, "Say, do you think you are going to Cincinnati?" I don't know whether it was Cincinnati or Washington—in that plane, in Paul Mantz' plane.

I said, "Well, I am figuring on it."

And they said, "Well, make different plans. You are not going." And, bang, they hung up the phone. So Eddie's secretary—I didn't talk to Eddie any more—but Eddie's secretary called me and said the plane—at first I think it was supposed to leave at 9 o'clock in the morning, and they said, "It won't leave until 2," and then she said, "We postponed it again."

This fellow called me again, and he said, "Do you think you are still going on that plane?" And I said, "I intend to."

"Well," he said, "you are not going."

And I got to thinking, and I said I had better get hold of Lindelof, and I might have a nice talk, and I had better get him to take care of it because I figured I might get ditched in this thing and maybe this guy is giving me a tip. So I got hold of Lindelof and then we had a long talk. It was not necessary for me to go then.

Then I heard that the plane was going to leave at 9 o'clock at night, but neither Eddie nor his secretary told me. Somebody else told me; somebody from the airport. I went home, I backed out of my garage, backed my car out of my garage at 8 o'clock, just to go down and get

the paper, and when I backed out, a car drove across and filled my car full of slugs. They shot it up.

Now, when you open the door to my car it lights a light. So I didn't realize what happened until I saw holes coming all around. I opened the door, and that lit the light. So I closed the door. My next inclination was to take out after these people. I took out after them, but they were gone. Zip! and they were gone.

I called the police and made a report because there were bullets in the house, bullets in the garage, bullets in the car. Some of the neighbors had noticed this car cruising up and down. One of the neighbors wrote down the number of the car and gave it to my wife. The police came up and examined everything and found the bullets and took them out, and this and that, and my wife handed me the number, and I handed it to the police.

You know, we never got these guys. I forgot to copy the number on something else. I am negligent too. But it seems to me that there should have been more effort made. But that shows how negligent I am in some things that, later, you know, maybe I should have taken care of.

But I thought I had too many things to do there.

Now, I have not seen any handwriting expert. I haven't seen anything but photostatic pictures in the paper, and I don't even know whether a handwriting expert can judge on photostats or not. I don't know. I am not worried about the thing. I know it can be cleared.

By telling this, do you understand how it is that I don't go into these things?

Mr. LEVY. I said that the original—

Mr. KEARNS. No.

Mr. OWENS. He was just saying that he had the originals.

Mr. LEVY. I said the originals were available. I had those in my testimony.

Mr. KEARNS. Now, just a minute. Let us keep this thing going the way it should.

Mr. OWENS. Mr. Chairman, I would like to have those submitted to the committee. Those originals are there, and I think we should have them.

Mr. KEARNS. There is no question. I think we ought to have had the originals out on the coast. There were some forms submitted out there, even. At least it was asked to put them in the record, Mr. Counsel.

Mr. OWENS. While those are being looked at, Mr. Sorrell, are you against the plans and program of the Soviet Union?

Mr. SORRELL. Yes; I am against the plans and the program of many things in the Soviet Union. Now, I do not know all the plans and the programs. I am against aggression, and it looks to me like, at the present time, the Soviet Union is an aggressor. I don't know too much about the internal workings of the Soviet Union. I have been told a lot of things. Some day I am going to Soviet Russia and find out, if they lift the iron curtain. I would like to go and find out.

Mr. LANDIS. I don't think they will let you over there.

Mr. SORRELL. What is that?

Mr. LANDIS. They might not let every man over there. We have about 21,000 here and about 155 now over there.

Mr. SORRELL. Maybe I will be a lucky one. I don't know. But I would like to see. I believe that every man has a right to his own home. I think that if every man in this country owned his own home—I don't say every man, but if the big majority of men in this country owned their own homes and had an interest in this country, no other system could take its place.

Mr. OWENS. Then you would be against the program of the Soviet Union?

Mr. SORRELL. I have heard—now, I have heard in the Soviet Union they built apartment houses, and if you get an apartment, that is all right, and if you don't, that is all right. I am against that way of living. I want to own my own home. I want my own car. I want my own airplane. I want my own clothes. I want the things that I want. I don't desire a lot of wealth to be used for power. I just want to be one guy who can raise a family and send his kids to school and make good citizens out of them.

Mr. KEARNS. Well, you admit, then, you don't have to go over there? You can just read the Constitution of the United States of America and that tells the whole story about what we can do.

Mr. SORRELL. I am quite satisfied with the Constitution of the United States of America. Also, I am quite satisfied with the Bill of Rights, and also I realize that we must watch that or we let some guy think you are a Communist or something and destroy your rights. I realize that that can be done, too.

Do I make myself clear?

Mr. LANDIS. How far would you go with me on my statement that I made a while ago? You said, "I will go pretty far with you." Do you remember that statement?

Mr. SORRELL. Pretty far with you in what way? I have forgotten.

Mr. LANDIS. I, of course, believe in a different kind of organization; but when an organization or an individual goes so far as to want to overthrow the Government by force, then I say that is too far.

Mr. SORRELL. Now, listen—

Mr. LANDIS. That is, would you go that far?

Mr. SORRELL. Mr. Landis, let us put it this way: If anybody wants to overthrow the Government by force, they have to take me on first, because I am a firm believer in democratic procedure, and I think as long as that don't break down, there is no excuse for force.

Now, sometimes I have been a victim of the democratic procedure. In our unions we allow everybody to talk. We shut nobody off. Sometimes a guy hits on something very unpopular, and they boo him; and I am always the first one to say, "Look, he has just as much right on this floor as you or I have, and if it is any other way, I don't want anything to do with the union."

I am a firm believer that if we stick to the democratic principles of our unions and of our country, you and I may disagree, but we will always come out arm in arm. I think that the same thing goes for management and labor in labor relations.

Mr. LANDIS. That is true, but I would go a step further. If you let this kind of people, these subversive individuals, whether they are Fascists or Nazis, or Communists, or anybody else, if you let them get in and get control of the labor unions and the churches and the schools, then is when they work from within. And I do not believe in that, letting them get too strong.

Mr. SORRELL. Now, here is another thing. I have heard—I don't know whether this is true or not—that to be a good Communist you must be an atheist.

Mr. LANDIS. I have heard that.

Mr. SORRELL. I have heard that, but I don't know whether it is true or not. If that is true, I can't be a Communist, because I was raised—as a kid I went to the Methodist Sunday School that was the nearest. Later I was baptized in the Baptist Church.

Now, I don't believe that one sect should prey on the other. I think there are just as good Catholics, Unitarians, Presbyterians, or Orthodox Jews—it is my opinion that they are all trying to do the same thing.

My oldest daughter married a Catholic, and became a Catholic, and I didn't get mad at her. In fact, I said, if that is what she wanted to do, that is all right. She has five of the most beautiful children you have ever looked at. They go to parochial school. And that makes no difference to me. And my daughter says, "We are all trying to go to the same place, but we are probably using a different staircase to get upstairs."

That is the way I feel.

Mr. KEARNS. Let us just end this business right here, until we get this record established on this original.

Mr. OWENS. I do not see any original card of Herbert Sorrell.

Mr. LEVY. There is not any of Herbert Sorrell. There is an original card of Herb Stewart.

Mr. KEARNS. Is that supposed to be his "Commie" name?

Mr. LEVY. That is correct. That is the information that has been testified to before the Tenney committee and before this committee. But I have here the originals which I said were available, and got them from California for that purpose.

Mr. OWENS. Mr. Chairman, would Mr. Sorrell mind if we have an original of his signature?

Mr. SORRELL. Sure.

Mr. OWENS. I don't think it is fair to be given a signature—

Mr. LEVY. Then I misunderstood your question. Here are the photostats.

Mr. OWENS. I do not want the photostats. I want the originals.

Mr. LEVY. I misunderstood what you said.

Mr. SORRELL. I tried to write that just off like I would write it—

Mr. KEARNS. Pass that to the Chair. That is what we are going to submit in the record.

Mr. LANDIS. I think we ought to recess now, sir.

Mr. KEARNS. We cannot go on this way all night. We are going to recess now, and we will take this consideration up the first thing in the morning.

Then, if it is all right with the members of the committee, we will stand adjourned.

Mr. SORRELL. I go on the first thing in the morning?

Mr. KEARNS. Yes, at 10 a. m.

The committee is adjourned.

(Whereupon, at 4:30 p. m. an adjournment was taken in the hearing until Thursday, March 4, 1948, at 10:00 a. m.)





# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

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THURSDAY, MARCH 4, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will come to order, please.

Mr. Sorrell, you may continue your statement.

## TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE— Continued

Mr. SORRELL. I realize I am not making the progress that I expected to make. I am going to depart from time to time from answering the many charges that have been laid to me, to go on with other parts of the story, because I want my attorney, George Bodle, to read in some of the evidence confirming it.

One of the things that I remember offhand, one of the charges—Walt Disney was brought into this. I started to tell you the other day about organizing cartoonists. I got through that period where we organized them at MGM and wrote a contract without, apparently, any trouble. And the cartoonists throughout the industry were very much underpaid. The next studio where we obtained not only a majority but a unanimity of the membership was Schlesinger Studios who make cartoons for Warner Brothers, and I believe was owned by Warner Brothers. At least I think Mr. Schlesinger was in the Warner family, a brother-in-law, or something of that kind.

At the same time the organization was going on at Disney's. Disney has said something, if I remember right, about me controlling the National Labor Relations Board. I cannot imagine me controlling the NLRB. He organized a company union which was found by the Board to be a company union and was dissolved, but the next day after he dissolved that company union he changed the initials and made a new company union.

We tried very hard to make a deal with Mr. Schlesinger and we offered him the same deal that we had with M-G-M.

It has been the policy of myself and the people connected with the Conference of Studio Unions to treat all employers alike, large or small. We cannot give special consideration to small people that we would like to, because that hurts the people we represent. We do not

take advantage of small people because we do not believe in taxing the little fellow more than the big fellow just because we can do it.

However, in the case of Mr. Schlesinger, we told him that if we were forced to strike, we would have to raise the ante on the very low-paid people each day that the strike lasted. We did that in order to try to get him to make a deal without a strike.

The employees in his organization had voted to give us the power to pull a strike if necessary. Mr. Schlesinger worked on the basis that he was friends with all of his hundred or two hundred employees, whatever it was, and that any of them could come into his office and borrow money.

But, of course, we used the argument, if he paid them enough, they would not have to borrow the money, and we would not put him out like that.

I liked Mr. Schlesinger very much. He was formerly a partner of Mr. Disney.

It may amuse you to know that he finally closed down, or we struck him, and he put a sign on the door "Closed on account of strike."

He told his people working for him, "Now, I am going to get in my yacht and go down to the South Seas and you won't have any more work."

Of course, we told them that we thought Mr. Schlesinger was four-flushing, and when he drew his fifth card, he would open his studio again.

So the second day we went to see him. Mr. Brodle, I believe was along. He whined and said we were killing him, and that he only got so much for his pictures from Warner Bros. We told him, "Raise the price to Warner Bros., they have to pay it."

Finally he asked to look at the contract again, and it cost him \$2,600 a day more the second day than it would have if he had signed it before.

He drew our attention to that and we drew his attention to the fact that we were raising the very low-paid brackets, that is, the people who got \$18 or \$20 a week, each day, and it would cost him \$1,300 a day for every day he prolonged the opening.

He finally said, "Give me," after he had abused us and raked us over the coals. He said, "Give me that." He signed that and said, "Now, what about Disney?"

We told him that Mr. Disney was really giving us a bad time, and that we did not want to strike Disney until we had all of the people organized, but we did not know but what it might happen right away because he had now resorted to firing the people who persisted in belonging to our organization. I have forgotten the number he fired that day, but it rings in my mind about 28. Included in that group was a man by the name of Art Babbitt, who was a very fine animator and got way above the union scale. The installation of a union would not raise his salary, but the man was like Bill Littlejohn that I mentioned at M-G-M, and he insisted that the poorer-paid workers should be raised, and he went along with us.

It so happened that against the advice of myself they voted to strike Disney's.

I have to tell you a little bit about this strike, because it has a bearing on the studio situation. We established mass picket lines

in front of Mr. Disney's studio. That is, the workers who usually went through the lines assembled and picketed.

Mr. Disney called the chief of police at Burbank, whom I have spoken about before, Elmer Adams, and he said, "Send me 50 policemen."

Elmer Adams said, "I don't think you need 50 policemen, but if you will get Herb Sorrell, who is supposed to be leading that strike, and you two request 50 policemen, I will send them; otherwise I will send down a man to investigate."

I was told this and I said, "Send two policemen to govern the traffic through the picket lines." This was a peaceful picket line, like we always have. There were a lot of people there and we did not want anybody run over, and we did not want anybody buzzing through the line, tearing through and hurting anybody, and we wanted to keep it peaceful, and those that want to go through our line, we want them to do it.

Naturally we hope they won't, but we do not want any trouble.

Consequently, two policemen were sent by the Burbank Police Department, and the strike went merrily along.

It was particularly picturesque because these artists insisted on depicting everything on their picket lines. They had all kinds of signs. The best of them, it was their duty when off the picket line to make gags and signs.

Gunther Lessing was Mr. Disney's attorney, and all of the dealings I had had were with Gunther Lessing. I had never met Disney but once. Gunther Lessing was a red-headed attorney who bragged that he was counsel for Pancho Villa. I told him, of course, I never had heard of Pancho Villa ever winning a legal victory. I thought it was the other kind, and I did not see where he got any glory out of it, but he still brought it up to everyone who met with him.

The kids hung an effigy of Gunther Lessing, with the red hair, in front of the gate upon a pole. Disney had made a picture something about a dragon—The Reluctant Dragon. One day the picket line assumed a dragon three or four blocks long, the head weaving, with Disney's face as the dragon's face.

There were all kinds of things like this.

Then, lo and behold, about 5 o'clock would come along the Schlesinger group in automobiles decorated all about Disney. The fact of the matter is, Mr. Schlesinger's artists, I think, spent all their time making up gags about Disney, so that when work was out they picketed him with them.

We had a sound wagon there, and we talked over the sound wagon, and we had a sound system which we installed across the street on a side hill. Every morning we would picket, the kids would picket from 7:30 to 9, and then they would go over to this side hill and from 10 to 11 or 11:30, we would talk to them on a loud speaker system, and of course they could hear in Disney's what we were saying across the street.

Also, on this hill we had a cafeteria set up, the carpenters built tables, and in California it was summertime, it was all sunshine, and it did not have to be protected from rain. So they built tables and the culinary workers furnished us a chef, and we served lunch.

At dinnertime we served dinner at 6 o'clock after the mass picket line would go off, after the workers had gone through. And then the musicians many nights would send down a truckload of musicians and they would play and these kids would dance in the street in front of the gates.

They kept busy all the time. The average age was less than 25. They became the most enthusiastic strikers I have ever seen in my life.

Mr. Disney, when he could not get any police from the city, decided to hire 50 private police from outside the city. These fellows came in and the usual rough tactics—began to push these kids around, and some of the young kids were not to be pushed around, they were strapping young men. So I ordered them all inside. I said, "You are working for Disney, you get inside."

We almost came to blows there. But the Burbank police joined me in ordering the people that Disney had hired inside the property line, so they lined up inside the gate, they were helpless, nothing happened, and there was still no violence.

This strike lasted 9 weeks. At the end of 4 or 5 weeks, suddenly this Art Babbitt that I have spoken about, and three or four of the people were picked up by Joe Touhy, Lou Helms, Audrey Blair—I don't know if there was anyone else—and taken off to Willie Bioff's house.

It so happened that on this knoll where we had the loud speaker, and which our kids called Pleasure Knoll, and where the kids working in the studio called it Skunk Hollow, but on this knoll I had warned them that Roy Disney had been out to see Willie Bioff and I did not know what the gag was but Willie Bioff was evidently going to enter the picture, because I was paying a fellow to keep track of Willie Bioff.

I was not getting much money, but I split my salary with a man to watch Willie because I knew that he would stop at nothing, and naturally the feud was on.

These kids were taken out to Bioff's house. And they came back; and they said, "We have been made an offer by the IATSE to settle the whole strike."

I said, "By the IATSE you mean Willie Bioff, you were out there today."

And they admitted it. "Well," I said, "it is all right for the IATSE to settle the strike, but not Bioff, because Bioff had severed his connections with the IATSE officially and was not supposed to have anything to do with the IATSE and was living out on his ranch, out in the valley."

We had a meeting on the subject and then they had to have somebody who represented the local, as none of these people were officers. So we sent one or two, or told one or two of the officers to go with these kids but not have anything to do with Bioff. But if the IATSE had a method of settling it, it would be all right, and that I would retire from the picture. That was the condition.

I said that was perfectly all right. I only wanted to see them get what they had coming, and I did not want any part of it; personalities should not be injected.

I did not turn up at the meeting that night, purposely, and everyone wanted to know where I was.

Audrey Blair told them that I had got disgusted with the strike and that I was through. Always it has been my attitude that if I get

people in trouble I will get in trouble with them. I was getting a salary from the union, so I gave the salary to the strike.

He said that I had gotten tired of giving my salary for the benefit of the strike and that I had pulled out. He told so very much untruths, but I was not there and nobody could tell the difference, no one knew whether he was lying or not. I stayed out of the way until they had a meeting the next night. They just demanded that I come in there and tell them why I was staying away.

They came to my home and they got me, and I went down and I said, "Look, people, I have been told that if I stay out of this you can get this strike settled, and the IATSE can settle it for you, the IATSE officers, and if they can settle it, that is all right, but if Willie Bioff steps in to it I am going to be very much disappointed, and I am afraid he is at the bottom of it."

At that meeting was Carl Cooper, international representative of the IATSE, and a man who, so far as I know, his hands are clean.

There were others there besides Joe Touhy and Lou Helms. I think Lou is going to testify.

They picked up the officers and some of the Disney unit and started apparently for the Taft Building that I have spoken about so much, where the IATSE officers were located, and they then switched and started to go over the hill to the valley to Bioff's place, and when they did that the kids all deserted them. They all got in cars and came back and said, "We won't have any part of Bioff, he is a panderer, we know he is a crook and we don't know why Disney alined himself with him," and the strike went on.

However, Bioff then, the next day, established himself in Myer Lewis' office downtown and invited all of the American Federation of Labor people to come in and sign contracts with Disney. That included Teamsters, Laborers, Culinary Workers, everyone. Disney was there, and he signed a closed-shop agreement with everyone except our people.

But the funny part of it was, the IATSE, and I am quoting from memory—I might be mistaken on the number—had 29 photographers in there, not one of them belonging to the IATSE. In fact, the IATSE did not have any people in there at all. The place was being run completely open shop. The photographers got a very low rate of pay, but Disney used the label of the IATSE.

We understand there was a deal between Bioff and Disney that he could use the label, and he would not be molested, and he could continue to make pictures, and he could pay what he wanted.

I may have trouble, as I say, proving that but that is the story that came to me.

Mr. LANDIS. He signed with the cartoonists, too, then?

Mr. SORRELL. No, he did not sign with us, he signed with everybody but us. Everybody but us he signed a contract with, but with us, he was going to beat us.

So what happened, and what appeared in the papers, was 12 or 13 A. F. of L. people who signed up with Disney and had gone back to work, and the papers made it appear the strike was all over. But the truth of the matter is that we did not lose anybody. Everybody we had out was still out. And the strike went on. All they did was give a couple of Teamsters, or a couple of boys that rode bicycles, or

something. Teamsters cards, and gave some of the photographers IATSE cards, and it was a paper deal.

Of course, we were labeled as the Communists, "Disney settled with the A. F. of L., but the Communists had him by the throat."

That always was and still is the IATSE whine, "The Communists; the Communists; the Communists; the Communists!"

The Culinary Workers were ordered back by their international representative who signed a closed shop with them, but some of the officers of the Culinary Workers, principally John Sargent and John Cooper, did not take away our chef. They kept the chef there.

They did not stop anybody from going in, but they did not try to procure anybody to go in. They accepted initiation fees and dues from the people who wanted to go in, but they were not opposed to us.

It was only the international that was opposed to us.

Eventually we had a man by the name of Ernie White come out from Steelman's office and Ernie was a great deal of help. But Disney was suspicious because he thought that Ernie White was in our camp.

Then we had James Dewey sent out by Steelman, and James Dewey settled the strike. We told Disney that we would accept anyone that he could pick from Steelman's office to arbitrate the situation, that we thought we were so clear, we were willing to arbitrate before we went out, we were willing to arbitrate after we went out, and I am sure Mr. Bodle will read some ads in the papers that were put in by Disney and by ourselves that will bear this out.

That is the way that Mr. Disney was taken over by the Communists. I have already testified, I think, to the low wages that Disney paid and, of course, he was forced to pay by agreement the highest wage scale in every class that we had an agreement for. In other words, he had to pay the extra money on the low class that Mr. Schlesinger had to pay.

The deal, as far as I know, was satisfactory. I told Gunther Lessing in the course of our conversations that once Disney was unionized, and once the people were given somewhere near a living wage, that it was their business after that, and he would not see anything more of me; I was only interested in helping the people.

Since that strike I have never seen Gunther Lessing; I have only been on the lot a couple of times, and that was when they were making live action pictures where they hired some painters.

Our relations with Disney have been excellent, so far as I know.

Mr. Disney testified on the stand, and I wish I had exactly what he said in front of me, that I controlled the Labor Board, for one thing.

I not only did not control the Labor Board, but a man by the name of Walter Spreckles was regional director of the Labor Board, and Mr. Disney hired Walter Spreckles, and Mr. Spreckles quit the Labor Board a day or two before the strike. He went to work for Mr. Disney, and I had a feeling that everything was going to be all right.

I went to Mr. Spreckles and I said, "Gee, I'm glad he has a man that understands labor. Now I think we can make a deal."

I made the proposal to him, and he said, "I think it is just, I will recommend it to Mr. Disney."

And I thought we were going to get around the strike; but we did not. I went back to Walter Spreckles and he said, "Disney will have no part of it, he will have no part of you."

I said, "Mr. Spreckles, if you were smart—and I think you are—you should announce in the trade papers that you are resigning from Mr. Disney's office because he won't take your advice, because, believe me, he is going to have a strike here."

Walter Spreckles thanked me for the advice, but he did not resign. I do not know, I guess it was a lucrative position, although it was only a part-time position, because he worked for other people. The strike came on, and I know that has been to Mr. Spreckles' discredit, and I know that he has lost accounts because whenever it was referred to him, whenever Spreckles was brought up somebody always said, "Oh, yes; Disney hired him and he got a strike."

I like Mr. Spreckles very much. I think it was a little mistake on his part, but I do not know anything about his business. Maybe he had a contract that he could not get out from under.

Walt Disney and I only talked together one time during the whole strike. I had conversations with Gunther Lessing, and I had a conversation with Roy Disney, but during the strike I only talked to him one time, and that was in the presence of Harold Smith, business agent of the Sound Union, IATSE, in Los Angeles, and Pat Casey.

During that conversation no threats were made to Mr. Disney, and never were made, that we were going to smear him. In fact, I do not do business that way. I cannot imagine such a thing. But he said they were. But Mr. Disney lied.

Mr. Pat Casey got so disgusted with Disney that he got up and walked out and broke up the meeting. Of course, there was not any use of me staying there alone with Disney. We say that nothing could be done.

I wish that I had what he said, because there was a number of things that I wanted to check in the Disney story. The main thing, however, was that there was no violence; there was picketing. There was no violence. When the thing was settled, it was a very happy family.

I will let my attorney read in what he has, and I will break in at times to make an explanation, if that is all right, because I actually want to get this thing over as soon as possible. I did not figure it would take so long, and I have airplane transportation out of here at 5:45 tomorrow night, and I may have to cancel it. But if we can cover the ground, I want to do it.

Mr. LANDIS. Here is what you want. This is his testimony.

Mr. BODLE. I would like to read into the record at this time some accounts from Variety of the activities that led up to this strike at Disney, and then with regard to the strike itself. I think that I ought to point out preliminarily—and this will be borne out by what I am going to read—that all of the A. F. of L. unions in Hollywood originally supported the strike, and it was not until after the refusal of the cartoonists to bargain through Willie Bioff that any of the A. F. of L. unions withdrew from the strike and went through the picket line.

This is from Tuesday, February 4, 1941:

Screen Cartoonists Guild yesterday filed unfair labor practice charges against Walt Disney Productions, Inc. Simultaneously with appearance of guilders before the National Labor Relations Board, American Federation of Labor officials announced that unless Disney immediately disbands his "company union"

his pictures will be placed on the labor list in the United States and Canada and that theaters showing his products will be picketed.

Unfair-labor practices filed by Attorney George E. Bodle with George A. Yager, NLRB field examiner, states:

"Pursuant to Section 10 (b) of the National Labor Relations Act, the undersigned hereby charges that Walt Disney Productions has engaged in and is engaging in unfair-labor practices, within the meaning of section 8, subsections (1) and (2) of said act,

"In that during 1937 it, by its officers, agents, and employees, formed among its employees at its Los Angeles County plant a labor organization known as the Federation of Screen Cartoonists, and at all times since that date had dominated and interfered with the operation and administration of the said Federation of Screen Cartoonists, and has contributed financially and support thereto.

"By the acts set forth in paragraph above, and by other acts and conduct, by its officers, agents, and employees, interfered with, restrained, and coerced its employees in the exercise of the right guaranteed in section 7 of said act. The undersigned further charges that said unfair-labor practices are unfair-labor practices affecting commerce within the meaning of said act."

Aubrey Blair, A. F. of L. international representative who accompanied Attorney Bodle to the NLRB, stated:

"For some time effort has been made by the American Federation of Labor to negotiate fair wages and conditions for employees, and Mr. Disney stands today as the only unfair employer in motion pictures. If Mr. Disney does not change his tactics and disband his company union and negotiate an honest contract with his employees, steps will be taken by the A. F. of L. to place Mr. Disney's products on the official unfair lists in the United States and Canada."

That was Mr. Aubrey Blair who at that time was the American Federation of Labor representative in southern California appointed by President Green.

This is Variety, April 2, 1941. In headlines it says: "Strike Call at Disney Mapped—Indies' aid is tossed to A. F. of L."

A strike call involving hundreds of workers at the Walt Disney Studios was being readied by union dealers last night. While it was said the official call would apply only to groups affiliated with the American Federation of Labor, it is understood that the pledges of full support have been received from independent crafts with members employed on the lots.

Plans for the walk-out were completed yesterday at a conference of A. F. of L. leaders, with only the date remaining open. Several leaders were in favor of immediate action, but others suggested the company first be given a time limit in which to meet with the unions.

It is probable that an ultimatum will be sent to Disney officials today giving them until some time Friday to arrange meetings with the various crafts. While there was some talk of ordering a walk-out tomorrow, general feeling was that no actual strike call would be issued until Monday in order to give officials every opportunity to arrange an amicable settlement with the unionists.

The drive will center around the Screen Cartoonists Guild, which recently signed a contract with Metro, and which claims to represent a big majority of approximately 700 Disney employees. However, the Teamsters and other A. F. of L. crafts have since organized the lot and are ready to move in when the go signal is given. The Society of Motion Picture Film Editors, with a 100 percent majority on the lot, recently filed unfair labor practice charges against the studio with the National Labor Relations Board.

Unionists said that every move possible had been made to eliminate the necessity of taking drastic action, but that Gunther Lessing, attorney for the company and spokesman for Disney, had ignored their requests for meetings. They said he had repeatedly refused to meet with them and refused to answer their telephone calls. In the meantime, they claimed that salaries are being cut and hours reduced in an effort to intimidate the workers. The SCG also has carried its fight to the NLRB, and scores of affidavits have been filed with Field Examiner George Yager.

Move to unionize Disney lot has been headed by Aubrey Blair, A. F. of L. international representative and spokesman for Meyer Lewis here; Herbert Sorrell, business representative of Moving Picture Painters Local 644; George E. Bodle, attorney for the Screen Cartoonists Guild, and business representatives from half a dozen other A. F. of L. crafts who have pledged their support. A move to place the Disney products on the labor unfair list has already been authorized by the Glendale Central Labor Council.



Now, the strike, as has already been stated, was called. All of the A. F. of L. unions respected the picket line, and then we find the following, on July 2, 1941, in *Variety*. This is the headline: "Bioff blocks strike wash-up—SCG walks out as hoodlum walks in."

The Screen Cartoonists Guild walked out of negotiations for settlement of the Walt Disney strike last night when it was disclosed that Willie Bioff, Chicago labor hoodlum, was in contact with company executives and was attempting to dictate the peace terms. After listening to an address by Herbert Sorrell, business representative of Moving Picture Painters Local 644 and strike business manager, the guild voted unanimously to refuse to have anything to do with any settlement deal in which Willie was involved.

Guild leaders said that studio locals of the International Alliance of Theatrical Stage Employees with which Bioff was connected refused to let him negotiate for them after his Federal court indictments on his charges of extorting \$550,000 from major companies, and that the cartoonists certainly didn't want him to talk for them. It was reported shortly after midnight that several new interests, including banking houses interested in the Disney financing, would enter the picture today in an effort to effect a settlement. It was reported that Harold V. Smith, who was asked by the company to act as a strike mediator, would be asked to sit in again.

The deal for a proposed settlement was drafted yesterday afternoon at a conference at Willie Bioff's San Fernando ranch. It was reported that the company was represented by Roy Disney, Gunther Lessing, William Garrity, and Verne Caldwell. Others said to have been in attendance were Dave Lory, Aubrey Blair, L. C. Helm, Carl Cooper, and Joseph Tuohy.

Now, on that date, there are two advertisements in *Variety* which I want to call to your attention. The first one is signed by Walt Disney, and reads as follows:

*To my Employees on Strike:*

I believe you are entitled to know why you are not working today. I offered your leaders the following terms:

- (1) All employees to be reinstated to former positions.
- (2) No discrimination.
- (3) Recognition of your union.
- (4) Closed shop.
- (5) 50-percent retroactive pay for the time on strike—something without precedent in the American labor movement.
- (6) Increase in wages to make yours the highest salary scale in the cartoon industry.
- (7) Two weeks' vacation with pay.

I believe that you have been misled and misinformed about the real issues underlying the strike at the studio. I am positively convinced that communistic agitation, leadership, and activities have brought about this strike, and has persuaded you to reject this fair and equitable settlement.

I address you in this manner because I have no other means of reaching you.

WALT DISNEY, *Hollywood, Calif.*

MR. LANDIS. Could I ask a question there? What is wrong with the terms?

MR. SORRELL. May I cut in there?

MR. LANDIS. Yes.

MR. SORRELL. The terms were beautiful. They were far better than the kids expected to get. However, they knew that they would be dominated by the man who made that kind of deal, and they did not want any part of Willie Bioff.

MR. LANDIS. They would have been made to make the same terms with Willie Bioff?

MR. SORRELL. Yes.

MR. BODLE. Let me read this other advertisement, and I think this will make clear the attitude of the men:

WALT DISNEY, *Burbank, Calif.*

DEAR WALT: Willie Bioff is not our leader.

Present your terms to our elected leaders, so that they may be submitted to us and there should be no difficulty in quickly settling our differences.

YOUR STRIKING EMPLOYEES.

Mr. OWENS. May I ask a question now, Mr. Chairman?

Mr. KEARNS. Yes.

Mr. OWENS. You were the collective-bargaining representative, were you, prior to the time that you went out?

Mr. SORRELL. So that you will understand, Mr. Owens, I went along with the crowd that was elected to do the collective bargaining. Never in my life did I go alone to make any deal for anyone I represent. They must be represented by people that they elect. That is the way I think successful labor relations should be conducted.

Mr. OWENS. They elect or they select? Which?

Mr. SORRELL. These people joined the organization, and, of course, I spearheaded it, to get them to join. And then they had meetings, and they elected officers, and the Disney unit—we broke it up in units, because the people in Disney's met together, not with the people from M-G-M, and the people from Schlesinger. Each had a unit.

Mr. LANDIS. But you took part as the president of the studio conference; is that right?

Mr. SORRELL. There was no studio conference at that time. All that I did was to advise these—

Mr. OWENS. Did they have a collective-bargaining unit in the Disney studio?

Mr. SORRELL. Yes.

Mr. OWENS. And that is the group that he would meet with, but he would not agree with their terms; is that correct?

Mr. SORRELL. Disney wouldn't even meet with them.

Mr. OWENS. Oh, he wouldn't even bargain collectively with them?

Mr. SORRELL. He would have nothing to do with them. He went out and made this offer to Willie Bioff, and Bioff then offered it to the group. But Disney didn't meet with them.

Mr. OWENS. Now, you had this suit pending before the Labor Board, which, from what you would say, would appear to be a very good suit, a very good action; that is, your charge. What happened to that?

Mr. SORRELL. You understand, the Labor Board works slowly. We would file at the Labor Board that we had the majority of the employees as he testified here, that I brought him a bunch of cards and wanted him to look them over to show that we had a majority. But we would file at the Labor Board that we had a majority of the workers. Then he would immediately organize a company union and they would file an intervener. Then you would wait 30 days or 60 days, and then they would throw out the company union, and then he would form a new one. He formed several company unions, one after the other.

Now, we still would have waited, and it was my advice to the kids to wait in spite of everything. But he then began to fire masses of people who belonged to our organization. As I stated before, I think it was 21 or 28 he fired in 1 day, and among them was the spearhead, one of the finest animators he had, Art Babbitt. He fired him because Art Babbitt believed that he should have a union there, rather than the company union.

Do I make myself clear?

Mr. OWENS. Oh, that is very clear. I am still trying to follow that Labor Board end, to see how you pressed it.

Mr. SORRELL. Then they voted to go out on strike in spite of my pressure to keep them until they were all organized. The strike started with only about 70 percent of the cartoonists signed up with the union. And I say that after the second day, I believe it was, we did not lose a single person out of that group.

Now, we used this paid advertisement of Disneys in the settlement. Mr. Dewey could not give us less than Disney advertised that he was willing to pay.

Mr. OWENS. Yes. But I mean, before we get to that, did you drop the charge before the Board?

Mr. BODLE. I think maybe I can answer that.

Mr. SORRELL. I do not know. Mr. Bodle was the attorney then. Maybe he can answer that better.

Mr. BODLE. The charges were filed, and as I recall—this is a little hazy in my memory—before there was any hearing on the charges of unfair labor practice—

Mr. OWENS. Did a complaint issue on the charge?

Mr. BODLE. They had a different procedure. It was a little different. I do not think they issued the complaint until they got right to the hearing, as I recall. I do not know whether complaint issued or not. There had been a previous complaint against the company union there, and Disney had been ordered to disestablish that after a hearing, I presume. That was before I ever got into it.

Mr. OWENS. Yes.

Mr. BODLE. Then the second company union was established, and it was on that account that the second charge was filed. Now, that never went to hearing. I know that, because before it got to hearing, the mass discharges occurred at Disney. And as Mr. Sorrell testified, one of the persons discharged was the chairman of the Disney unit of the Screen Cartoonists Guild. That was Art Babbitt, who was one of the highest paid men in the industry.

When those people were discharged, the union felt, I presume, that in order to save the union, they had to strike. So the strike came at that point. And I do not think they ever went ahead with the charges.

Mr. OWENS. Well, there was no charge, because they would not bargain collectively?

Mr. BODLE. Pardon me?

Mr. OWENS. They struck because they would not bargain collectively?

Mr. BODLE. That is right.

Mr. OWENS. Didn't they add that to their charge procedure?

Mr. BODLE. No. What happened then was that Art Babbitt filed a charge of discriminatory discharge. He charged that he had been fired because of his union membership or activity. And a complaint was issued on that. There was a hearing. He was ordered reinstated with back pay. This happened while I was in the Army; so I only know it second-hand. And the company then refused to comply with the order of the Labor Board, and the Board appealed to the Circuit Court of Appeals in the district out in California. The Circuit Court of Appeals upheld the Board decision.

Art spent 4½ years, I might say, in the Marine Corps. He was a master sergeant. When he got out of the Marine Corps, he was reinstated at Disney at his former position, and I think received \$9,000 in back wages.

Mr. OWENS. I would expect that very thing. Was he the only one that they proceeded for?

Mr. SORRELL. I can explain that a little bit. And I hope we can get over this as quickly as possible.

Mr. OWENS. It is important in checking the attitude.

Mr. SORRELL. Yes.

Understand that when the settlement of the strike came, it put everyone back to work.

Mr. OWENS. Then, of course, it would be necessary to proceed with the suit before the Board. But did they deal with you in the settlement?

Mr. SORRELL. Yes. Just let me go ahead here.

Mr. OWENS. Yes.

Mr. SORRELL. They put everybody back to work right now. The 28 or 21 or whatever it was he had fired the day before the strike, they went back to work, too. He had to pay these people severance pay according to the contract, if he fired them. Immediately he fired Art Babbitt, and Art Babbitt then petitioned. This is a separate petition, see?

Mr. OWENS. I see. Then he did reach a settlement with you, the regular authorized collective bargaining agent of his group?

Mr. SORRELL. That is right. Now, the Cartoonists Guild has all of the studios signed up who make cartoons. And as Mr. Disney pointed out here—I have read this over sketchily—

Mr. BODLE. Do you want me to read something more?

Mr. SORRELL. Go ahead.

Mr. BODLE. I want to read an item from the Hollywood Citizen-News, from July 2, 1941, which goes into the actual events of the night when the offer was made by Disney through Bioff and was turned down by the Screen Cartoonists Guild.

It says:

Peace efforts which appeared on the verge of consummation collapsed last night when the committee of the strikers flatly refused to go to the San Fernando Valley ranch of Bioff to complete settlement negotiations.

The strikers in a hectic and dramatic session voted to forego the imminent settlement rather than permit Bioff to participate.

Bioff is facing a Federal charge of extorting \$550,000 from major studios on threat of calling a strike and is facing a Federal income tax evasion trial. He served a Chicago sentence for pandering. He is an international representative of the International Alliance of Theatrical Stage Employees.

Howard Baldwin, member of the negotiating committee, said that the committee left the meeting with the understanding that they were to go to the Hollywood Roosevelt Hotel to meet with Roy Disney, Gunther Lessing, William Garrity and Verne Coldwell for the studio, and Aubrey Blair, Joseph Tuohy and Dave Lory for the American Federation of Labor.

He declared it was not until the committee members were in a car that they were informed that the conference was to be at Bioff's ranch. They leaped from the car.

Strike leaders declared that the proposed terms for the settlement were generally acceptable, but that they would "have no part of Bioff."

I want to point out that the clippings indicate that it was not until after the refusal of the cartoonists to deal through Bioff that the charges of communism were raised.

MR. SORRELL. Up until that time, we were lily white American Federation of Labor people, but the minute that Bioff stepped in, the cry of communism comes in. It is always that way. It has been that way; it continues to be that way. I want to impress that on you, that among labor people in general, everything is all right until the IA steps in with a cry of communism.

Now, I notice that Mr. Disney mentions Dave Hilberman. He says:

MR. SMITH. Can you name any other individuals that have been active at the time of the strike that you believe in your opinion are Communists?

MR. DISNEY. Well, I feel that there is one artist in my plant that came from New York. He came in in 1938, and he sort of stayed in the background. He isn't too active, but he has real brains for this, and I believe he is a Communist. His name is Dave Hilberman. I looked at his record, and I found, No. 1, that he had no religion, and No. 2, that he had spent considerable time in the Moscow Theatre studying art direction, or something.

Now, I want to say that in my opinion Mr. Disney just mentions Dave Hilberman—and I don't know whether Hilberman is a Communist or not—but in my opinion, Mr. Disney had more Communists than any other one studio at the time this strike took place. I am not a policeman, and I am not an investigator, and I can't put my fingers on them, but I believe that Mr. Disney created more Communists with his substandard wage scales and the way he handled his people than has been since the union took over. I say this because I know that when people can't make a living, they turn to this, that, and the other thing, and these artists are a temperamental kind of people who lean to anything that is crazy. And they are typical people that become the kind of Communists that I run into.

Communists, as I have seen them, are usually—we call them intellectuals. They have a lot of theory, but no guts to go ahead with anything. And Mr. Disney had a lot of those people at the time.

I see he makes a lot of references in here about my being a Communist. That is old stuff. I am not going to bother you with that. He says:

Do you remember the name of William Pomerantz? Did he have anything to do with it?

MR. DISNEY. Yes, sir; he came in later. Sorrell put him in charge as business manager of Cartoonists and later he went to the Screen Writers—

It says "actors," but it is scratched out and marked in "Writers."

As their business agent, and in turn he put in another man by the name of Maurice Howard.

That has been read into the record.

Now, I want to tell you I didn't know Pomerantz, but he came from some kind of War Labor Board or something where he was supposed to know the law. Now, Mr. Bodle—I blame him for that, for getting Mr. Pomerantz the job, because Mr. Bodle recommended him, and we told the kids in a meeting that they should select a business agent from among themselves, because that is the way we believe in doing business. Nobody seemed to want to take the job. They seemed to think that they would like to have a brotherhood organizer whom they had met, who had come on the job with me, by the name of Lyle Schroeder. I didn't think Lyle Schroeder would be a good business agent for these cartoonists, because Lyle Schroeder was a drunkard.

You asked me the other day about officers of unions being Communists. And I did not answer you, because I was a little confused at

the time. But if I had my way, no Communist would be an officer or an organizer or a business agent of the union, because he would spend all his time organizing Communists instead of spending it organizing the workers. I want to make that clear.

Nor do I think that any business agent should be a drunkard. I will testify later of a man who went in to make a deal and he had whisky on his breath. I want to say now that I am not a teetotaler. I will have a drink with somebody. But I will never have a drink until my day's work is done. Nobody will ever smell liquor on my breath, and I have to be very careful with my drinking. I have an intense craving at times for liquor, and when I have that craving, I wouldn't take a drink with you if you were Jesus Christ. As long as I am connected with labor, that is the way it is going to be, because they find enough things to hang on you without getting the liquor charge.

Now, I discouraged in front of Lyle Schroeder their feeling toward him as business agent and told him that he had a job as a brotherhood organizer and that they could call on him because they were members of the brotherhood, but that this man Pomerantz came to me highly recommended. I had never seen him more than once before, and that was within a day or so, and if they insisted on getting someone out of their organization, give him a trial.

I want to say a little something more about Pomerantz. Pomerantz, in my estimation, was not the type of man that is a union representative, but although the cartoonists gave me a solid 21-carat gold card, permanent card, in their organization, I did not attend their meetings. I believed in letting them run their own affairs. I had told Gunther Lessing I would not interfere. I did not, and Pomerantz did everything in his power to destroy the Conference of Studio Unions, and I understood that that was the Communist line. I don't say he is a Communist, but I feel that he is.

He later went to work with the writers during the present difficulty. It came out in the papers that he was quitting the writers in order to help the CSU and Local 683. Eddie Mannix called me up, and he said, "Well, I see Pomerantz has taken you over."

I said, "Pomerantz has not taken anybody over." I said, "I don't like Pomerantz. Pomerantz knows I don't like him. If he comes up here, I will throw him out. I can't help what he does with 683, but he won't come into this set-up."

He said, "I can't think he would, but it looks like it in the paper."

I said, "I can't help what the paper said."

Pomerantz came up to the office. He came up with a story that he wanted to help. And I said, "The best help you can give us is, get the hell out of here."

I have not seen Pomerantz since. I wouldn't bring up the man's name, but it has been put before me by Disney.

Now, whether he brought in Maurice Howard or how Maurice Howard came in, I don't know. I can say here and now that had I not been harassed and driven like I have, I would have done some investigating into the Disney local, and if I find that there are Communists in there that we can prove that they are Communists—they won't be there—but I feel just the same as every other union man in California does, you have to get the goods before you can throw them out as being Communists. Now, there are other ways around it.

Do I make myself clear?

Mr. LANDIS. Yes.

Mr. SORRELL. I think that takes care of the Disney thing.

Now, as long as I am talking on this, I have illustrated here how a strike could be handled with absolutely no violence, not even a fist fight. Now, I think there was brought into the record by the IATSE a pamphlet about violence, with pictures of violence and so forth. And I want to speak a little bit about this violence, because in the first place, I want to say this, that the Painters Union, of whom I am business agent, and so far as I know, no conference of studio unions with the possible exception of one—and I am not sure about that—has ever spent one penny, not one penny, for so-called bodyguards, thugs or people that would commit violence. I say this because I will prove to the committee that the IATSE has spent thousands of dollars.

Now, understand, I have been picked on. Personally I have been attacked more times than I want to smear the record up with here, not four or five times as you have seen in the paper, but many times. I feel, and some people call me a fatalist. I don't think I am in danger from body. I believe in God Almighty. I think that He takes care of His people. I don't die until my time comes, and I will die then, and probably die of pneumonia. Certainly, if it is my time to die, they will cut it off.

And I have no fear of anybody. I have no fear of physical pain, because I have had physical pain to the extent that I know that you only have to endure so much and nature takes care of you—you pass out. And I don't care what it is, you don't have to fear any physical pain. I don't fear the hereafter, and I don't fear no thugs, and I don't fear anybody or anything, and I will take mine as it comes.

Now, I have had people beg me to take bodyguards. In Burbank I have come home and found the place surrounded with police. I have told them to go on and tend to their business, because, I don't know, I come up there sometime, maybe I think it is a policeman, and he takes advantages of me, and he might get hurt.

Mr. OWENS. Mr. Sorrell, I have noticed in every instance where we have discussed the procedure under the law, and before the Board, and so forth, that you prevailed or the persons who went ahead prevailed. I was wondering if it wouldn't have been much less strain upon your otherwise very strong body if you had taken more advantage of the law and less advantage of economic force during these years?

Mr. SORRELL. I will tell you, Mr. Owens. You can't do that. I can pick out one after another, people who tried to go to the law for relief, and they are eliminated. It is impossible. I can give you one example right after another. Anyone who waits for the long methods which the law takes, eventually, they win, but there is nobody left to win.

Mr. OWENS. I have never seen anything in the United States any worse than the situation that has existed in the movie industry for over 20 years, where there has just been fights, fights, fights.

Mr. SORRELL. I can give you one union right after another that has been taken over by the IATSE by waiting for the law. Now, understand, I believe in using all the methods that the law has. And I haven't got up to that, and I hope we won't be detained on that now. But I want to tell you exactly what the violence is.

Now, every A. F. of L. union in Los Angeles County received this pamphlet and a letter therewith, and I don't know whether the letter was put in evidence or not, stating the terrible violence, and so forth, that the Conference of Studio Unions has used, and I think it has been mentioned here that there is a conspiracy suit that some of us are tied up in. We conspired to do a lot of things. We were indicted by the Los Angeles grand jury. We were indicted at the request of some of the officers and some of the stooges of the company unions and some of the producers' representatives.

We were fighting this thing and we were to come to court—I think it was on the 16th, and I don't remember whether it was the 16th of December or not. I think it was the 16th of December. On the 16th of December, every union received this pamphlet.

Now, I looked this pamphlet over. I turned to the first page, and I see a picture of some of our people who had sat down to block a driveway. The police dragged them away, one by one. They all locked their arms, so they dragged them away one by one. There is a picture of one of our people—I didn't know they were going to be so dumb as to enter this here, because this will destroy all thoughts of decency.

I haven't got the man's name. But he is a CSU member, lying in the street. And this is the caption to the picture:

Knocked out. This A. F. of L. member was one of the many who were beaten up by the pro-Communist CSU gang.

Understand. Can you imagine such a thing? Now, I am going to skip these other two. I am going to come back to these pictures, and turn over here, and I have a picture which says, "Mob violence. As CSU terrorists slug and manhandle IATSE and other A. F. of L. members."

This is a picture of an attack on the mass picket line at Warner Bros. I have forgotten—I think it was the 8th of October 1945—and I must tell you something about that. As you know, we had a mass picket line. And incidentally, LeRoy Prince is injected, and I want to take care of him, too. We had this mass picket line, and we put it on for a demonstration. I don't know the exact date, but one of the boys got up in the union and said—not in the union, but at the Hollywood Legion Stadium—and he said, "Give us a thousand men, and we will close up M-G-M." And he said, "Maybe I will get up on the platform and ask them for that."

And I said, "No, don't do that, because the chief of police at M-G-M is a pretty good guy, and M-G-M is a big studio, and if you are going to ask for them, ask for some other studio."

"Well," he said, "what studio should I ask for?"

And I said, "Well, let me see. Let us examine them."

And we took them one by one. Some were easy. A few pickets would look like many. And finally he decided, if we asked for them, to ask for Warner Bros. There was a reason for that.

Mr. KEARNS. What was the reason for picking out Warner Bros.?

Mr. SORRELL. The reason that I showed if he asked for pickets to get on Warner Bros. was that Warner Bros. was a big studio with many gates, but one employment gate. We could put a mass demonstration on, and it would look great. It would advertise to the world that the strike was still on after nearly 8 months. Those who wanted



to go to work could go in at the other gates, those legitimate people, and there would be probably no violence. It would be something like the Disney affair.

"But," I said, "it will provoke them so bad that that chump in there whom I sued and who bought my home in Glendale, Blayne Matthews, will probably sprinkle you with a fire hose or something, and that will make good advertising. They will know we are still out. They will know that we are still not working."

Mr. KEARNS. You went into the show business instead of the studios?

Mr. SORRELL. No. You understand, people began to think the strike was over. We weren't losing anybody. But people began to think the strike was over, and we were beginning to lose sentiment. So anyhow, this fellow got up at the meeting, and he said, "Give me a thousand men and I will close up Warner Bros. the next day."

He got several hundred. I don't know whether he got a thousand or not. But they picketed Warner Bros., and, believe me, they did what I expected. First they drove through the picket lines at a high rate of speed, several cars. I think we took four people to the hospital. Now, I wasn't there at that time that happened. So they got together and said, "We will fix this."

So they grabbed two or three cars and turned them over in front of the picket lines so you couldn't drive through them. Warner Bros. then dragged out the fire hose. I got there by the time the fire hose was on. They turned on the fire hose, and they didn't turn it on to sprinkle; they turned it on the people's feet and just swept them right out from under.

Now, of course, as you know, I am an obstinate sort of person, and I am very heavy, and they couldn't knock me down. So I continued to walk. They gave me a good battering, but I continued to walk. That is all right. And when I walked a few more walked with me. That is, they tried to. Then something happened. My eyes got all—I couldn't see. Tears were running out of my eyes, and they threw tear gas bombs. I went over to the side, just over the side of the building where the water couldn't hit me and I was standing there shaking my head, and some little gal soon come up, and she said, "Herb, don't cry. We will give them hell before we get through."

But there were women knocked down, and people, knocked down and torn. It was a slaughter, the way they handled it.

That, I think, was on Friday. On Saturday, we came dressed to get wet. You know, we had good clothes on, or at least I did. So I came in the next day, and we all did, dressed to get wet. They didn't do anything, but God was good to us. He knew we were dressed for wet. So He rained on us. Then on Monday we had the picket line going. Everything was fine, and across the street, lined up, were over 400 people. And these people were supplied by the various studios and many of these people were grips and people like that who were told that if they didn't come out there and break this picket line, crash this picket line, they would lose their jobs in the studios.

We were told by some that they got \$50 for getting through the picket line, and we know that those who went through were loaded into trucks, taken out one of the other gates where there weren't any pickets to speak of, where they could have gone through if they wanted to, and taken back to the studios where they went to work.

Now, as I have told you before, I don't ask anybody to do anything I wouldn't do. And I was in this fracas. When they hit the line, they hit it with a vengeance. They were led by a man from Paramount, who I have forgotten what his name is—he pointed me out and he said, "That is the guy to get."

Now, as I have stated before, when they get a meal, I usually get the lunch. And the man testified against me in court, and I can say that he didn't say anything bad about me, because today he wouldn't do it. Most of the men who took part in that today are my friends.

There wasn't a policeman in sight, not a policeman. The police were staked out inside Warner Brothers Studio. We could see what was happening; so we put the women inside where they wouldn't be hurt, and we put the older men outside of them and the younger men outside of them. I am not so young, but I am quite sturdy yet. So when they hit us, they hit a wall.

There were a lot of people hurt in there. I think—I am not going to say it, because this has been in court. I was convicted of violating a court order. I got a black eye out of it, and nearly everybody, including LeRoy Prince, has said they gave me that, by God. I never got so many black eyes in one fight in my life.

However, I will depart a little bit to take care of LeRoy Prince. I did see LeRoy Prince, and what he said about "No so-and-so going through the line" is not right. He said, "Well, I want to go in there."

I said, "Help yourself. Do you usually go in this gate?" I knew he didn't.

He said, "I go in a gate around there."

I said, "Go around over there."

"Oh, no," he said, "I want to go through there."

I said, "If you want to go through, I will escort you around the end. But don't try to crash through."

So he said, "O. K." He shook hands with me.

Now, that is the actual thing that happened. In this testimony before the Fields committee—and I haven't got it, I am speaking from memory—he says that I hit him. In his testimony in court against me, he says that he saw me, but he gave me a wide berth.

The man perjured himself, and has lied all around it. But you understand, LeRoy Prince has a silver plate in his head from World War I. I don't hold any animosity to him. He comes up; he is very friendly. But he is unstable. I just want to clear that up.

Now, they have that picture here. They have a picture here of Paul A. Gibbons:

Paul A. Gibbons, overseas veteran, and active union man, is one of the many injured by the CSU terrorists.

I should have the story on Paul Gibbons, because it was quite a story. He went around picking fights. But I haven't got it here. So I will pass that one.

On the next page it says—this is a picture of a woman lying on the street with two policemen and another person looking at her, and it is captioned: "Slugged. CSU terrorists were no respecters of sex. This young woman was badly hurt."

Now, it so happens—I am going to give this picture to Chairman Kearns to take a look at it and see if he doesn't recognize Mrs. Jack

Evans, the wife of a 644 painter, who was slugged by the Brewer goons.

Now, in case Mr. Kearns doesn't recognize her, I would like to have him refer to his wife, because I think they know the woman.

MR. KEARNS. I do not recognize her in that position. I have met so many people over there.

MR. SORRELL. She will be available if called on to testify, and tell you all about it. I am surprised they would sink to that low level, to try to confuse people into thinking that the things they did were done by us.

Now, on the next page, they have a picture with a man having his head dressed by a nurse or a woman and two policemen looking on. And it is captioned, "Bashed head. Another victim of the attackers."

Now, I happen to know that this is a CSU man. I don't recall his name at the present time. But the woman who is treating his head, her name is Mrs. Julius Thomas, the wife of a 644 painter, who acted as a nurse to take care of the people who were hurt by the Brewer goons.

She can be called on. My office can furnish you her address to testify if you want her to.

At the bottom of the page is a car attacked:

This is just one of the scores of cars which was attacked, overturned, or wrecked by the CSU members.

Now, this is the picture of a car which was driven through the picket line at fairly good speed, and the photographer of that happens to be one of our people who can testify as to what happened. And we will be glad to furnish him.

I am giving you these things off the cuff, because I didn't expect them to go that far.

Now, on the last page is three homes that were bombed. One is Norman Pottle's home, Van Nuys, Calif.; Paul Byrd's home, Culver City, Calif.; William Salits' home, Inglewood, Calif.

Now, this bombing happened at a time about the time when Joe Keenan was going to take the job as impartial arbitrator. I am trying to get the exact time that it happened, and that is as nearly as I can, because there was a big song and dance that the IATSE Brewer wouldn't meet with us any more because we were bombing the people's houses.

Now, it just so happens that just prior to these bombings, within the week, I was notified by some of the people—and you understand people come to me not because I am smart or anything but they know where I stand. And I was notified in the Hollywood Roosevelt Hotel lobby. At that time was sitting Willie Bioff and four or five "torpedoes," they call them, who came in from Chicago, and I said, "What do you mean, 'torpedoes'?"

And they said, "Well, they are expert bombers." He said, "They used to bomb cleaning and dyeing establishments." And he give me their names. I would know them if I heard them, but I don't know them now.

I picked up the telephone. I called my attorney and related the information, and he said I was supposed to relay it to the district attorney or the law-enforcement people, and we didn't know there were going to be any bombings. But we knew that these people were there and should be watched. It so happened—and I am very interested in

this, because I don't know but what some of our boys had done such a thing—so I inquired of the police, and I am sure that you will get this story from the police, because I have talked to them.

The bombs were not thrown as was stated. The bombs were planted. And there was just the degree of charge to wreck the fronts of the houses.

Now, where they were brick, there was a little more charge than where they were frame. It was done by an expert. You can get that testimony from the police. I know that it was done by these imported people. I am surprised that anyone would be so dumb as to enter evidence in here that may convict them.

Now, we sent people to talk to the people in the homes. We were told—and this can be brought out under sworn testimony—that nobody was hurt. The houses were wrecked, but the studios were going to take care of it and replace it, and everything would be all right. I think if you will check, you will find that this was an inside job.

Now, the reason I bring this to your attention is that it has been our aim to have clean unions. We don't hire anyone for violence. We discourage violence. I am just like every other man. If I am attacked, I will fight back. But we did not do any of this attacking, and they put it in there.

Now, let us see. By this time we should have some of these other things. I have one, and I hope I get them all, if you will look up the evidence that they have about the fellow from New York who went to the Communist meeting, the Friends of Soviet Russia, or something of that kind.

I will read here from a report of the Congress of American-Soviet Friendship, New York City, November 7 and 8, 1942.

Would you read that, Mr. Bodle?

Mr. BODLE. Which part do you want?

Mr. SORRELL. Read it all.

Mr. BODLE. I think the only thing that is important here is the reference to Mr. Sorrell. There is a Mr. Herb Sorrell—spelled incorrectly—business representative from the Motion Picture Painters, Conference of Studio Unions, A. F. of L., told of the success the conference had had in carrying on an educational program on the Soviet Union in Hollywood. Louis Weinstock from the floor spoke as follows:

Then there is the reference to the authorization, the alleged authorization, from L. P. Lindelof, to speak on behalf of Lindelof and the painters.

Mr. SORRELL. Read it.

Mr. BODLE. Do you want the whole thing?

Mr. SORRELL. I want to read it in, because I want to be very particular that this is cleared up.

Mr. BODLE (reading):

REPORT OF THE CONGRESS OF AMERICAN-SOVIET FRIENDSHIP, NEW YORK CITY,  
NOVEMBER 7 AND 8, 1942

PROTECTION FOR WAR NEEDS AND THE ROLE OF TRADE UNIONS

Moderator: Hon. Stanley Isaacs, member of the New York City Council.

Members of the panel: Mrs. Anna Baracy, secretary to Admiral Akulin of the Soviet Purchasing Commission; Jacob Potofsky, vice president, Amalgamated Clothing Workers of America; Frederick N. Myers, vice president, National

Maritime Union of America; Julius Emspak, general secretary-treasurer, United Electrical, Radio and Machine Workers of America; Harry Bridges, president of the International Longshoremen's and Warehousemen's Union; S. A. Trone, electrical engineer; Cyril Bath, president, Bath Machine Tool Corp.

This is not a full report, although I had originally thought it was, because on the next page of this photostat it starts out:

From the A. F. of L. They don't dare to criticize the fighters on the Russian front. They all admire them now, but how can you admire the Russian fighters, how can you admire the Red Army and then question that they have legitimate unions? Can there be such fighting, such people's support without a trade-union movement? They would never be able to successfully mobilize the people without having a legitimate, democratic trade union participating. I want to assure the delegates here that we will continue, that we will fight on, and that the A. F. of L. will take its proper place and proper leadership in bringing about international cooperation.

The alleged maker of that statement is not identified on the photostat, so I do not know who it is.

Mr. Herb Sorrell—

that is spelled S-o-r-e-l-l—

business representative for Motion Picture Painters of the Conference of Studio Unions, A. F. of L., told of the success the conference had had in carrying on an educational program on the Soviet Union in Hollywood.

LOUIS WEINSTOCK (from the floor): Mr. Louis Weinstock, treasurer of Painters District Council, No. 9, spoke as follows:

I don't know whether it is the good work of Herb Sorrell—

spelled as I indicated above—

or whether it has something to do with the Red Army, but this is the first time that I have the honor and opportunity to announce that I speak not only for the New York Painters of District Council No. 9, but my International President, L. C. Lindelof, authorized me to speak for 50,000 organized painters, who are supporting this congress. I had the honor to be the guest of the Russian Trade Unions 5 years ago, and when I came back I wanted to say things like Mr. Tanner and Mr. Roberts said at the last convention of the A. F. of L. I listened to those speeches and I must agree with my fellow delegates of the A. F. of L. that the speeches made by Mr. Tanner concerning the work of the Russian Trade Unions and the influence of the Russian Trade Unions on the British workers in war production was so tremendous that the entire convention expressed admiration and unanimity in supporting their statements. I dare to say that the millions of members of the American Federation of Labor, with the exception of a few appeasers in the leadership, are ready to join hands with the members of the CIO and with the workers all over the world.

At the end of this panel a resolution was adopted to send a telegram of greeting to the Stalingrad workers and also to Nikolai Shuernik, head of the Soviet Trade Unions, expressing solidarity with them and the hope that unity might soon be established between the trade union movements of both countries.

In conclusion, Mr. Isaacs stated that some sort of permanent organization would certainly come out of this session, the exact form of which would be left to the members of the panel for their consideration.

MR. SORRELL. I want to answer about this, because when I first heard it it gave me a jump. Then as it went on, as it was read into the record by Mr. Levy, suddenly it all cleared and I can give you a clear picture of what happened.

I was in New York, and I do not know the date—it is not on here—November 7 and 8, 1942. And I think that I was there for the reason of negotiating an agreement. That is the last agreement we ever negotiated with the motion-picture producers, November 1942; I think I am right.

Louis Weinstock is the secretary of District Council No. 9 of Painters in New York. Naturally, a painter goes to a painters union. I think that maybe even lawyers go to see other lawyers, I don't know about that; but I know that painters go to see other painters and they do not go looking up paint jobs to see them, they go to the office.

I went to the office of Mr. Louis Weinstock and he said, "Oh, this is fine, Herb, I will take you over to a meeting of the Congress of American Soviet Friendship."

I said, "Louis, I'm not a Communist and I might not agree with them, and I might find fault, so I don't think I'd better go."

"Oh," he says, "this is different. You will meet a lot of your friends there. Mayor LaGuardia will speak, Governor Lehman will speak, Henry Wallace will speak; also some noted Russian."

I do not know whether it was Molotov, but some big-named Russian Ambassador was going to speak.

"And this is a celebration, celebrating a certain amount of years or something that the Russian Soviet Union has been in existence.

"Now," he said, "you will find that before we go into the big meeting, we will go to the trade union meeting, and you will find William McFetridge, international president of the Building Service Organization, presiding."

I know Bill McFetridge. We helped him organize the janitors. You will hear more about him as we go along. He needed two or three other people who I have forgotten who they are now.

And at this meeting—I went to the meeting—I was introduced for the first time to Joe Keenan, who is now political supervisor for the American Federation of Labor. There is no doubt there were Communists there. Why would there not be, it was some kind of a Soviet thing.

I imagine it would draw Communists. The thing that I said here is garbled. The thing I actually said, and evidently is somebody's thoughts of somebody who has just scribbled it down, because the thing that I did say was that I, myself, want to learn more about other countries, and that I think that the workers in America want to know about the workers in Russia and other countries, and that we desire information, and we are willing to learn.

Of course, that does not say that here, and I do not know who wrote this. But that was along the few words that I had to say.

Louis Weinstock got up and his speech is particularly garbled. I won't attempt now to put words in Louis Weinstock's mouth but it seems to me—and I am not real clear on this—that Louis said that L. P. Lindelof had been invited to be the chairman, or something of that kind, of this group, and that he could not be there because he represented not 50,000, but I think he said 250,000 painters throughout the United States, and was a very busy man, and he naturally could not be there.

I think that is the gist of Mr. Louis Weinstock's talk. Louis Weinstock can be subpoenaed or brought in, he is now over in Europe, but he will be back shortly and you can get it direct from him. But I am sure he did not say L. P. Lindelof and 50,000 painters. Why should he? Where would he get the 50,000? If there are not any more than 50,000 painters, we surely got a lot of nonunion men in America.

I think that clears it up. If there is any question on that, I would like to have them answered and cleared up now. I realize that I have got a big job to do to clear the cloud of Communism that has been spread to hide the cloud of racketeering and conspiracy.

Mr. OWENS. Did McFetridge speak there?

Mr. SORRELL. McFetridge was the chairman. He presided.

Mr. OWENS. Over this Soviet friendship meeting?

Mr. SORRELL. That is right. This was not a Communist meeting. That is what I am trying to tell you.

Mr. KEARNS. They were just invited guests.

Mr. SORRELL. I was invited, and McFetridge presided; it must have been arranged.

Mr. LANDIS. Did Governor Lehman speak?

Mr. SORRELL. Governor Lehman, LaGuardia spoke, Henry Wallace spoke, and the former Ambassador to Russia, who is very Soviet-minded.

Mr. McCANN. Davies?

Mr. SORRELL. Davies, he spoke, and I think it was Molotov. It was the highest Russian guy that we had in this country at that time. Ambassador, he spoke, and the Garden was packed.

Mr. OWENS. Did Keenan speak?

Mr. SORRELL. No.

Mr. OWENS. You spoke, did you?

Mr. SORRELL. No; I just mentioned—I was introduced and I mentioned that we were interested in learning, and let it go at that.

Mr. OWENS. Did any other laboring men speak besides yourself?

Mr. SORRELL. Yes; Louis Weinstock. You understand, the meeting had two phases. You know, there was a small meeting. Then we went over to the Garden. In this small meeting it was for labor men only. I do not say labor men only, but it was a trade-union affair. I am not clear on the titles, but you live in Chicago, you can get the dope from Bill McFetridge. Bill McFetridge is located in Chicago.

Mr. OWENS. I probably will. In the meantime, I am trying to get as much as I can from you, as to whether or not any of these Chicago men spoke at that affair.

Mr. SORRELL. You see, I was not very well acquainted at the time, and I do not know who all spoke, but I do know that Bill McFetridge presided and he can give you the dope, because he was the presiding officer.

Mr. OWENS. Was Wallace there?

Mr. SORRELL. Henry Wallace spoke in the Garden, yes.

Mr. OWENS. And was LaGuardia there?

Mr. SORRELL. Yes; and Governor Lehman, and Joe Keenan, and for further investigation, I suggest that you talk to Bill McFetridge.

Mr. KEARNS. One other question: Were you introduced as president of the Conference of Studio Unions, or as a representative of the painters?

Mr. SORRELL. That I do not know now, because this was in 1942, and the Conference of Studio Unions was only about a year old, so I imagine that I was introduced as a representative from the coast to the painters. I do not know. You see, it is a long time ago. I am giving you this purely from memory. But I am very emphatic on the

people that I met, and the people that you can contact, and the people that you can talk to about this.

And I know that it was not a Communist meeting, as they have tried to make it appear. Mr. Brewer is trying to make a lot of things appear what they are not. Evidently, and I do not know where this came from, there was other evidence that went along with this that would tell the facts, that would tell who was there.

They just pick out a little spot here that says "Herb Sorrell and Louis Weinstock"—

Mr. OWENS. Is this the group that is headed by young LaMont?

Mr. SORRELL. I do not know; I do not know anything about it. I just remember this one meeting. It was the only meeting I was ever to of that kind, and it was very, very interesting. I think that LaMont spoke at that meeting; I am not sure, but I think so.

Mr. OWENS. That is definitely known as a Communist front organization, then, is it not?

Mr. SORRELL. Brother, I don't know whether it is a Communist front or not. If it is good enough for LaGuardia and if it is good enough for Lehman, and if it is good enough for Joe Keenan, and if it is good enough for Bill McFetridge, there must be something I can learn there.

Mr. KEARNS. You left Wallace's name out.

Mr. SORRELL. Wallace, too, and LaMont, whoever he is—I understand a very rich man—and Davies. I will try to put them all in. If it is good enough for all those people—

Mr. OWENS. It ought to be good enough for any other Republican?

Mr. SORRELL. I do not care whether you are Republican or not, if you are like me you want to know things and you go where you can learn them.

I haven't any further defense on that, but I ask you to ask somebody that knows more about it, because that is the only meeting that I attended of that group, so help me. I do not happen to know where their headquarters is, I do not know anything about it.

I went there, I was pleased, I had a very full day.

I told Pat Casey about it. I think you are going to have Pat on the stand. I request that you ask Pat if I described a "Commie" meeting that I went to that was very wonderful, that had I been able to get a hold of him, I would have taken him too. Will you do that, Mr. Chairman?

Mr. KEARNS. We will make a note of it.

Mr. SORRELL. "Manifesto of World Labor Conference." I am not going into this deep, because I want to tell you my opinions.

My opinion is that the A. F. of L. should be a part of the World Labor Conference, or World Labor Trade Union, or whatever it is. My opinion is, and I voiced my opinions at the convention in San Francisco, at the painters convention, and I voiced my opinions many times, and the conference of studio unions, the majority of them, thought that the American Federation of Labor should participate in the World Federation of Trade Unions.

The A. F. of L., I understand, does not want to participate because there are Russians in it.

I find that if you run out from under a thing because there is undesirable elements in it, I had better run out from under the labor



movement, because there are some damnable undesirable elements in the labor movement.

Mr. OWENS. Are you speaking about the Russians now, or the members of the Soviet leadership?

Mr. SORRELL. I am speaking now about the world—

Mr. OWENS. I mean when you speak about undesirable elements you do not mean Russians; you are talking about the Communists, not Russians?

Mr. SORRELL. Let me get this clear. The A. F. of L. will not belong to the World Federation of Trade Unionists because the Russians, or Communists—aren't they all the same?

Mr. OWENS. Well, I do not think so.

Mr. SORRELL. Because they send—

Mr. OWENS. Only 3 percent of the population in Russia are Communists and they are ruling the Russian people.

Mr. SORRELL. I think they would send some of their 3 percent of this World Federation of Unions; I believe that is what they would do, I grant you.

Mr. KEARNS. That 3 percent is doing a terrific job right now throughout the world.

Mr. OWENS. It constitutes between 5,000,000 and 6,000,000 people, of course.

Mr. SORRELL. I think out of that 5,000,000 or 6,000,000 people they would find delegates to send who were legitimate Communists to a world federation trade union.

However, other nations participated in that—England, France, all the other nations participated in that. But the A. F. of L. does not because of a minority group from Russia.

Mr. LANDIS. Was that last year they said that? One year they had some difficulty with the CIO, did they not?

Mr. SORRELL. I do not know. But, anyhow, I think the A. F. of L. should go to a thing like this, and instead of letting somebody else run the show they should get in and have a part of running the show, themselves.

Mr. KEARNS. You think this is the United Nations of Labor?

Mr. SORRELL. That is right. You know, at one time I was an isolationist. Now I realize we cannot be isolationists.

Mr. OWENS. What is the opposite of that: interventionist?

Mr. SORRELL. No; I do not think we should be interventionists either, but we should do everything we can to alleviate the difficulties in foreign countries before they get over to us.

Mr. OWENS. The reason I asked you that question, you see, is that all words have their antonyms and synonyms, and, naturally, the antonyms, the opposite of isolationist, would be an interventionist.

Mr. SORRELL. I am not an interventionist, and I disagree with you on some of the things, but in labor—I am talking about labor now—I think we should be a part of this. I voice my opinion. If that makes me a Communist, I must be a Communist. If Mr. Brewer does not agree with me, he says it makes me a Communist. I do not agree with Mr. Brewer, so either I am a Communist or he is a tool for the producers and the vested interests, or something.

There is quite a difference of opinion here. You know, there are some these things I cannot answer intelligently without thinking over. There is something about "The people versus Martin Dies."

It does not seem to click. I wish you would make a note of that, and I will try to think. If I cannot remember, I cannot answer clearly, and I would rather wait until I can get it settled in my mind just what it was, before I make a statement.

Let us take up the PEC, Peoples Educational Center. The PEC is a school. I was approached sometime ago, and I do not know, it seems to me it was in 1941 or 1942, or something of that kind, and I had just been speaking before a class. A Dr. Robert Gray at California Technical had invited me to speak before a class at California Technical of labor relations.

I was approached coming out of that meeting and asked if I would sponsor and help to develop a trade-union school where we could have get-togethers regularly. And I cannot tell you who it was now, but I thought it was a good idea. The outgrowth was the Peoples Educational Center.

Those handling the Peoples Educational Center I am not too familiar with, but I will look over what they have presented.

I find on here Fay E. Allen. She is a Negro politician and a director of schools, or something of that kind, in Los Angeles. I had a talk with her about it.

Frank Green at that time was working for the building service organizations and we were organizing the janitors, as I have said before. I knew him. I talked to him about it.

Then I met the group. Among the group I see people that I know now, and I can identify now as Dorothy Healy and Willis Hill, and Howard Lawson, and Sidney Davison.

And here is the advisory board: Helmar Bergman. He was a member of the IBEW, and very active during the strike.

And Dr. Leo Bigelman. I knew him, and Ed Gilbert. Ed Gilbert is now the business representative of the set designers, local 1421, and Frances Millington, who was connected with the story analysts, and Frank Tuttle, a director.

I picked out the people that I know out of this, and I can tell you about most of them. I can tell you that I do not know whether this is a Communist front organization or not. I do not think it has been declared one way or the other. They probably teach the works of Lenin and Marx, or something like that.

If they do, that is all right with me; because I think people should know everything. It is my opinion that we should not bury our heads like ostriches.

Mr. KEARNS. Yes; but who should be authorized to teach those things?

Mr. SORRELL. That I cannot say. They asked me to come up there and teach.

Mr. KEARNS. You are no authority on that.

Mr. SORRELL. No; not on that, but I did not have time to come up there.

In looking over this list there is one name I can see that I can identify as a Communist. That is Dorothy Healy. I did not know that until just the other day. There was a Communist pamphlet sent out, and we intend to introduce that later, to some of the members of one of the unions. They brought it up and showed it to me, and they did not want to give it to me, they wanted to keep it for evidence. I think they wanted to send it to you.

It had the Communist headquarters—I have forgotten what they called it, some chapter of the Communist headquarters. And I said, the only way to get one of them is to call up the Communist headquarters. I called up the Communist headquarters and I got some girl.

Mr. KEARNS. Is that in Los Angeles?

Mr. SORRELL. Yes.

Mr. KEARNS. Is there a headquarters listed in the phone book?

Mr. SORRELL. Yes; and it was also in a pamphlet. We will introduce the pamphlet later.

I got a girl on the telephone, and I told her who I was and I told her what I wanted. She said, "Just a minute, I will give you to somebody else."

She gave me to Dorothy Healy, and Dorothy Healy did not mean anything to me. And she says, "This is Dorothy Healy, you know, I am the little girl you used to call a gold digger. My name used to be Dorothy Ray."

And I see her name on there, and I did not know that before, and I do not know whether she is still on. That is the first time that I knew that a known Communist was on the PEC, the Peoples Educational Center's program.

I know Frank Tuttle, the director, and I do not think he is a Communist. Maybe he is. I did not go into that.

Mr. LANDIS. Lawson?

Mr. SORRELL. I am acquainted with Lawson, and I do not know whether he is a Communist, but he could be.

Mr. LANDIS. How about Hill?

Mr. SORRELL. Willis Hill has just been expelled from the companies, and I do not believe he is a Communist. I do not believe he is.

Mr. LANDIS. You do not know why they expelled him?

Mr. SORRELL. They did not expel him for being a Communist, they expelled him for being connected with too many Communist front organizations. I think that is it. I only know what I have heard. But I do not think he is a Communist. I know that Ed Gilbert is not a Communist. I have a lot of contacts with Ed and I know that the Communists harass him until they make life miserable for him, so I know that he is not a Communist.

Frances Millington I know is not a Communist. I know that she has been accused of being a Communist the same as I have, but I absolutely know, and I can take an oath that she is not a Communist.

I have heard lately, and only lately, that they are trying to make a Communist front organization out of this. I do not know whether they will succeed or not. When I see Dorothy Healy's name there, and I now know who she is, they may have some chance. In that case, I will have to not let them use my name, if I can help it, in the Peoples Educational Center.

I notice George Bradley's name on here. He is listed as the vice president of Building Service Employees International Union.

Bill McFetridge is the international vice president, and George Bradley is the vice president. George Bradley told me that many years ago he ran for something in Washington on the Communist ticket.

George Bradley and I have been very good friends. I have not seen him for a long time, but we discussed communism, and I can

swear that George Bradley is not a Communist, although he ran on a communistic ticket once, and I know that George would not lie to me, and he told me that he was not a Communist.

He is no longer stationed in Los Angeles. They sent him down to Texas, or some place. It was in the State of Washington, I understand, he ran for some office on the Communist ticket.

Mr. KEARNS. We will stop there for the time being, Mr. Sorrell. We will adjourn until 2 o'clock.

(Thereupon, at 12 noon a recess was taken in the hearing until 2 p. m. of the same day.)

#### AFTERNOON SESSION

(The hearing was resumed at 2:10 p. m., pursuant to the recess for lunch.

Mr. KEARNS. The hearing will please come to order. The Chair would like to make the announcement at this time that inasmuch as we had Mr. Sorrell's signature as given in open evidence here yesterday in connection with the cards of evidence of signature that were presented to the committee, that the committee will itself ascertain whether they want to get any further proof of other handwriting experts or not, to prove the identity of your signature.

#### TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE— Continued

Mr. SORRELL. I am given to understand that you will take this to handwriting experts?

Mr. KEARNS. I could not tell you what the opinion of the committee would be in executive session, Mr. Sorrell, but the committee has decided to pass on that themselves, rather than to ask handwriting experts to come into the open hearing and pass any judgment or anything like that on it. You will have to entrust the matter to the committee. That is the only information I can give you.

Mr. SORRELL. I have faith in the committee. I might say that I can answer one of the questions that was put out by Mr. Levy by stating that I had a division, or there was a division of feeling between the lawyers representing the CSU and myself at your hearing that was held in Los Angeles. I think that you know that I handled my own case there, without lawyers.

Mr. KEARNS. That is right. There was no objection, though, by the other counsel, remember?

Mr. SORRELL. That is right. I hardly know how to tell this, because I do not want to cast any reflections on anyone, but it was necessary for me to discharge or quit the association I had with the lawyers at that time. The first real break came during this committee's hearings.

In settling up with these attorneys there was naturally financial obligations that have to be looked after. I spared no expense on my own part in carrying on the fight that the men put up in trying to receive justice.

It is well known that during the 1945 strike I received no wages or expenses until the men went back to work. It is also well known—

Mr. LANDIS. From either position?

Mr. SORRELL. From any position; absolutely not one cent.

Mr. LANDIS. Is that a policy of the other union leaders, that you know of?

Mr. SORRELL. I make that policy myself. And most of the union business representatives of the Conference of Studio Unions have followed that policy. We feel that we are just as responsible, or more responsible for the things that are happening, as the men who have been laid off and thrown out of work. The men have confidence in us because they know that we will begin to receive wages when they begin to receive wages. Without that sacrifice, I do not think you would have the steady, strong support that we are able to obtain throughout our troubles.

In the 1946 lock-out we went off salary. This is purely voluntary. Naturally, we are subject to unusual expenses. I had some property over in Burbank which I bought in 1930, and places that I rented, and as I testified before, I sold them to pay debts from the 1945 strike.

I went into the 1946 strike and I received no wages until the men had been out over 15 months. Then at a meeting I told them that I had reached the end of my string. I had borrowed so much money that it was going to be necessary for me to find work during the day, but I would not give up the fight. At their suggestion I received some recompense, at first 50 percent of my salary, and then later \$76 or \$77 per week—I do not know which it was, exactly—that was after we had been out over 13 months.

I have continually borrowed money to finance my expenses, and so forth.

Mr. LANDIS. The reason I asked the question is because that is my \$64 question—how much the labor leaders lost during the strike, say, in 1946, over the wages. The wage earners lost \$920,000,000 in 1946, but I just wondered how many or how few labor leaders give their wages back. Because some of them have been known to extend the strike. Maybe a very few, but I know of some cases where they got more, paid by the day, or so much as long as the strike went on.

Mr. SORRELL. I have lost everything that I have so far, except my home, and that is mortgaged.

I just consummated a mortgage before I came here, on it. I mortgaged it for over \$2,000 more than I paid for it.

I want to make this clear, because I am not making any money out of this. All I have is a clear conscience. I do not think that labor leaders should make any more than the people they represent. Naturally, I try to get all I can for the people I represent because money is a handy thing to have around. I got off a little bit to explain my financial status, my personal financial status.

In settling up with these attorneys, I had \$500 deposited as a cash bond in a suit that I filed against Roy Brewer, Richard Walsh, and the IATSE, for slander, I think it was. I do not know exactly the legal terms, but for calling me a Communist. In settling up with these fellows, I said, "Now, there's \$500. You pick up that \$500, and I will get some other attorneys to take the case, and I won't have you represent me, anyhow."

They did not tell me at that time that if they picked up the \$500 that I could not file again because the statute of something or other run out.

Mr. OWENS. Statute of limitations, you mean?

Mr. SORRELL. I do not know what it is. A lot of these legal terms get me down, but they did not tell me until after they picked up the \$500, and it came out in the paper that they had picked it up without prejudice, or something, and I could not file again.

I called them up and asked them about it, and they said, "That's all right, you couldn't file again anyhow, the Statute of Limitations has run out, and you couldn't file again."

Mr. OWENS. You mean you had to deposit a bond in order to institute a suit?

Mr. SORRELL. Yes.

Mr. OWENS. Where is that?

Mr. BODLE. That is the California law in libel cases.

Mr. OWENS. In slander, also?

Mr. BODLE. I can only speak for libel. I have never filed an action for slander. I think it applies to slander, too. Was it a written statement or an oral statement? I think this was a libel action, but I do not know; I know nothing about it.

Mr. SORRELL. Luckily, or unluckily, I caught that in time, because I also had a suit filed by the same group of attorneys against William Randolph Hearst for a terrible piece that he put in the paper, and I wish I had it here, but I will try to tell you at a later date all about it, and I had to put up \$500 on that, too.

And I said, "Did you pick up the \$500 on Hearst," and they gave me some excuse that they did not do it.

And I said, "Don't pick that up. I want to go through with that, even if I have to use you guys." Because that was a good case.

They took a deposition from me, and when we went to court it was just after a year had expired. It came up within a year, but the attorneys for Hearst asked a postponement. Then it came up after the year had expired, and then it turned out that they had filed this two weeks after the slanderous article, and they should have given the paper 90 days to print a retraction. But because they filed too soon, the suit was not any good. So they used up most of my \$500, and I got a kick in the pants and did not get anything.

Mr. OWENS. You mean the suit was no good, even though they never printed a retraction?

Mr. SORRELL. They never printed a retraction, and furthermore, other papers did print a retraction, but the Examiner did not. But they said, "Well, they did not have to, because they filed the suit too quick." They had a right to wait, I think it was 90 days.

Mr. OWENS. Will Mr. Bodle substantiate that, too?

Mr. SORRELL. Mr. Bodle was not my attorney, but I would like to have him explain it.

Mr. BODLE. I do not know anything about this particular action, but I do know about the libel law of the State of California. Where libel is committed by a newspaper, you can recover general damages as contrasted with special damages only if you ask for a retraction within a limited period of time. I think it is 3 weeks. And only if the newspaper has failed to print a retraction within another specified period.

Mr. OWENS. You mean the law is that you must ask for a retraction in there before you can institute a suit?

MR. BODLE. Before you can recover general damages; that is, damages to reputation. You can recover special damages, which are damages resulting from, say, the loss of a job, you know, that flow directly, and approximately.

MR. OWENS. In other words, they theorize that the same ones that read the article are going to read the retraction?

MR. BODLE. I presume so. This is a 1945 amendment to our code. I happen to have a libel suit pending now, so I am familiar with the law. But you cannot recover general damages against a newspaper in California for libel unless you first request that they print a retraction, and you have waited a specified period for them to print the retraction. I know about this only from what Mr. Sorrell has told me, but he informs me that in this case the complaint was filed, and the complaint asked only for general damages, I presume.

The complaint was filed before the period, in which they were allowed by law to print the retraction, had expired.

MR. OWENS. And the other one, where you would draw the money they automatically dismiss it with prejudice even without a motion?

MR. SORRELL. I do not know about the libel law in other states, but in California you have to file a \$500 cash bond, and of course, if the bond is withdrawn, the suit just automatically lapses.

Apparently in this case there was dismissal.

MR. OWENS. But it is a dismissal with prejudice?

MR. BODLE. That is what Mr. Sorrell informs me.

MR. OWENS. Which is unusual, is it not? Generally there is just a plain dismissal, in case of default.

MR. BODLE. I do not know anything about it from personal knowledge.

MR. SORRELL. Please, let us get on here.

MR. OWENS. I think it is mighty important, when you file a suit of that nature, and then have it dismissed with prejudice.

MR. KEARNS. What if they cannot answer, what are you going to do about it?

MR. SORRELL. I think so, too, but I have so much to put in the record. I lost the suit, I know. I seem to have lost it. I wish to God I had lost the other one and got the \$500 back, but most of that \$500 Hearst's attorneys and people like that got, and I got nothing, either. So, check that up to bad judgment and poor attorneys, I think.

I am sorry I got into this long tirade, but that was something that had to be answered. It can be checked any way you want.

There was mentioned this morning Aubrey Blair, an A. F. of L. organizer, who came to see me and worked with me, and I think that the committee should ask a few questions, if you get the opportunity, because in Aubrey Blair you will find a man who does not like me. I have not spoken to him for years, but he was appointed to the organizer's job by the request of Joe Touhy, and a man by the name of Beck, a superior of Touhy's and Willie Bioff.

I knew this at the time. As soon as he was appointed, he came over to me and he said, "You have a lot of drive, and you are organizing a lot of people, and I am a new organizer." We were friendly. "And I want to help you, because I want to make a record."

I said, "Gladly, I would like to have your help," but the guy could not talk before workers because he had been connected with the actors,

and when he talked they all got up and left. So he was not any good to me that way.

So we were trying to organize Disney's studios, so we would sit down and map out a pamphlet and I would give it to him and he would take it and have it printed on an A. F. of L. expense account, and then he would take it out to Disney's and watch the news boys that he would hire to distribute the pamphlets, and that way he would be at my house at 5:30 in the morning, and I would see him throughout the day, and at evening I would take him with me to the various meetings, and we always had lots of them, and later I found out that he was given the employment to keep his eyes on me and report my Communist activity.

You see, the reason I suggest that you might inquire of this man, I kept him pretty busy. I kept him busy until he doublecrossed me and took the kids out to see Willie Bioff. Then I was told by newspaper men—the names slip me now, but I will get them for you—the whole story of how he was supposed to shadow me, and he had made the cracks that after I had done all the groundwork, he would take the Cartoonists and put them in the LATSE.

I think it might be interesting for this committee to review that character. I do not know what he will say, but I think that he would be an adverse witness to me, but he certainly knew where I was from morning to night, and he practically slept with me for a long period of time.

There was a Mr. Balash, a paperhanger, who said that I hit him with brass knucks. Let me tell you—I don't think it is necessary, you have heard the accusations that Balash made before the field investigating committee.

Let me tell you that I never saw Mr. Balash, to know who he was, I never wore a pair of brass knucks in my life. In fact, I never put a pair on my hands in my life.

One time, when I was a young fellow, I was boxing and somebody taped two half dollars on my left hand, and my left hand got so tired with just two half dollars that it failed to respond fast enough and I got licked. That is, I was not licked, but I lost the decision.

Now, believe me, I think you can take it from me that I will never put anything on my hands to hit anybody with, because I do not need it.

Mr. OWENS. Did you ever strike anyone while you had that heavy ring on your hand?

Mr. SORRELL. This ring here [indicating]?

Mr. OWENS. Yes.

Mr. SORRELL. Yes. That is not so heavy. You want to look at it? Yes, that has been testified to in court.

Mr. KEARNS. Pardon me there. Did you ever make any money by professional boxing?

Mr. SORRELL. Yes.

Mr. Balash, if he had anything, he should have filed suit, or at least let somebody in on it. I have been told, and this is more or less—I don't know if I can confirm it or not—that when I was in a group some officer asked him which one of those guys is Cyril, and he pointed out the wrong fellow.



There is a League of American Writers. I have been scratching my head, and I am positive that I never sponsored that. It does not ring true to me.

Mr. RUSHMORE. It was founded by the Communist Party, and at its first convention in 1935 was addressed by Earl Browder, Mike Gould, and a number of other prominent Communists.

Skipping a paragraph:

It is interesting to note that among other sponsors of this Communist front group, which is going along as of a week ago, are Albert Maltz, another Hollywood writer, Howard DeSilva, Actor, Howard K. Sorrell, the union leader, so-called, in Hollywood.

Other names are mentioned.

Now, I can't conceive of ever endorsing anything for writers, because that is out of my category. There will have to be something more positive, or I will have to say that I didn't endorse. It could be that I endorsed something, but there must be something more to it than just writers because writers I consider intellectuals.

I consider that most of them can take care of themselves. I am interested more in workers.

Now, there is the American Committee for Foreign-Born. I have looked over that pamphlet and I see some names on here that I have had some connection with. Hon. Robert K. Kenney is now working for me, suing the producers and the IATSE, and I don't know who else, for \$43,000,000. I think you have heard something about that. Kenney—well, there is a great line of people here. But with those kind of people on, it could have been that if one of them asked me, I sponsored this thing. I don't remember. I did it with the feeling that they knew that it was all right.

Now, I don't know whether I made it clear or not that labor's Nonpartisan League, in my opinion, was not in any way a Communist organization. However, when John L. Lewis became the international president, the A. F. of L. unions were all told to get out of labor's Nonpartisan League.

Now, I am the president, and I come from an A. F. of L. union. I had some discussion with Mr. Lindelof, L. P. Lindelof, and he said, "You get out."

Then I said, "You show me why I should get out." And I didn't get out until I found myself completely lonesome, the only A. F. of L. man surrounded by strangers, who could have been Republicans. I don't know. I don't vouch for them. I then pulled out.

Mr. OWENS. I am glad you didn't have those half dollars in your mitts at that time. That would have been a knockout.

Mr. SORRELL. L. P. Lindelof wrote a letter to Mr. Green, and he spoke to me about it in our discussion here the other day, and we got a copy sent from the coast.

I am going to turn things over to George Bodle now, if it is all right.

Mr. LANDIS. If you haven't left that, was the unemployment conference—is that the name of it—how was that organization that you belonged to composed?

Mr. SORRELL. That I am speaking of now?

Mr. LANDIS. No. Before you get to that—I was going to clear up that point, if you thought it was communistic or not. Is the unemployment conference communistic?

Mr. SORRELL. No; the unemployment conference that I testified to.

Mr. LANDIS. I know you have testified to it. I don't know whether you said that it is communistic or not, or you thought it was not communistic or it was communistic.

Mr. SORRELL. The unemployment conference was not communistic.

Mr. LANDIS. That is it, then.

Mr. SORRELL. The unemployment conference was not led by Communists. However, I didn't say that there wasn't Communists who came and sat in.

Mr. LANDIS. That is right.

Mr. SORRELL. I will show you in a little while how every democratic, decent, straight democratic meeting, where it is open, Communists will infiltrate, but they don't take charge, and they didn't take charge there. And what we did at that unemployment conference was a credit to any union organization, and I am trying to get the survey that we made.

The last organization that I was talking about was Labor's Non-Partisan League.

Mr. LANDIS. That is right.

Mr. SORRELL. I am trying to carry that along chronologically until we get up to the 1945 trouble, and I am going to, if you permit me, turn it over to Mr. Bodle. I am going to sit here and let him work for a while and read some of these things and explain things about them, because as I explained before, before he went in as War Manpower Commissioner, he was our attorney, and he knows from being there himself, a good many of these things himself. And if that is O. K., I will turn it over to Mr. Bodle now.

Mr. BODLE. First, with reference to the Labor's Nonpartisan League, I wanted to read a—

Mr. KEARNS. Will you talk a little louder, please, Mr. Bodle?

Mr. BODLE. Yes. I am sorry.

With reference to Labor's Nonpartisan League, I wanted to read a letter from William Green to Mr. Lawrence P. Lindelof, president, Brotherhood of Painters, Decorators, and Paperhangers of America, dated November 3, 1941:

DEAR SIR AND BROTHER: I enclose copy of a letter which I received from Organizer Aubrey Blair of the American Federation of Labor at Hollywood, Calif. Please note the special reference he makes of Herbert Sorrell, representative of the Brotherhood of Painters, Decorators, and Paperhangers of America. I gained the impression from Organizer Blair's letter that Mr. Sorrell, notwithstanding the fact that he is the representative of the Brotherhood of Painters, Decorators, and Paperhangers of America, is CIO-minded. This manifested by the report contained in Organizer Blair's letter that Mr. Sorrell is a former President of a CIO organization, Labor's Nonpartisan League.

I hope you will give this situation your efficient attention and deal with it as the facts may justify and as circumstances demand.

I also enclose copy of another letter in which Organizer Blair reports that your representative has issued a separate charter to office workers employed in the motion-picture industry. I am sure you will not countenance or tolerate such action. For that reason I must insist that you correct this action and if a separate charter has been issued to office workers that you immediately have it withdrawn. Evidently your representative is soliciting office workers as members of your international union at other places. I must officially call upon you to have this practice discontinued at once. Please take it up and advise me at your earliest opportunity.

With all good wishes, I beg to remain

Very truly yours,

WILLIAM GREEN,

*President, American Federation of Labor.*

This is the reply, dated November 11, 1945, from Mr. Lindelof to Mr. William Green, president, American Federation of Labor, Washington, D. C.

Mr. LEVY. Is that 1945 or 1941? I am sorry.

Mr. BODLE. 1941. I am sorry.

Mr. KEARNS. Let him make the mistake. The record will show it.

Mr. LEVY. I am sorry. It was intended to be a correction, not an interruption.

Mr. BODLE (reading):

DEAR SIR AND BROTHER: I am just in receipt of your communication of November 3, 1941, and appended copies of letters addressed to you by one Aubrey Blair, organizer of the American Federation of Labor, Los Angeles, Calif., dealing with two subject matters, namely, Herbert Sorrell, business representative of Local Union 644, Moving Picture Painters, Los Angeles and Office Workers charters issued in the studios.

It does not in the least surprise me that Herbert Sorrell is again accused of being CIO-minded as some time previous the accusation was made that he was a Communist and general disturber, by certain labor groups in Los Angeles.

As president of the International Brotherhood of Painters, Decorators, and Paperhangers of America; knowing Herbert Sorrell as I do, I am in a position to most truthfully say that he is neither in any way, shape or form, affiliated with nor does he cater to the CIO. His work within the studios of Los Angeles is so superior and outstanding, that no sane person would make such an accusation against him.

Herbert Sorrell has established a 100-percent organization within the studios and through this untiring and indefatigable efforts he has been able to establish as good—if not better—working conditions and wages than has any other international representative and this he has done with very little, if any, assistance from other internationals. The back pay he has collected and the increase of 10 percent in wages which he succeeded in securing for his members as late as last week will, I believe, speak for itself. He is a firm and conscientious believer that the members of his local employed in the studios, should receive all the remuneration to which they are entitled, for their work and at no time can anyone point a finger of suspicion at him or say that he has used his position for personal gain.

As for him—Herbert Sorrell—having been a former president of Labor's Nonpartisan League, I fear there were many labor leaders who were misled when this league was formed. In fact I myself was a member of this Labor's Nonpartisan League until I became aware of its objects and connections and I thereupon immediately severed my relations and affiliations.

I knew that Herbert Sorrell was president of this league on the west coast and I at once contacted him and pointed out to him the error of such affiliation but as he is a man with a mind of his own, 'twas quite some time before he realized the mistake he was making, but once awakened to this realization, I am pleased to say he lost no time severing all connections with Labor's Nonpartisan League.

Moreover, if Herbert Sorrell is CIO-minded, as some would have us believe, I can only say I wish I had more business representatives or international representatives as honest, capable, progressive, and conscientious as he is.

Now, in regard to organizing the office workers in certain studios, I want to say that these office workers, for the past year and one-half have clamored for an organization and during the past 6 months I have received many communications requesting me to approve of a charter issued by our international.

But in each instance my answer has been "No" as I was of the opinion that an office workers' national charter would be issued by the American Federation of Labor, knowing said application was already in.

However, while attending the conventions of the American Federation of Labor and the Building and Construction Trades Department at Seattle, Wash., I was greatly surprised with the plaudits received by the teamsters' local as well as national organization because they had organized the office workers in Seattle and they, the office workers had been granted a charter by the Teamsters, Chauffeurs, Warehousemen and Helpers International Brotherhood of America.

Pressure was again being brought to bear by our west-coast representatives, they contending if the teamsters could issue a charter to office workers, why

then could not the International Brotherhood of Painters issue a charter to the office workers employed in the studios where some 1,400 of our own members are employed.

It thereupon became my prerogative to change my mind. If, I reasoned, the teamsters can issue charters to groups not within their jurisdiction, why then cannot the Brotherhood of Painters do likewise, particularly and inasmuch as no effort had been made by any other to organize these office workers?

While the conventions were in progress in Seattle, a vote incidentally was taken by these office workers in the studios, resulting in a final demand being made upon the brotherhood to issue them a charter, otherwise they insisted they would affiliate with the CIO, in consequence of which I recommended that the charter be issued with the proviso that if they—the office workers—were granted a national charter by the American Federation of Labor, we would gladly return them to that national organization, and this we will do.

In my opinion, that was just the opportune time for Herbert Sorrell to keep hands off and allow the office workers to affiliate with the CIO, but instead he emphatically insisted that an A. F. of L. charter be granted.

I am just wondering—if you will pardon—why Aubrey Blair, American Federation of Labor organizer, did not organize this group a year or more ago, at which time they were open-minded for organization.

Instead it would appear that he stood idly by, and now that they have been organized, he registers complaint.

I am sure that Organizer Blair must be thoroughly familiar with conditions in the studios and he must know all that is going on there. Cognizant of the meetings held by the office workers and several nations, why did not he protest to either you, President Green, or to me? Perhaps he is not in a position to keep as fully informed on what is taking place in the studios as is Herbert Sorrell, our representative.

If he is in possession of all the facts, as to just what transpired he must realize that this group would have been a CIO organization with an approximate membership of 1,500 men and women and it would have been nothing short of a catastrophe had the CIO been able to in any way establish themselves in an organized group, within the studios.

If you will recall, our brotherhood has repeatedly permitted groups to be organized into federal labor unions within plants and factories without demanding that they come under our jurisdiction with the understanding, of course, that in due time the American Federation of Labor would see to it that these same men were returned to the organizations to which they rightfully belonged. This is not only true of the painters, but many other crafts.

There are more than 5,000 painters affiliated under federal charters and charts of other A. F. of L. internationals at present that in truth belong to our brotherhood. For 3 years past we have held conferences without accomplishing a single thing.

As an illustration, I would call attention to Federal Labor Union 21102, Warehouse Workers of Baltimore, Md., which recently was taken over by the Brotherhood of Teamsters.

There there are some other instances he cites of cases where painters have been organized into other unions, and which I will skip, because I do not think they are pertinent to this matter.

He concludes this part of his letter by saying:

If all other internationals and the American Federation of Labor would adhere as strictly to "jurisdictions" I can assure you, President Green, the Brotherhood of Painters would do likewise.

However, under the present system, where big, influential organizations are permitted to organize without interference, any group they so desire, regardless of their affiliation, you cannot expect the smaller or lesser internationals to desire or refrain from doing likewise.

We are not an international that contemplates building up an organization of several hundreds of thousands of members. We, on the contrary, wish merely to confine ourselves as nearly as possible, within the bounds of our jurisdiction and we claim that by organizing the office workers of Los Angeles, Calif., we have neither encroached upon any organization nor raided any other international union, but we have taken in a group of workers who definitely, would have established themselves under a charter of the CIO and this, I think

you will agree, would not only have proven a most difficult problem but wholly detrimental to the 1,500 members of our brotherhood who are employed in the studios.

Brotherhood representatives in and throughout the Los Angeles district spent not only much time but money in connection with this organizing work in order to protect themselves and the organizations they represent. Therefore, if anyone is to be censured or criticized, it is my opinion it should be your representative, Aubrey Blair.

In his letter I note, he also mentions the fact that Herbert Sorrell organized the cartoonists employed in the studios. What, I ask, is wrong with that? All of these workers use colors and brushes. Their work is drafting and painting—nothing more nothing less—and I fail to see why they should come under the jurisdiction of any other than that of our organization.

Again we might ask why did not Herbert Sorrell turn this cartoonist group over to the CIO?

My personal opinion is that Herbert Sorrell has been too successful in his organizing work in the studios, thus incurring the enmity and animosity of other representatives.

Fraternally yours,

General President,

*Brotherhood of Painters, Decorators and Paper Hangers of America.*

Mr. OWENS. Mr. Chairman, I would like to ask a question there. Did the CIO ever make any effort to organize out there?

Mr. SORRELL. Yes.

If it is all right with you, Mr. Bodle, I will go on for a little bit.

Mr. BODLE. Of course.

Mr. SORRELL. The CIO did make an effort to organize. And I don't know whether I told you about this or not. The former business agent of my union was defeated when he ran for secretary. I think I told you that. I went away to the convention in Buffalo, which has been testified here, where I signed the Browder thing, and while I was gone, he took a withdrawal card, and he went to work for the CIO, and opened offices, to open a CIO drive on the studios.

This man's name was Rudy Colt. I came back, and naturally that put Rudy in one camp and me in another. I knew his wife; I knew his family. He had a couple of beautiful girls about 14 or 15 years old. And I talked to him, and I couldn't dissuade him from severing the connections with the CIO. He said, "We will have it CIO," and so on and so forth. He was arrogant.

I then worked on his wife, who was a friend of mine and who was a friend of my wife's. And my wife is a very religious woman. My wife spends all her time working at church work. She works in a commissary where they hand out things to the poor, and she attends church meetings three or four times a week and all day Sunday. She is really a little fanatically religious. And so is Rudy Colt's wife. So they were pals.

So my wife talked to Rudy's wife, and she raised so much Cain with Rudy to get out of the CIO that he told her that he would get out, but that he couldn't get a job any more as a painter, and that—well, he gave her an excuse.

So it came to a case of where he was going to have his home broken up if he didn't get out, and his wife told my wife, and I went to Pat Casey, and I left it up to Pat. I said: "This office that has opened up with the CIO with Rudy Colt as the head of it, if I take him out of there, will you see to it that no discrimination is held against him

in the studios, if I see to it that no discrimination is held against him in my union?"

Pat agreed that he would. Now, Rudy Colt was a very good decorator and a good artist. Pat got him a job at Twentieth Century-Fox. He told me we would send him there to work. I told my wife; my wife told Rudy Colt's wife, and Rudy quit the CIO and went to work.

The CIO had quite an organization at Disney's. In other words, they had a paid organizer, organizing or trying to organize the cartoonists at Disney's. I don't know how many members they had, but they resented very much my intrusion on Disney, because I got the jump on them by organizing M-G-M. And so far as I know—no, there was another move, and I think it was by the CIO, but I don't know.

They set up offices in Hollywood and they attacked both the IATSE and myself, later. But I don't think anything came of that; but I think that was financed by the CIO.

Mr. OWENS. Just one question. Did you say that Dave Beck and Bioff worked together with respect to the appointment of Blair?

Mr. SORRELL. That is what I am told. Dave Beck, Joe Tuohy—well, Blair told me that it was through Joe Tuohy, Dave Beck, and Bioff that he got the appointment. And Tuohy, it seems to me—I think I am right in saying that he made a special trip to see Green at the time when Beck was here. I believe that that is correct. I might be wrong in that.

Mr. OWENS. In other words, you would say that Beck and Bioff and Browne functioned together?

Mr. SORRELL. I would say that not only Beck and Bioff and Browne, but the whole executive council of the A. F. of L. was in one corner.

Now, understand, when this happened, Bioff was still a very nice, lily-white guy. He wasn't shown up to be the hoodlum and the panderer and the extortionist and all of this when this cooperation was going on. The only enemy Bioff had at that time was Herb Sorrell, who knew what he was doing.

Mr. OWENS. Wasn't this 1941 that you were talking about before?

Mr. SORRELL. Yes—I don't know when Aubrey Blair got the appointment. But the letter was written here in 1941. But Blair had the appointment before that.

Mr. OWENS. But it was long before the war, when Bioff was disclosed as being a panderer; was it not?

Mr. SORRELL. Oh, yes.

Mr. OWENS. And also, I think, having violated the income tax-revenue laws?

Mr. SORRELL. The extradition papers—and I don't know if that is right or not—as I remember, came for Bioff in the latter part of 1939. That is when he really began to get loused up. Now, I don't know whether Aubrey Blair was appointed before that time or not. I don't want to testify here to anything that is wrong. It might have been before or it might have been after. I can't give you the date when he was put to work, but he was assigned to watch me. That is what I—you know.

And it was testified that he is not my friend. I still don't speak to him today, for I can't speak to anyone who will try to slaughter a nice young union like that and lead them down the Bioff hog trough.

Now, the SOEG has been touched on here, and there is quite a little story to that. You must get this through your head along with other things to be able to pass judgment on things that will come later.

The office workers were very badly paid in the motion-picture studios. Two or three studios—Fox, Paramount and Warner Bros.—had company-union guilds, and they had raised the wages of the office workers in those studios.

However, the rest of the studios, believe me, had terrible wage conditions. That is not, I think, because of any intention to keep the office workers down, but it was negligent and ignorant of management's knowing the conditions of their people.

I went to the producers, and I asked them to raise the wages of the office workers at a couple of studios, and also the central casting office, which was located in the Producers Association's Building, at the corner of Hollywood and Western.

They told me, "That is none of your business. Keep out of it," and so forth.

Well, I admitted that it was none of my business, but I had a lot of office workers that wrote to me. They would see me, and they would ask me. And I was interested in their conditions.

I said to Pat Casey, "If the office workers don't get a raise, I am going to organize them."

Now, you check this with Pat. And that was in the presence of Eddie Mannix—I don't remember who the other producers were, but this was in a producers' meeting. And one of them—and I don't know which one said it, but Pat can tell you—said, "Why you, you can't organize the office workers. We won't even let Willie Bioff organize them."

I said, "Hell, no, you won't let Willie Bioff organize them. He is your boy. You pay him. But you don't pay me nothing, and I will organize them if you don't raise them."

Now, I started to organize them. There was a Federal union of office workers, and they had a few people who worked in union offices. So if we wanted an office worker, we had to call the downtown Federal union office. I have forgotten the name of the business agent of this organization. We called her Diamond Lil. Eventually the name will come to me.

So I "sic'd" her on to the office workers in the central casting office. She organized them, but she couldn't get any wages for them; so they struck.

Pat Casey was in New York at the time and had really tied up things, and had made quite a demonstration, the picket line, down in front of the producers' association. And when Pat came back to California he called me over and I said "I can't come up to see you. You have to come down to see me. I won't go through the picket line."

So Pat met me outside the picket line, and he said it was quite a disgrace, and we sat down, and he made some concessions with me, and he said, "Get the picket line off and I will give them a deal."

So I transferred to them the message that Pat had given to me, and they were satisfied. They went back, and they went back to work, and the deal was to be consummated immediately.

Now, it so happens that a Federal union comes under the supervision of the secretary of the central labor council, who was J. W. Buz-

zell. J. W. Buzzell went in to make a deal for these people, and he not only didn't take any of the people, but he didn't take the business agent, Diamond Lil, the business agent of the office workers. It seems to me he met with Eddie Mannix, and he came out and said that he was all prepared to sign a deal, but he didn't seem to know what it was.

When it came to signing the deal, Eddie Mannix said he didn't make that kind of deal, that the man was drunk. Consequently, the kids were defeated.

After they had been on strike and after Pat and I had got them back, and after everything was set, the deal wasn't signed, and the accusation by Eddie Mannix was that Buzzell was drunk and did not know what he was talking about.

In the Disney strike, you remember that I testified that at Technicolor, the business agent of a little independent union of office workers went in with me, and when we met Mr. Kalmus, who owns Technicolor and told him that his people wouldn't cross our picket lines, either. Of course, I think that was an empty threat, because I only represented a few people there, but I was doing the best I could.

I told you how we went out and secured raises for the different people who helped us. We then called mass meetings of office workers. We organized very quickly. I asked, and many of the kids asked, to be taken into the painters, because that is the only organization that they wanted to belong to.

President Lindelof wouldn't issue them a charter, as he has stated here. I went to Columbus in September 1941, and I begged Lindelof to give them a charter then, and he wouldn't do it. While I was there Pat Casey, or some producer's representative—and if Pat Casey didn't do it, he can tell who did—called Lindelof and told him that the painters had voted at my suggestion to support the office workers if they went out on strike, if they didn't get their demands. And they had voted to recognize the picket line, and there would be a tie-up. And he told him that these office workers were not A. F. of L. people, and we shouldn't have anything to do with them, and that I was meddling in other people's affairs, and gave him quite a story.

Lindelof called me and asked me all about it, and, as usual, President Lindelof and I get along very well. I told him that it was just in the interests of humanity, that these people were just not getting any money, and they wouldn't raise them, and we had to do that for them. And if he wouldn't take them into the painters, at least the painters on their occasion were not going to pass their picket line, if it came to that.

He said, what should he tell the producers—and I said: "You tell them that you can't come back there now, that you have had to rely on me in the past, and that you guess you will have to rely on me in the future and that you just can't do anything about it, and they will have to do what they can."

We walked down to my room, and I got a call—I am not sure whether it was Pat Casey or Eddie Mannix. The two have a way of talking that is about the same. Whichever one it was told me, and I think it was Pat, he says, "Listen, you have got to send word out here that if these office workers put a picket line on, your people go through it."



I told him, "I won't do it."

And he said, "Do you know that it is going to cost us a half million bucks to pay the retroactive pay?"

And I said, "Well, you should have saved the half million dollars that you threw on Bioff's bed."

And so then, coming home, I had bought a new car, picked a new car up in Detroit, and driven it around. Incidentally, I made a trip here to Washington and met with Disney and came back, and I had the car well broken in, and my wife and I were driving along about 90 miles an hour, and a car backed on to the highway near Bloomington, Ill. Naturally, my wife and I went to the hospital. The man who backed into the road never knew what happened to him. He was killed instantly. And we stayed there about six weeks.

While I was in the hospital, Lindelof called me and said, "I have now changed my mind." He said, "It seems that everybody is organizing office workers every place, and I am sorry. If I had to do it over again I would give you a charter."

And I said, "Look, Boss"—we always called Lindelof "Boss"—I said, "You don't need me. You just send a charter for office workers to your representative in Los Angeles and tell him to call Glen Pratt," and I gave him the telephone number. Glen Pratt was the young fellow who was leading the office workers.

I said, "They will adopt the charter within 24 hours."

He did, and they became a painters' union. We got the raise for them in the studios, and we didn't ask anything that was not just. We just asked all the studios to pay the same price as the top studio in the industry. However, that was a tremendous raise for the office workers in many of the studios. At M-G-M in particular, they had one classification which was very low paid; stenographers, I believe it was, and they got a 40- or 50-percent raise, due to this, and it was gratifying to go on the lot—and I will always feel well paid for what I did—because prior to the time they got that raise, they looked shabby, and after they got the raise, with 6 months' retroactive pay, I am telling you, you couldn't tell the office workers from the stars. They dressed up so good.

It was the most gratifying thing that I ever had, and I feel good about it whenever I think about it.

Of course, this office workers' organization spread. The office workers in the distributing agencies also wanted to be organized. They came in droves. We took them into the union. We took them in until we got them 100 percent; but we found that we had to deal with another group of people, and they were very tough to deal with.

I made a trip with Glen Pratt to New York and we met with some of the men who testified before your committee here, Barney Balaban, Peter Rathvon, and some of these fellows. They were very tough to deal with. The fact of the matter was that they were so tough that we had to strike the distributing agencies, and we called a meeting, and this you will be interested in because this happened in 1941—no, I guess this was in 1942, when we called the meeting, and I am not positive whether it was the latter part of 1941 or the first part of 1942.

We called a meeting of all the office workers in the studios to see if they would back up these kids who were getting very, very low pay in the distributing agencies, with a threat of strike.

I wish I could remember the exact date, because it has a bearing on this. But anyhow, it was when the Communist line was "No strike, no strike".

The meeting was held in the largest hall they have—I have forgotten the name of it—in the Roosevelt Hotel, and it was packed. I judge offhand there were some 1300 or 1400 people there.

Glen Pratt came to me and said, "I have been informed by the president that we can't take a vote tonight to back up the kids on the strip with a strike. There have been protests all around."

I said, "Glen, I will tell you. I think this sounds like the Communists, but I think we are right and I think we are just and I don't think we should bother about that. You let me talk last, and if it is Communists they will bob up one here and one there and one some place else. There won't be over five or six of them, but they will look like they were carrying a big load. If it is not, if it is an honest opposition, it won't be organized the same way."

That actually is what happened. He proposed a strike, and they bobbed up one here and one there and one the other place, and I marked those people in my memory. I didn't write down their names, but I can see them even yet today, and I always suspected that they were Communists.

I took the stand last, and they voted to strike, all except five, and those were the five who had spoken.

Then, of course, the strike action was taken, or to recognize their picket lines, if they wanted to picket the studios.

The next day Eddie Mannix called me and he said, "Come over and I will make a deal for those people on the strip." He said, "They have been out a week and I will put them back. I will guarantee them this, and I will guarantee them that, and I will guarantee them the other thing. I won't complete the deal, but I will guarantee certain things."

Glen Pratt and I—I couldn't tell you who the others were, but I went over to see Eddie, and he gave us certain guaranties, and he was going to write them down and sign them. And I said, "When I deal with you, I don't have to have anything signed"—there are two men in this industry whose word is good—"You and Pat Casey don't have to sign anything with me."

Some of the people with me didn't much like the tactics, but I know the men.

We went out, the kids went back to work, and one of the things they were to get was that they were to be paid for the week that they were not working. Most of the studios paid off. RCA and one other, and I am not sure which one of the others, did not pay their exchange people. I called them and they said, "We don't know anything about it. We haven't got anything to do with it."

So I called up Eddie. He said, "Give me the names of the people and how much they have got coming and bring them up here to my office."

I did and he wrote out checks for all of the people and handed them to me, and he said, "When I make a deal I make a deal, and that is it. And if the people that I represent won't live up to the deal, I will take care of it myself."

I said, "Eddie, is this your personal money?"

He said, "Yes."

Mr. OWENS. Is he still with the industry?

Mr. SORRELL. Eddie Mannix is still there.

Mr. OWENS. Are they cooperating with you in that way now?

Mr. SORRELL. Oh, no. That was back in 1942.

Mr. OWENS. They have been cooperating with the IATSE?

Mr. SORRELL. Oh, yes.

Mr. OWENS. They were cooperating with you and now they are cooperating with the IATSE; is that what you are telling us?

Mr. SORRELL. I am telling you that we didn't have any troubles, with any of us. We had contracts. People don't have troubles when they have contracts.

So Eddie paid off, and I took the checks to the office workers' union to be distributed, and they were so pleased that he did that that we decided not to use the checks, to send them back to him, and pay these people out of the union treasury.

However, we gave it to the trade papers. I don't know if it happens to be in any of these trade papers that we have here, but they put it all over the page, "When Eddie Mannix makes a deal, he sticks by it."

The other studios got ashamed of themselves and sent in the money. So we sent Eddie's check back, and there was a little difficulty. He got checks back, and so forth, but the kids got paid, and Eddie's reputation was good, and then we had people all over the United States, through the publicity that went out in the trade papers, writing us, "We want in the union. We want in the union."

There were distributing agencies all over the United States. We had delegations sent from San Francisco, and I am not sure whether there were delegations from other cities or not, because in many of the cities there are several hundred people engaged in this work. We were a little bit perplexed about how we could handle the situation, but we were not perplexed very long, because Walsh and Schenck and them got together here in New York and signed up an agreement to cover the whole United States. And I wish you could see the agreement. It is very good. It is strictly a nice wash-off.

They got nothing but the right to join the union, and I don't think they got enough raise to even pay their union dues. But that is one of the reasons for the conspiracy between the IATSE and the motion-picture producers. This is a big deal. It covers the whole country.

Now, there are many more of these instances that I can bring to your attention. I don't want to waste too much time, but this conspiracy goes on now, has gone on since 1935, and when that is broken, things will change in Hollywood.

Now, I know that my attorney, Mr. Bodle, has got a lot of things that he is personally acquainted with that he would like to read into the record. I don't want to get off on a tangent here. I don't want to get ahead of myself.

Mr. LANDIS. Can you get any proof on that last statement you made?

Mr. SORRELL. Yes; we can get the proof.

Mr. OWENS. Mr. Chairman, could I inquire about that?

Mr. KEARNS. Go ahead.

Mr. OWENS. This charge you are making comes just about the same time as the passage of the Wagner Act?

Mr. SORRELL. No; no.

Mr. OWENS. 1935 you said? The conspiracy, you said, began about 1935.

Mr. SORRELL. Oh, yes, where it first originated, yes.

Mr. OWENS. Are you saying that the fact that the producers saw fit to deal with one group of the AFL would constitute a conspiracy?

Mr. SORRELL. I am saying this, that Willie Bioff went to jail for extortion. What should have happened, some of the producers should have gone to jail with Willie at the time for conspiracy.

Mr. OWENS. You mean that the producers did not have a right to deal with some head of the union and work that way?

Mr. SORRELL. I am saying the producers have a right to work with who they see fit. But when they conspire with one man to deprive a lot of workers out of their rights, that is criminal conspiracy, and that is what has been going on since 1935, first with Browne and Bioff, and now with Walsh, and we will hook them up later as we go along.

Mr. OWENS. Perhaps you have something in your mind that I cannot see yet. I am trying to get it out.

Mr. SORRELL. Yes.

Mr. OWENS. Are you saying that when there is a head of a union, like Bioff and Browne, who dealt with the producers out there for their men, that the dealing with the producers could be a conspiracy?

Mr. SORRELL. No. I am not saying that. The producers must deal with labor; and there is no reason why they should not deal with the IATSE. The IATSE is a bona fide union. But I am saying that IATSE protects the producers in ways so that the producers and the IA are put in a position at times to conspire against the workers and cause them to be locked out, cause jurisdictional troubles, and so forth, and the incentive for that—and I will bring it out a little later, because I don't want to get ahead of my story.

Mr. OWENS. I would like to get that out now, before I get away, because I think it is the crux of the entire matter.

Mr. SORRELL. You are right. But I just don't want to get ahead of my story. I must get some of this stuff in the record. I want to further tell you about my meetings with Eric Johnston. I want to tell you my discussions. I want to tell you what Eric Johnston thinks. I want to tell you, among other things, that if the producers would cut out the monkey business and turn the labor relations over to somebody who understands labor relations and someone who is honest and who the people have confidence in, there would be no more trouble in Hollywood.

Mr. OWENS. Yes. But let us get right to the point now, Mr. Sorrell. You have made this general statement, and let us get right to it. You had the representatives of the union, of this IA, I believe it was, Bioff and Browne?

Mr. SORRELL. Yes.

Mr. OWENS. And they were dealing with the producers through Mr. Casey and these other heads of the company. Now, what is wrong with that?

Mr. SORRELL. That was all right. That is all right. I don't say there is anything wrong with that. That is a perfectly normal procedure.

Mr. BODLE. I am at a loss to understand what Mr. Sorrell means when he says there is nothing wrong with it. If you are dealing with yourself, which is what was happening here, under the deal between

Bioff and Browne and the producers, the producers paid Bioff and Browne \$50,000 a year for each major studio and \$25,000 a year for each minor studio, as a pay-off, as a bribe. And the consideration which the IA gave in return for that money, which amounted to around, I think, \$550,000 a year, was the assurance that there would be that they would keep labor in Hollywood and in the theaters under wraps, as it were.

Now, if you have a situation where a man is dealing with himself, which is the situation here, because Browne and Bioff were the agents of the producers, I mean, there is no question about that.

MR. LEVY. Mr. Bodle is entitled to interrupt, or is he entitled to interrupt, or is he not?

MR. OWENS. No, sir; Mr. Bodle is under oath right now.

MR. KEARNS. He is under oath.

MR. LEVY. That is bringing it back to November 1941.

MR. KEARNS. We will take care of that.

MR. LEVY. All right, sir.

MR. BODLE. As a matter of fact, there is no question about it, because I am going to introduce court records here.

MR. KEARNS. That is what I want to find out. I want to find the proof of these accusations.

MR. BODLE. We will have the court records.

MR. OWENS. I want to see the statement of the proof. If the statement does not make the case, there won't be any need for the proof.

MR. BODLE. You know, they were indicted and convicted and sentenced to jail, one for 8 years and one for 6 years—

MR. SORRELL. Ten years.

MR. BODLE. Ten and eight years, for this very situation that I have talked about.

MR. OWENS. That is for extortion?

MR. BODLE. Yes.

MR. OWENS. Surely if someone is convicted of extortion from a producer; how can it be conspiracy if it is extortion?

MR. BODLE. I think the basic question is this: Did or did not the producers control Browne and Bioff at this period?

MR. OWENS. If they did, they couldn't have been convicted of extortion, could they?

MR. BODLE. I think Browne and Bioff—

MR. KEARNS. Listen, let us stop thinking now; let us get down to concrete facts. If we have the facts, let us have them; if not, let us not have them. That is all I am interested in.

MR. SORRELL. I am sorry, Mr. Owens. I don't want to get too far ahead here. If you let us read some things that build up to this, eventually we will get to it and make it very clear.

MR. OWENS. Yes; but if a statement cannot be made, Mr. Chairman, showing that a fact is there, the proof will not make much difference.

MR. KEARNS. I appreciate that.

The only thing is that if he has the chronological development he wants, maybe we should be tolerant and let him develop that. However, if the committee wishes to challenge the issue right now and disturb the chronological development of it, I am willing to acquiesce to the committee here.

MR. LANDIS. Mr. Chairman, we never challenged anybody else, and everybody else got to say what he wanted to say. But the part that

I am getting into is, did he make the charge against Walsh since the Bioff deal?

Mr. SORRELL. Absolutely.

Mr. LANDIS. I understood that.

Mr. SORRELL. Absolutely.

Mr. LANDIS. Then I just ask for some evidence.

Mr. SORRELL. Just as a "quickie" on the record, we charge that the IATSE came in here and that there has been a conspiracy between the producers and the IATSE. It is up to us to convince you that there is a conspiracy. We charge that exactly the same line is followed by Walsh and Brewer that was followed prior to Walsh and Brewer by Browne and Bioff. They haven't changed one iota.

They come in with the charge of communism to protect themselves. The thing that we will point out that they have done—I am sure I will positively prove that there is no difference in the administration except in names.

Mr. Brewer took Mr. Bioff's place; Mr. Walsh took Mr. Browne's place. Mr. Walsh was appointed, and so forth, by Mr. Browne. He was later confirmed by election.

As we go along, I will show you that a 2-percent tax was put on the IATSE. I don't think I brought that up yet. Back in 1936 or 1937, there was a 2-percent tax put on the workers to be given to George Browne to do as he pleased with, without making any accounting. That 2 percent was collected, and one of the men who collected that 2 percent is working in Hollywood as a business agent, and he couldn't win election in his local. He couldn't even win an election to go to the convention.

Now, that is a very small thing.

Mr. OWENS. May I ask a question? I am trying to get a few things finished before I go away. I hope you won't mind, Mr. Chairman.

Mr. KEARNS. Yes; I understand.

Mr. OWENS. Was any charge ever made with executive council of the A. F. of L. with respect to these letters that you are talking about, in your own ranks?

Mr. SORRELL. So far as I am concerned, it is impossible to take anything like this to the executive council. The executive council does not take the time that it would take to go into this.

Mr. OWENS. You mean, they do not take the time to show that the leaders of their international are taking money from the employers to the damage of their own workers?

Mr. KEARNS. Will the gentleman yield there?

Mr. OWENS. I yield.

Mr. KEARNS. Probably that was firmly established when Mr. Browne retired and Mr. Walsh came in there.

Mr. OWENS. But he says Mr. Walsh is carrying on the same activities.

Mr. KEARNS. That is his charge. But I mean, going back to the precedent there.

Mr. SORRELL. Let me build this up a little bit, and I will show you that—

Mr. LEVY. Mr. Chairman, let me make a statement.

Mr. KEARNS. Please.

Mr. LEVY. We ought to know whether he is charging Walsh and Brewer with taking money from anybody.

Mr. SORRELL. You will find out.

Mr. LEVY. Tell it to us now.

Mr. SORRELL. I will tell it to you when I get ready.

Mr. KEARNS. You sit down.

Mr. SORRELL. Don't be impatient.

Mr. LEVY. I am not impatient.

Mr. SORRELL. I sat here and for 2 weeks I listened to him.

Mr. KEARNS. Now, everybody sit down here. We do not want to have this sort of order.

Now, these men did not jump up when you were testifying, and you owe them the same courtesy, no matter how riled you may become.

Mr. SORRELL. I am sorry that I lost my temper.

Mr. OWENS. Mr. Chairman, would you mind if I just went into this thing for a moment before I go away?

Mr. KEARNS. Mr. Owens, I am only too glad, as Chairman, to let anybody go into what he wants to go into. But you see what we get into if we want to get into all these things. Things go topsy turvy.

Mr. OWENS. We are here for that. I am one that will have to pass on it. There are just certain things that I am interested in. They might think that their story is the thing that is going to take care of; but I am interested in knowing certain things, and was just waiting for its chronological development; but I want to get into this one thing before I get away, because the balance of the record I can read, to take care of that.

Mr. KEARNS. Mr. Sorrell, Mr. Owens evidently has to leave town. Is that it, Mr. Owens?

Mr. OWENS. I am leaving in 15 minutes.

Mr. KEARNS. And I will be only too glad to agree with the gentleman from Illinois' request, if you will be good enough to take care of the answers that he wants you to give now, and you can just leave off where you stopped here and pick that up at a later time.

Mr. SORRELL. Mr. Kearns, you know that it has been my intention to cooperate with this committee.

Mr. KEARNS. That is right, but I want everybody to act his age in here.

Mr. SORRELL. I am sorry that I lost my temper; but I got so tired of listening to Mr. Levy that I could hardly stand it, and now I guess he, in turn, is tired of listening to me.

Mr. LEVY. No, I am not.

Mr. OWENS. You listened to him longer than he is listening to you.

Mr. SORRELL. And I will tell you what happened to me. I must tell you so you will understand my feelings. I am a perfectly normal, healthy human being. I have to take a physical examination when I get my pilot's license, and I have to be in pretty good shape to fly an airplane. I am all right, but when I get worked up I get kind of high blood pressure. At one time I laid down a little bit and they took me away for 4 days, and I got back and got to work again. And then, coming across here on airplane, I talked to a doctor by the name of Gibbons, or Gibson, from Los Angeles, and he said, "You are a perfectly normal person."

We had a long talk and he said, "But don't get angry. If you get angry explode," he says, "and get it off your chest. Otherwise this blood pressure will get you."

I said, "Well, you know with me, when I really get angry, I can't talk. My fists go into action."

He said, "That is all right."

I said, "It is not all right. I will go to jail."

He said, "It is better to go to jail than to a morgue."

Mr. KEARNS. That is right.

If you are going to explode, hire a tent, all of you, and explode. Don't explode in here.

Mr. SORRELL. I don't want to blow up in here.

Mr. OWENS. Mr. McCann, will you show the witness what is marked "Exhibit 1" for identification of today?

And I ask you, Mr. Sorrell, whether or not you have ever seen that document before, at any time.

Mr. SORRELL. Yes, I saw this the other day, or yesterday, I guess it was. At least I presume this is it. I didn't look close enough to it.

Mr. OWENS. Have you ever seen it prior to that time?

Mr. SORRELL. No, I am sure that I—let me look it over very close, because I know there is a trick to this, as I told you. I know that this was coming up long before I saw it. And to my knowledge, I never saw this before. I don't think that I ever saw it before. I know that it was not shown to me at the Tenny committee.

Mr. KEARNS. Now, listen, Mr. Sorrell, we don't think. We know or we don't know here. That is the only kind of evidence that we want.

Mr. SORRELL. Then I will say that I never saw it before unless this is the one that I saw yesterday.

Mr. OWENS. You mean before you came to this room?

Mr. SORRELL. No. That is right. I never saw it before this time.

Mr. OWENS. I show you exhibit 2 for identification of today, and ask you if you have ever seen that prior to the time you came here, to this room.

Mr. SORRELL. No, I never saw it before, but I saw replicas in the paper. I have heard a lot about it, but I never actually saw the card before this.

Mr. OWENS. Would you say that that word "Herbert" in each one of those is a duplication of your own name?

Mr. SORRELL. Well, one is "Herbert" and the other is "Herb." And I would say it looks pretty much like I wrote it. If you would say this was my handwriting, I would say that the "Herb Stewart" looks like my handwriting. I would say that the "California District 13, County, L. A., City, L. A.," and the rest of it, does not look like my handwriting.

Mr. OWENS. I am only referring to the signature on there.

Mr. SORRELL. Yes, it looks like my handwriting. I have seen it in papers, photostatic papers.

Mr. OWENS. But you say that is not your signature?

Mr. SORRELL. That is not my handwriting, no. You will find that is not my handwriting. "Herb Stewart" is not my handwriting.

Mr. OWENS. Is there any significance of any kind to the fact that that signature is so like your own, as you have said and that the name "Stewart" is used?



Mr. SORRELL. Yes, there is a reason that was brought out at the Tenney hearing. They asked me if my mother's name was not Stewart, which it was before she was married to my father. I think that is why the name Stewart is there; at least, that is what they have said. That is what they accused me of, using the name "Stewart."

Mr. OWENS. That one is marked "Exhibit 2" for identification. That is the blue card. You notice that the name starts to be written "So."

Mr. SORRELL. That is right.

Mr. OWENS. And that would appear to be also similar to the way you write your "So" in "Sorrell," would it not?

Mr. SORRELL. No, it does not look quite like my "So."

Mr. OWENS. I have it in front of me, and I was judging it by that.

Mr. SORRELL. Maybe it does to you, but it does not to me. But it still looks like my handwriting.

Mr. OWENS. When that occurred in California, when they were having that hearing, you were invited to go there, at the time that they had this man identifying the signatures?

Mr. SORRELL. I was told about this party card that I now hold in my hand in 1941, but it was not shown to me. I asked—I think we are getting the transcript from that hearing. I asked to see the card that I heard that they had. They did not show it to me.

Now, in 1945, or '46—'46, I believe—I was being tried in Judge Ashburn's Court for violating a court order, or something or other, and I was convicted of violating it seven or nine times, as being in the vicinity of Warner Bros. during a strike when there was a court order. I was fined, I think now it was \$1,700, and 15 or 16 days in jail. I was in that hearing when the Tenney committee had the hearing, and they invited me over to testify. It seemed for some reason or other they could not subpoena me because I was tied up already in court hearings.

I asked my attorney at that time if I could not get away and go over, and on his advice I did not go over. I do not remember exactly. And later they came out and said this was the card.

Mr. OWENS. What was your reason, what advice would be given to you that would give you a reason for not going there when you were being charged that way?

Mr. SORRELL. The attorney told me at the time, and I am quoting this from memory and I may be a little wrong because legal things do not stick very good with me, "You are on trial for"—I don't know, he made it great, big, like attorneys do, it meant a lot of things that sounded very serious, "and if you go over there during the trial, that will prejudice the judge," and so forth, "and, besides, you do not have to go over there, you are subpoenaed and you have to stay here." They offered to hear me at noontime, and I would have gone over, but the attorney said, "No, don't go over, because that"—I don't know, carried some prejudice or something—"while you were in the other trial."

Mr. OWENS. Who advised you that way?

Mr. SORRELL. My attorney at the time. I think it was William Esterman, of Pastana & Esterman. I do not know which of the attorneys it was. I can check and find out.

Mr. OWENS. It was being advertised in the paper, was it not—said that was just as damaging for you not to go there?

Mr. SORRELL. That is what I said. When it came out I said, "You see, I better had go."

I did a lot of things on advice of attorneys that did not always work out. Maybe I did not have the right attorneys.

Mr. OWENS. Did you take any steps right after that, after you were out of jail, to go over and counteract it?

Mr. SORRELL. No. This has been going on since 1937. That is, the attack on me as a Communist has been going on since 1937, and I have waited, and I waited to eventually get it cleared up, and I hope that you fellows can clear it up. And I have wired Thomas when he was having his hearings. I went down and saw Mr. Stripling since these hearings, before this got into the Communist angle, and told Mr. Stripling I wanted in some way to get a hearing and get this cleaned up.

I do not think I would ever have any way of getting that card unless you handed it to me.

Mr. OWENS. Therefore, it is your statement right now that at no time did you ever sign a control card or a card for a membership book as shown by these exhibits?

Mr. SORRELL. It is my statement right now that I never signed my name "Herbert Stewart", or "Herb Stewart," or whatever is on those cards, and I did not sign those cards. That is my sworn testimony.

Mr. OWENS. Have you any knowledge at all as to who might have been familiar enough with all of those facts, and with your signature, and have a purpose for doing what is shown here?

Mr. SORRELL. Yes, I think there was a lot of reasons for the card being manufactured. I think that by the time we get through with these hearings you will see that there were lots of ulterior reasons.

Mr. KEARNS. I am glad you put "when" in.

Mr. SORRELL. When you get through with these hearings, yes. You will see that there were lots of reasons why I should be tabbed a Communist, or I just be discredited, or I should be disposed of in some way.

Ralph Peckham was mentioned here—and as I say, when I want a name, I cannot recall it. Ralph Peckham's father—the Ralph Peckham that Mr. Brewer spoke about—his father's name was Ralph Peckham, too. He had a fellow that knew something about this. He brought me the story before I heard about the card from the Un-American Activities Committee, and when you get the testimony from the Un-American Activities Committee held in 1941, you will see that I walked in and said, "I want to see that Communist Party card that you are supposed to have of mine."

Mr. OWENS. Was this '41 or '46 they were holding those meetings?

Mr. SORRELL. They held one in 1941 where I asked about this card, because I knew, I had been tipped off that there was some kind of a card, and Ralph Peckham knew somebody that knew something about it, and I could get ahold of him. And they did not present that card at that hearing. So they never presented that card until 1946. That is, I do not think they did.

Mr. OWENS. There is one thing that is certain, there would be no old finger marks of yours on those two cards, would there?

Mr. SORRELL. The only ones would be the ones I had right now.

Mr. OWENS. That ought to prove it one way or the other right now, ought it not?

Mr. SORRELL. That is right.

Mr. OWENS. Thank you, Mr. Chairman.

Mr. KEARNS. We stand adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 3:50 p. m. an adjournment was taken in the hearing until Friday, March 5, 1948, at 10 a. m.)



# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

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FRIDAY, MARCH 5, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will come to order.

I would like to read for the record a telegram that I received. This telegram is addressed to me from Pittsburgh, dated March 5:

I have just been informed that Herbert K. Sorrell, the discredited head of the defunct Hollywood Conference of Studio Unions, yesterday charged before your committee that I have accepted money from film producers and that George E. Browne and Willie Bioff exert influence in the affairs of the IATSE. I brand this for what it is—a vicious lie.

Following the adjournment of our general executive board meeting here this week, I will come to Washington to enter a personal denial under oath.

Sorrell's charge, unproved and unprovable, and made under the cloak of congressional immunity, was obviously launched for the purpose of diverting public attention from the mountain of evidence presented against him and from the sordid tale of his lawless career and pro-Communist activities, amply corroborated by his own testimony. I have been elected president of the IATSE three times by secret ballot at open conventions, and I have not received 1 cent from any source other than what was paid me by the IATSE in accordance with our constitution.

At my suggestion, our general executive board long ago barred Browne and Bioff forever from membership in our organization, and our convention unanimously approved this action. I have neither seen nor had any communication with them since I took office. I have no knowledge of either Browne's or Bioff's present whereabouts. Anyone who has studied the facts knows that my administration has been devoted to an honest and successful endeavor to enable our local unions to operate freely and democratically and to improve the wages and working conditions of our members through the legitimate channels of collective bargaining. There are two types of trade-union leadership I loathe—the gangster-racketeer and the Communist-racketeer—each breeds the other. They are both a menace and should be stamped out. So far as I am concerned, I want nothing to do with either Bioff or Sorrell.

I respectfully ask that you read this telegram at the opening of the hearing this morning.

RICHARD F. WALSH,  
*International President, International Alliance of Theatrical Stage  
Employees and Moving Picture Machine Operators of the United  
States and Canada.*

There are two other telegrams that I will put in the record. These were not received this morning. They were received yesterday morning, and I failed to bring them up with me. So they will be a day late for the record.

This is addressed to me from Los Angeles:

According to Mr. Benjamin's testimony, producers were hiring both union and nonunion members without discrimination. Impossible for producers to do this, due to the fact IATSE has actually issued ultimatums putting producers on the spot. Two weeks ago we filed unfair labor practice charge with NLRB against IATSE, local 706, and their business agent for threatening a producer with work stoppage if any members of our union were hired. This producer had no contract with the IATSE. One of our men was hired today to start work on a picture tomorrow. This producer was told by same business agent of local 706, IATSE, that he could not hire our man. Local agency is prone to clarify Taft-Hartley Act. We are at strict disadvantage. Can you advise us?

INDEPENDENT MAKE-UP ARTISTS AND HAIR STYLISTS GUILD,  
JACK DUMONT, *Business Representative*.

I have another telegram from Hollywood addressed to me:

We are not Communists. Mr. Brewer's accusations might well be directed toward himself. We believe his carefully laid plans for several years have been to plant false evidence with the Tenney committee and others for use against the unions he strives to eliminate. Through 17 months local 683-A has fought for democratic principles, opposing the IATSE's communistic attitude of dictatorship. We refute Mr. Brewer's false charges and suggest spotlight upon IA communism. There lies the greater menace. We are grateful to you and the committee for your splendid and unprejudiced work.

MEMBERSHIP OF 683-A.

I have heard of 683 union but not 683-A.

Mr. McCANN. That means 683-IA.

Mr. BREWER. I do not think it does. I have never heard of it before, but I do not think it means that.

Mr. McCANN. I thought it did.

Mr. KEARNS. I just want it in the record so we can have it clarified. That means nothing. I have heard of 683, but not 683-A.

Mr. McCANN. I am sorry. I thought it was an omission.

Mr. KEARNS. As we start the hearing this morning, Mr. Sorrell will appear, and I want to warn everybody who is testifying that we will have good order. And I hope we will abide by it.

I have another telegram that I overlooked that I might read here. It is addressed to me. It reads:

The following telegram was sent to Roy Brewer today; the Screen Publicists Guild requests that this telegram be included in the record of the hearing:

"The Screen Publicists Guild is shocked by the outrageous charge attributed to you of Communist domination of this union. The Screen Publicists Guild denies every syllable and implication of the statement, because you lack any vestige of evidence in substantiation of such a charge. The guild demands an immediate retraction of the charges against the guild and Milton Gottlien, our business agent, from you from within or without the protective limits of your present congressional immunity.

"SCREEN PUBLICISTS GUILD, LOCAL 1489, OF THE  
BROTHERHOOD OF PAINTERS, DECORATORS AND  
PAPERHANGERS OF AMERICA, AFL."

Mr. BREWER. May I put in my reply at this point, Mr. Chairman, very briefly?

Mr. KEARNS. No, sir. I think that we had better go along this way, as I told you.

Do you mean a telegram?

Mr. BREWER. Yes; my reply. I wired them. I wish you would read that.

Mr. KEARNS. I wish that you would, for the record, put this on regular Western Union paper, so that we will have it in that way.

Mr. BREWER. I shall be glad to.

Mr. KEARNS. Thank you. It will be better for the record.

This is addressed to the Screen Publicists Guild, Cuhenga Pass, Hollywood:

Re your tel, suggest you read my testimony in toto. If you then indicate any statements which you consider inaccurate, I will be glad to present additional evidence to substantiate my testimony.

ROY M. BREWER.

Mr. BREWER. I thank you for putting that in.

Mr. BODLE. Who was that addressed to, Mr. Chairman?

Mr. LEVY. The Screen Publicists Guild.

Mr. KEARNS. That was in answer to the other telegram.

We will now continue, Mr. Sorrell.

### TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE— Continued

Mr. SORRELL. I think that we have a lot of things that we want to read into evidence; and if there is no objection, I would like to have Attorney Bodle read some of the things that we want to get into the record.

Mr. BODLE. Mr. Chairman, I think when we ended yesterday, we were discussing this alleged Communist Party card of Mr. Sorrell. He testified at that time that he had first heard of the card some years prior to the time he was called before the Tenney committee in 1941, and at the time he appeared before the Tenney committee he demanded that it be produced.

We have tried to obtain the transcript of that proceeding but have been unable to. However, I have a newspaper report from the Los Angeles Daily News of Thursday, July 31, 1941, of Mr. Sorrell's appearance before the committee, which I would like to read at this time. It reads:

Broad humor, of the Hollywood slapstick variety, amused 200 spectators at the legislature's solemn un-Americanism hearing in the State Building today.

The Hollywood touch was felt when Herbert Sorrell, business representative of the motion picture painter's union, engaged the committee, and especially its chairman, Jack Tenney, in a free-for-all battle of wisecracks.

Tenney is a member of the musician's union, which has been active in Hollywood union circles, and as such he frequently came in contact with Sorrell.

The witness took part in union negotiations pertaining to the recent Walt Disney strike and participated in the campaign against Willie Bioff.

This explained his first remark, when he took the stand. He said:

"You're not here regarding Bioff or strikes or any Hollywood politics," Chairman Tenney told him.

"I'm not so sure," the witness cracked back. "I heard several months ago I was to get the business from your committee. I also heard the Disney studios contributed to this investigation."

"Were you ever a Communist, Mr. Sorrell?" Attorney Richard Combs, legal counsel for the committee, asked.

"No; but I've been accused plenty times," he replied. "I guess this lets the polecat out of the bag. I know this committee has a phony photostat of a supposed Communist card with my name on it, and I know you're going to try to spring it."

"They've been laying for me with that fake evidence ever since I helped to send Willie Bioff up."

"Why, you poor suckers are just being used, that's all. You're just jumping to strings pulled by Art Samish, the big Sacramento lobbyist. Samish has got plenty to do with this investigation, and don't you forget——"

At this point Sorrell was interrupted by at least three committeemen, all shouting at once.

Chairman Tenney finally made himself heard to say:

"You're throwing a smoke screen around here!"

Assemblyman James Phillips injected the information that he had never before heard of either the witness, Sorrell, or the Disney strike. Phillips is from Oakland.

Sorrell informed the committee of a Gunther Lessing, Disney studio official.

"Lessing told me," he said, "that the old guy with the whiskers was going to investigate me. I thought at first that meant Uncle Sam, but now I see it was just you assemblymen.

"Incidentally, what have I done that is un-American?"

"Nothing that I know of," Attorney Combs replied.

I might say parenthetically he is the attorney for the Un-Americanism Committee.

The article continues:

"What I want to know is are you going to answer the question we asked you?" inquired Chairman Tenney.

"Why, sure, Jack," Sorrell said soothingly. "Sure. I think you're all right, Jack, you're just being used, and you don't know it."

Assemblyman Phillips jumped up and pounded the table.

"Either produce proof of what you say or back up on your statement!" he cried.

Sorrell then gave an involved description of the sources of his information, and members of the committee finally snuffed it all off as hearsay.

"That's what I say," approved Sorrell. "Let's cut out all this monkey business and get down to facts."

Tenney then asked, in mild tones, if Sorrell had ever seen a Communist card.

"No; I never have, Jack," he said, "but once I thought I almost did."

"How was that?"

That was Tenney. Now, Sorrell:

"Once when I was pretty friendly with Tenney here, I was just about ready to screw my courage up and ask him to let me see his. I thought he was a Commie, he was so liberal.

"But then I found he wasn't any more a Commie than I was, and I never have seen a Communist card to this day. I sure would like to see that photostat you got on me, though, just to see what a Communist card looks like."

Combs asked Sorrell about his association with Don Healy, leader of Labor's Non-Partisan League; Urcel Daniel, secretary; and Tom O'Connor, former president of the Los Angeles Newspaper Guild.

I might say parenthetically, those are three of the people who are on that alleged back page of the minutes of the Third Annual Convention of the Communist Party, which Mr. Sorrell has testified under oath he never attended and which last back page has never been introduced in evidence anywhere, to the best of my knowledge.

The article continues:

Sorrell said he was on a committee with them to fight the antipicketing referendum measure in the 1939 election.

"My union contributed to the campaign against the measure, which was defeated," he said.

And I assume that is the CURAL committee to which you referred earlier?

Mr. SORRELL. Yes.

Mr. BODLE. The article continues:

"My union contributed to the campaign against the measure, which was defeated," he said.

A roll call of an asserted Communist Party meeting was read to Sorrell, but the witness said it didn't mean a thing to him.



Asked if he was acquainted with Jack Moore, secretary of the Los Angeles County central committee of the Communist Party, Sorrell said he knew Moore slightly.

"I had no dealings with Moore," he said, "but I was once approached by him and some others who wanted me to oppose the candidacy of Franklin D Roosevelt, and come out against endorsement of his candidacy by our union.

"I refused, of course, as I am strong for Roosevelt."

That concludes the report of his testimony.

MR. LANDIS. What was the date on that? Did you give the date?

MR. BODLE. Yes. That is July 31, 1941. That is the only time, I believe, the witness testified, that he ever appeared before the Tenney committee.

Now, I would like to say this with reference to the card that was introduced, that we made no objection, of course, to the introduction, because, as a matter of fact, it would not have done any good, anyhow. But there was no foundation laid, of course, for the introduction of the card. There was no showing of who obtained it, where it came from, or anything. And as some of the members of the committee pointed out to me, it is, of course, no difficult matter to forge another person's signature to a card.

In view of the testimony of Mr. Sorrell yesterday, we make the flat assertion that the card, if there is any signature on that, that it is an absolute forgery of Mr. Sorrell's signature.

Now, with reference to the other testimony introduced for the purpose of connecting Mr. Sorrell with the Communist Party, I want to say this, that the testimony, of course, was all of a hearsay nature, and that was brought out very clearly by the series of questions which I asked Mr. Levy. I wanted to determine, first, whether he knew what he was talking about, and if he did, then I wanted to put him in a position where if he was not telling the truth, he would be open to a charge of perjury. But, of course, that was impossible, because Mr. Levy did not know what he was talking about. He was simply reading a series of newspaper articles and other documents which he obtained from other sources, but which were combined with certain editorial comment which gave them a meaning that could not be obtained from a reading of the statements themselves. And I want to point it out with respect to two of the exhibits which Mr. Levy introduced. And it was extremely difficult when he read them to know whether the editorial comment was contained in the exhibit or whether it was his own editorial comment, or whether it was somebody else's or whose.

For example, with regard to the Leo Gallagher testimonial dinner, the record says that this dinner was held for the purpose of expressing the appreciation of people to Leo Gallagher for his defense of the Communist Party and the principles of the Communist Party and the members of the Communist Party.

I asked Mr. Levy while he was on the stand if he could testify under oath that that was the purpose of the party. And he said "No," he did not know, or he said, "The record speaks for itself."

Now, the fact is that it was testified by Mr. Sorrell that that was not the avowed purpose of the testimonial. The purpose was to express some appreciation to Mr. Gallagher, who is an old-time lawyer in Los Angeles. I think known to everybody in the labor field, for his services on behalf of labor and the cause of civil liberties in the past.

Again, with reference to the United Spanish Aid Committee, Mr.

Levy testified that its purpose was to furnish aid to the Communists who took part in the Spanish Civil War in 1936-38. Again, I asked him when he was on the stand if he would testify under oath that that was the known and avowed purpose of this United Spanish Aid Committee. And again he refused to testify that it was.

The fact is that I think this committee is well aware, if it has gone into the history of the United Spanish Aid Committee, that it held itself out regardless of its true purpose as an organization to help the Spanish Republicans, and there were any number of people, as I know myself, of the most respectable status, who were members of it.

I remember when I was in San Francisco during the war, reading in the newspaper about a meeting at which Yehudi Menuhin spoke, a distinguished violinist, and I am sure not a Communist, under the auspices of this committee.

The testimony was of such a character that I think this committee, and I think Mr. Sorrell would have been entitled to disregard it entirely.

Mr. Sorrell is not the sort of person who disregards accusations no matter how flimsy they are. And hence he testified and testified under oath with respect to each one of these so-called Communist-front organizations. And he testified, if you will recall, that if any of them were Communist organizations, he did not know at the time that he was a member. If he had known, he would not have been a member.

It was also brought out, I think, in the case of virtually all of these organizations that people whose loyalty and patriotism is unquestioned had also been members of them.

And, if you recall, I asked Mr. Levy the question:

Were these people being named for the purpose of proving that Sorrell was a Communist because he associated with them or for the purpose of proving that they were Communists because they associated with Sorrell?

And the fact is that you could not prove anything on the basis of that type of testimony. I think that the record clearly indicates on the basis of Mr. Sorrell's own statements at this point only that he is a liberal, that he is pro-labor, that he is concerned about the rights of minorities and the civil rights of all people. And I do not think that by any stretch of the imagination, that can be held to be un-American or undemocratic.

I have several clippings from People's World, which Mr. Levy testified was the Communist Party paper on the west coast, which will indicate the attitude of the People's World at different periods toward Mr. Sorrell.

I want to say I do not claim to be the authority on communism that Mr. Levy is, but I think it is clear from his own testimony that if the People's World is the Communist Party paper, and it has editorial differences with Mr. Sorrell, then it must be taken that Mr. Sorrell is not following the party line, because the party line on the basis of his own testimony is expressed in the Communist newspaper, the People's World.

I want to read from the March 15, 1945, People's World. This issue of the People's World appeared during the course of the 1945 strike. I want to say parenthetically at this point that Mr. Levy, who I think is an undoubted authority on this subject, went to some lengths to indicate that there might possibly have been circumstances under which

the Communist Party would have approved strikes in 1945. But I think he knows, and I am sure that he does know, that that was not the Communist Party line at that point.

The editorial is entitled "End the Movie Strike at Once—an Editorial." [Reading:]

Strikes in this war period are impermissible under any circumstances. We have said this many times before, and we repeat it again.

Specifically, we are referring to the motion-picture-industry strike, led by Painters Local 1421 in conjunction with the Conference of Studio Unions.

The fact that the strike has been called ostensibly to enforce a Government decision rendered weeks ago does not mitigate the responsibility of the union leadership involved.

This responsibility is particularly heavy because the Conference of Studio Unions, and its leader Herbert Sorrell, have established a record of progressive and patriotic unionism. They have been staunch supporters, within the AFL and the community, of the Roosevelt administration, and the war effort.

Therefore, when this group threatens strike action it seriously compromises its own prestige and delivers a heavy blow at the no-strike policy.

This is all the more disturbing, coming at this time, when John L. Lewis and other misleaders of labor are trying to stampede the trade-union into abandonment of its no-strike pledge. \* \* \*

The strike is a blow at our wartime morale and unity. It is being utilized by reactionaries to attack labor and the national administration. The walk-out should never have taken place. It should be called off at once.

This is a news article from the People's World of Friday, March 16, 1945, the next day. I will not read the whole of it. The headline reads:

#### PRODUCERS, UNIONS SHARE BLAME; WHAT'S BEHIND MOVIE STRIKE?

Cool heads here, including actors, writers, and directors who have not joined in the strike and who have issued appeals to the strikers to get back to work until the matter is settled by the WLB and NLRB are agreed in feeling that the whole business could have been averted had the Conference of Studio Unions made proper use of governmental agencies. They base their contention on the history of the dispute.

This is March 17, 1945, People's World, and the title of the editorial is "A Just Basis for Ending Film Strike." I will not read the whole of this, either, but I want to read this portion:

In reacting to the provocative policies of producers and the IATSE by calling a strike, Herbert Sorrell of the painters and others who follow his lead have fallen into a trap. They are not only violating labor's solemn pledge against wartime strikes, but they are blocking the road to an orderly and just settlement of the dispute.

I think it is clear from this that Mr. Sorrell and the Conference of Studio Unions were not only not following the Communist Party line in 1945, but were under attack from the Communists for the strike that was called at that time.

This comes up to a later date, the time of the hearings of Mr. Kearns' committee in Los Angeles, and it is the People's World of Tuesday, September 2, 1947, editorial entitled "Sorrell's Suggestion."

I believe that this is with relation to certain testimony Mr. Sorrell gave, calling upon Congress to pass certain legislation at the time he took the stand in Los Angeles.

#### SORRELL'S SUGGESTION

We cannot go along with the suggestion from Herbert Sorrell, president of the Conference of Studio Unions, that more labor legislation is needed at this

time to clean up evils in union-employer relations. Sorrell's aim of eliminating pay-offs and undemocratic practices in unions is a worthy one, but we have little optimism about Congress doing the job.

I will not read the whole of that, but those are the first two paragraphs, which I think clearly indicate the attitude of the Peoples World.

This is from the September 18 People's World, an editorial with reference, evidently to the same testimony:

Even the Los Angeles Times wants to settle the studio lock-out, according to an editorial of September 13. This is a laugh, in view of the way the Times has been using page 1 headlines to help the employers who caused the lock-out.

But Los Angeles trade-unionists are not worried as much by headlines in the Los Angeles Times as they are by the peculiar attitude of some of the leaders of the locked-out unions.

In his testimony before the Hartley committee, Herbert Sorrell furthered the drive for more antilabor legislation. While unquestionably right in the fight with the employer-dominated IATSE, Sorrell is naive to expect help from the Taft-Hartley Congress in this fight.

Mr. McCANN. What was that date?

Mr. BODLE. September 18, 1947.

Sorrell and his associates seem to think the law has a number of provisions that will help the locked-out workers. After the big doses of tear gas, fire hose, mass arrests and clubbings which the studio workers have received, they should have little trouble in figuring out the effect of this antilabor law.

Furthermore, the locked-out unions must be in the thick of the fight to drive all Congressmen responsible for the Taft-Hartley Act out of political life, and finally to repeal the act. Cooperation with the entire labor movement is the best way for Sorrell to win the kind of allies that can help settle the lock-out.

I am going to show a little later, contrary to Mr. Brewer's statement, it is Mr. Brewer who was following consistent policy here rather than Mr. Sorrell, and that the first red baiting against Mr. Sorrell occurred at the time that he undertook to expose Bioff and was definitely raised as a smoke screen then, as it is now.

But in the meantime, before I get to that, I want to indicate that Mr. Sorrell and the striking unions have been investigated not only by this committee but by any number of committees, and by various individuals, and in each case have been cleared of any charge of communism.

At the time of the hearings in Los Angeles, Father Dunne, Jesuit priest, member of the faculty of Loyola College in Los Angeles, testified as follows:

Mr. McCANN. The date?

Mr. BODLE. August 22, 1947.

I got into the case originally—

Meaning the 1946 strike—

and I give this background because I think it is exactly leading up to the conclusions I reached and to describe how I came into the Hollywood trouble. I came into it originally because I had been asked by the editors of the Commonweal magazine to write an article about the Hollywood labor situation.

This was in 1945, before the 1946 strike, and during the 1945 strike.

This is the background of my information: I talked first of all with Mr. Daniel G. Marshall, who was a friend of long standing of mine, and who had been a lawyer for the IATSE before Willie Bioff took over the union. When that event occurred, Mr. Marshall withdrew as a counsel of the IATSE because he didn't care to represent the kind of person Willie Bioff was.

From Mr. Marshall I learned a great deal about the earlier history of the IATSE and of the events that transpired when Mr. Bioff entered the picture

I then talked at great length to the National Labor Relations Board people in this area, whom I came to know quite intimately, that is, men like Stewart Meacham, who was regional director of the National Labor Relations Board; Mr. Komaroff, and Mr. Ogren, who was at that time with the National Labor Relations Board. Of those three, Mr. Komaroff is the only one there now. Mr. Meacham is presently a labor adviser of General Hodges in Korea.

From them I learned, I think, a great deal about the story of the 1945 strike. I read you the National Labor Relations reports in 1946 at the settlement of the 1945 strike.

In a conversation with Mr. Meacham I was told by Mr. Meacham, and I think this is important because it influenced my subsequent study of the situation, that he was very much concerned about the Hollywood situation. This was after the settlement of the 1945 strike. It was sometime in, I believe, the spring of 1946. As a matter of fact, I think it was around the time of the dispute involving the machinists and the Federal Union.

He told me that in his opinion if the producers and the IATSE wanted peace in Hollywood they could have it following the settlement of the 1945 strike. But he was afraid, from what he saw of things as they were developing, that they did not want peace in Hollywood. That it appeared to him that they were determined to destroy the Conference of Studio Unions and he foresaw in this the seeds of great difficulty and strife in Hollywood.

He regretted it very much, because he did not think it necessary.

Then in August of 1946 I interviewed Mr. Herb Sorrell. This was the first time I had met Mr. Sorrell. I can set the date of this interview fairly closely because it was just a day or two after they had received the famous August clarification in the conference offices. And as I recall it, it had not yet been released for publicity. I forget now the reason why it had not been released for publicity, but at the time when Mr. Sorrell or his secretary told me the reason, it seemed to me a valid one; I don't recall what it is.

I had a long talk with Mr. Sorrell, interviewing him. I didn't express any views of my own. It was a typical newspaper interview in which I asked him questions about the Hollywood labor trouble and asked his views about the present situation, as well as past events.

The impression I took away from Mr. Sorrell was he did not anticipate any serious trouble in Hollywood. With the reception of this August clarification, he told me he thought the last major problem in Hollywood was cleared up, he did not anticipate there would be any difficulty about applying the August clarification.

He thought it was explained and cleared up the ambiguity of the December directive, and as a consequence the carpenters would be restored to the kind of jobs they had been performing previously.

I asked him if there were any other outstanding problems in Hollywood and he said, "No, with the exception of certain wage adjustments, questions of that kind that have to be ironed out, but can be easily ironed out. I see no reason why we cannot settle down to peaceful relations."

I discussed with him whether or not the Conference and the IATSE could exist together in Hollywood peacefully and his view of that, as expressed to me, was the two organizations could. He thought that certain things needed to be done, to work out a modus operandi.

I asked him, for example, if he thought the type of union organization in Hollywood, the large number of crafts, was partly responsible, or largely responsible for the difficulty. He said, as I recall, obviously that was so.

I asked him what the solution of that could be. He suggested, as one possible solution, the setting up of some kind of an industry council in Hollywood itself, something like the labor council in Los Angeles. And he said to me that he understood that Mr. Brewer of the IATSE had some such plan but that he, Mr. Sorrell, was suspicious of it for the reason that he suspected that Mr. Brewer, in attempting to set up this Hollywood Council, would pack it with Iatse men so that the Conference of Studio Unions would not get an equal break.

But in general Mr. Sorrell left me with the impression he did not expect trouble, that peace could exist and there would be peace and good will on either side.

I then had an interview with Mr. Brewer shortly after this. I should say that it was not easy for me to reach Mr. Brewer. I wanted to talk to Mr. Walsh, who was in Hollywood at this time, and I tried repeatedly to reach Mr. Walsh and I never got beyond his secretary. I would explain the purpose of my call and

leave my phone number, and she would promise I would be called back. I was not called back.

I then tried to reach Mr. Brewer, with the same effect, until finally I told Mr. Brewer's secretary that I was planning to write an article about the Hollywood labor situation and I had talked at great length with Mr. Sorrell, over a period of 3 hours, as a matter of fact, and I had his viewpoint, and if I could not talk to Mr. Brewer and Mr. Walsh, I would go ahead and have to be forced to write my article, and having heard one side, the conclusions I reached might possibly be influenced by that.

As a consequence of this statement of mine, I was given an appointment with Mr. Brewer. I saw him—the exact day I can't recall. It was within a week or 10 days after my interview with Mr. Sorrell.

Mr. Brewer gave me his version of the history of the Conference of Studio Unions. It appeared to me then and appears to me now to have been a very colored view. I think one largely that could not be substantiated. His interpretation of what the Conference of Studio Unions represented, I don't think it is necessary I go into that story of Mr. Brewer's about how the conference originated, who inspired it, what its objectives were. I am perfectly willing to do so, but I don't think it is material to this hearing.

The main thing that I got out of my talk with Mr. Brewer as influencing my judgment with regard to the Hollywood situation was that unlike Mr. Sorrell, Mr. Brewer made it very clear that he didn't think peace was possible in Hollywood as long as the Conference of Studio Unions existed.

Mr. Brewer made it clear that the IATSE was engaged in a war. And he said a war to the finish, with the Conference of Studio Unions.

He said the two organizations could not exist together in Hollywood. He used such expressions as this—I am quoting because I took notes of my Hollywood interview, and I still have those notes.

He said, "The Conference of Studio Unions was born in destruction and it will die in destruction."

I asked him about the project of setting up a labor council in Hollywood, as Mr. Sorrell had indicated there was some thought of doing, and he said he did have such a project in view.

I asked him if the Conference of Studio Unions would be members of that labor council. His reply indicated that Mr. Sorrell was excessively optimistic in his view of what Mr. Brewer's ideas were, because he stated that the Conference of Studio Unions could enter this labor council he was projecting in Hollywood only on one condition, and that was they withdraw from the Conference of Studio Unions.

I asked him—we discussed the question of democracy in unions, because the allegation in Hollywood was the Conference of Studio Unions—current among, certainly among many people in certain circles—the Conference of Studio Unions represented a movement in a direction of more democratic trade-unions and local autonomy, whereas the IATSE represented a type of trade-union anti-democratic and hostile to any development on any considerable scale of local autonomy.

Mr. Brewer denied that the IATSE was not democratic. I recall I asked him if that were true, how he reconciled the democracy of the IATSE, because of the fact at the recent national convention of the IATSE dictatorial powers had been voted to Mr. Walsh to change anything in the IATSE constitution by personal fiat without submitting it to the membership.

He admitted such dictatorial powers had been granted to Mr. Walsh. And his explanation or defense of that was again the IATSE was engaged in a war to fight for its existence, a war to the finish. He used an analogy as just when our country is engaged in war for its existence we vote—I don't recall he used the dictatorial powers—but we vote extraordinary powers to our Chief Executive for the duration of the war. So in the case of the IATSE, they were engaged in a war and consequently they had voted dictatorial powers, these extraordinary powers to change anything in the constitution by personal fiat by Mr. Walsh.

Mr. Brewer's talk to me was a war talk, with no possibility of compromise. The IATSE and CSU could not exist together in Hollywood; one or the other must be destroyed. The IATSE was determined the Conference of Studio Unions would be destroyed.

I read that by way of background, because later on I will connect that with Bioff and show that that was exactly and precisely the view

of Mr. Bioff, that either the IATSE had all jurisdiction or else all unions dealt through the IATSE, and if they did not, they were to be destroyed.

Returning again directly to the Communist issue, Father Dunne testified with reference to the existence of communism in the Conference of Studio Unions. And he tells about a meeting with William Green, president of the A. F. of L., in Washington; and I quote from his testimony:

I did get the impression that Mr. Green's confused attitude, as it appeared to me in this, was largely due to the fact he had been told that the Conference of Studio Unions people were all Communists and that, naturally, despite the fact the clarification was on the side of the companies that he, because of his sincere and genuine opposition to communism, was reluctant to make a clear-cut statement in which he would be taking sides with a group of people who had been described to him as Communists.

I, of course, discussed that with him because my own knowledge of the people involved and so on, is that I am completely convinced and always have been that it is not a genuine issue in this case. I know the Conference of Studio Unions people. I know there are Communists, undoubtedly, in the CSU, as there are in the IATSE and almost every other group in the country. It is not a Communist-group and not Communist-led.

Now, some further testimony of Father Dunne on this same question:

Mr. McCANN. When were you ordained a priest?

Father DUNNE. On June 19, 1936.

Mr. McCANN. When you wrote the article entitled "Peace in Jail" which appeared in the June 20, 1947, edition of the Commonweal and in which you referred to Mr. Sorrell as possessing "Certain of the qualities which to me are a reflection of genuine holiness," had you read and were you familiar with the contents of the following documents:

(a) Report of subcommittee on law and order of the assembly committee on governmental efficiency and economy being a part of the assembly journal of February 18, 1946, and being a report of such assembly committee on the violence and break-down of law and order in the 1945 strike.

That is the document from which Mr. Levy read, I believe.

Father DUNNE. Is this to identify the document? Is this the Tenney report?

Mr. Luddy. Don Field.

Mr. Luddy in the L. A. hearing was the attorney for the IATSE.

Father DUNNE. No, I am not familiar with the report. I am familiar with the incidents described in the report. I already made the comment about my view of violence.

Mr. McCANN. That portion of the Assembly Journal of the State of California dated February 19, 1946, which contains a partial report of the joint fact-finding committee on un-American activities in California, which report relates to certain signatures of one Herbert Sorrell and one Herb Stewart and the testimony of John L. Harris and Clark Sellers, handwriting experts, with respect to such signatures?

Father DUNNE. Again I think that I must develop my answer. I am familiar—

Mr. McCANN. Proceed with your answer.

Father DUNNE. This is the Tenney report and I am entirely familiar with it and completely unconvinced by it. I am familiar with Mr. Tenney. I have had personal experiences with him. I place very little reliance upon the kind of a thing Mr. Tenney has done.

I have come to know Mr. Sorrell quite intimately. I am completely convinced in my mind Mr. Sorrell is not a Communist. The evidence in this report has been submitted to me and is entirely unconvincing, based upon the unsubstantiated kind of thing that you get from witnesses, you know nothing about their background. The particular document in question that purports to have Mr.

Sorrell's handwriting on it, I have seen similar things happen before, and the original has never been produced.

I believe this document was supplied the committee by Mr. Roy Brewer, if I am not mistaken, who has a very definite interest in trying to smear the conference people as all Communists.

I have talked to Mr. Sorrell about communism off the record. How do you get to know the people are not Communists? From talking to them. How would I know Mr. McCann was not a Communist? Talking to Mr. McCann and his philosophy of life, economic philosophy, comes out, and I can see a man that believes in these things couldn't be a Communist because of the contradiction between this kind of thing and the Communist philosophy.

If there are handwriting experts, I mean experts in identifying handwriting, I also know there are experts at faking handwriting. One may very well fool the other. A photostatic copy of a document, the original of which has never been produced, is not sufficient evidence to convince me against the background of everything I know about Mr. Sorrell, that he is a Communist.

I think that concludes the reading of the testimony of Father Dunne in California.

Mr. McCANN. May the record show, Mr. Chairman, that the questions which were quoted as coming from me were submitted by Mr. Luddy in the examination of Father Dunne. Is that not true?

Mr. BODLE. I think that may very well be. I do not recall from the record. I was not at the hearings.

I want to read an article entitled "Peace in Jail," written by George H. Dunne, from the June 20, 1947, edition of the Commonweal.

I might say preliminarily that if Mr. Levy does not know about this, I cannot claim to be an expert on Communists, but I do know the Commonweal.

Mr. KEARNS. Is it necessary to read it?

Mr. BODLE. I would like to read it. I think it is important to go into the evidence. The Commonweal is not an official publication of the Catholic Church.

Mr. KEARNS. What is it, then?

Mr. BODLE. I do not think it is put out by the church itself, but it was founded by the Calvert Association, Inc., in 1924, with Michael Williams as president and editor.

Mr. KEARNS. What is the circulation?

Mr. BODLE. I do not know—you mean the size of it?

Mr. KEARNS. No; the circulation, number of copies distributed.

Mr. BODLE. I do not know. I do not see it here. It is considered an official spokesman of the church.

Mr. KEARNS. Who considers it an official spokesman?

Mr. BODLE. It is considered to express the Catholic viewpoint, as I understand it. I have been familiar with it for many years. That has always been my understanding.

Of course, Father Dunne wrote this in his capacity as a member of the Society of Jesus.

Peace in Jail, Herb Sorrell and the Hollywood-Los Angeles Labor Picture, George H. Dunne.

Recently one of the lawyers who is defending a batch of defendants in one of the mass labor trials that have been staged out here for the past 6 months, called me up. "I'm getting positive neurotic," he said. "I want to stay in bed all day. I have a terrific struggle with myself every morning. Yeh, I know, a lot of people don't like to get up in the morning, but this is different. My trouble is that I am getting so I just can't face those people in the courtroom any more. I can't take it."

I knew what he meant. Maybe you don't. Maybe you don't live in Los Angeles and don't know about these mass trials.



I might say these are the mass trials that grew out of the 1946 strike, the current lock-out.

Or maybe you do live in Los Angeles and don't undersand about these mass trials.

Eight months ago about 9,000 working people were locked out of the Hollywood studios. I won't stop at this point to argue about whether it was a lock-out or a strike. But if you want to call it a strike, that's all right. It does not make any particular difference as far as these mass trials are concerned.

The workers mass-picketed the studios. The producers paid their \$10 fee and got an injunction against mass picketing, pickets limited to four (maybe it was eight) at each entrance, pickets obliged to keep 25 feet apart (in front of an entrance maybe 20 feet wide).

If you are familiar with the traditional pattern of Los Angeles' labor relations you will know what happened next. Lieutenant Tucker, at the head of his so-called metropolitan squad, took over. Lieutenant Tucker loves this sort of thing. He discharges his duties with relish.

I am going to skip, because this deals with his views on injunctions.

The theory behind enjoining mass picketing is, of course, that the right of nonstriking employees to work must be protected. The difficulty is that the injunction makes no distinction between nonstriking employees and "finks." Nor do the police have any means of making the distinction. The inevitable result is that in smashing picket lines, the police serve as agents of strikebreakers.

Now, the point is that the strikebreakers fall in the category of thieves, certainly if the strike be just. The worker has a vested right in his job. He has invested things of far higher value than money. He has invested his life, his security, his talents, his physical energies, his life's forces. In some cases he has spent 20 years and more developing special skills, all of them related to his job in this particular industry and often by this very fact disqualifying himself for employment in other industries.

And then I am going to skip until we get to Sorrell.

One of the labor leaders who has been causing a lot of worry out here is Herb Sorrell. He is head of the embattled conference of studio unions in Hollywood. Probably you saw his face looking out from behind prison bars in a recent issue of Life, where he was described as one of the "not-so-blatant" pro-Communist labor leaders in the country. If you are an average citizen of Los Angeles who knows what you read in the Hearst papers or the Los Angeles Times, you no doubt are convinced that he is a double-dyed villain who periodically plunges Hollywood into the turmoil of labor strife and sets his rough, tough followers to beating up innocent policemen.

He led his people through the 9 months' strike in 1945. He has led them through the present lock-out now in its ninth month. A labor leader who can retain the staunch loyalty of the overwhelming majority of his people through the embittering experience of 18 workless months out of 26 months has some rare qualities. Sorrell does.

State Senator Jack Tenney (California's puppet version of Mr. Dies) has branded him as a secret Communist. People who are familiar with Mr. Tenney and his background are not impressed by anything Mr. Tenney says. In the good old days Jack Tenney was president of the local musicians' union. In those days he acted and talked very much like a Communist.

To those who knew him in the trade-union movement, including Herb Sorrell, he sounded like a radical of the radicals. In those days it seemed to some ambitious people that the road to political power was by way of the extreme left. Mr. Tenney is interested in nothing if not in political power.

Mr. Tenney, however, made a bad mistake. He wrote a new constitution for the musicians' union which, had it been adopted, would have enabled him to perpetuate himself in power. He showed it to Herb Sorrell. Sorrell, a strong believer in democratic trade-unionism, told him in his usual forthright fashion what he thought of it. He also predicted that the musicians would throw both the constitution and its author out if he attempted to sell them that kind of a bill of goods.

Tenney, who likes to fancy himself smarter than Sorrell, scorned the advice. As Sorrell had predicted, the musicians threw the proposed constitution out the window and voted Tenney out of office.

Tenney has never forgiven Sorrell for having been right. Nor can he, a repudiated labor leader, forgive Sorrell the loyalty and devotion of his people. His personal spite is manifest in the snide comments about Sorrell in the latest Tenney report to the State legislature. His analysis of Sorrell is opposed at every point to Sorrell's character. It is, however, a revealing pen portrait of Tenney himself. Without knowing it, Tenney let his subconscious take command of his pen. It is an interesting case study for a psychiatrist.

I know Tenney. I have even had personal dealings with him. On the eve of the opening of my play *Trial by Fire* last October, Tenney phoned to tell me, at some length, that my play was Communist propaganda. My play said that it is not right to burn to death a lovely family simply because they are Negroes. It was against murder. Tenney says that is Communist propaganda.

I also know Sorrell. During the past year I have come to know him quite intimately. My considered opinion of him is that he is one of the most genuine and honest persons I know, and a man of complete integrity. Not everybody likes Sorrell. The Communists have more than once been very angry with him, and, though not for publication, have said harsh things about him.

Roy Brewer, Hollywood representative of the IATSE, gives the impression of turning green at the mention of his name. Brewer, of course, says that Sorrell is a Communist, but Brewer has a very simple norm for determining who is Communist. Whoever crosses Brewer is a Communist.

On the other hand, some of those who have fought Sorrell most bitterly and unscrupulously—the producers—will admit, off the record, that they have nothing but admiration for his complete honesty and integrity.

People sometimes admire what they cannot imitate.

Sorrell is probably not a saint. He is a diamond in the rough, but he does have certain of the qualities which to me are a reflection of genuine holiness. This will embarrass Sorrell tremendously. I am sure he has never thought of himself as a holy guy. I don't think he has ever thought of himself much at all. That is part of his charm.

Maybe I'm a sucker. The matter of holiness is very confusing anyway. I've known so many people who had all the trappings which pass in the minds of people for holiness: The enlarged phylacteries, the broad-hemmed garments, the outside of the cups made clean, the prayerful posture, and who, knowing nothing of mercy or charity or justice, shut the Kingdom of God against man.

Perhaps I should not say of Sorrell that he is holy, but he is good and that his goodness is possibly a precondition of holiness. I should also say that he makes me feel very humble.

I felt very humble recently upon leaving his office. Frank Laner, a good Catholic and a good carpenter (the two seem to go appropriately together), had been talking about the mass trials, his speech a mixture of incredulity and indignation; disbelief that this kind of thing could happen in this country, indignation that it should be allowed to happen. \* \* \* "Imagine perfectly decent citizens being sent to jail, honest, working people. Imagine a man like Herb Sorrell here maybe being railroaded to jail for 3 or 4 years." (Sorrell is being held on a conspiracy charge, which is a felony. If you violate an injunction, that is not a felony. If you talk to some friends about violating it, that makes it a felony, so they can put you away like a criminal and destroy you as a trade-union leader).

Frank, boiling with wrath, talked on and on for 10 minutes. "This can't happen. Can't we do something about this? Can't the church do something? Can't decent citizens do something?"

Sorrell sat listening to him. I think I vaguely knew the kind of things I, in function of my priesthood, should have said to Frank. They would have sounded phony. Sorrell said them and they didn't sound phony. They didn't sound phony because they weren't phony. They even sound phony when I put them down on paper. That is the trouble with Sorrell. You have to know him to know his authenticity. You say, Sorrell said this and it sounds phony. You hear Sorrell say it, the half-shy smile on his battered face (he has given and taken many a blow fighting for people and things he believes in), his eyes lit with a warm affection that is not incongruous in the rough face (his eyes can also look cold and dangerous—I said he probably was not a saint), and you know it isn't phony. He says it out of his heart because he means it. \* \* \*

"Listen, Frank, you can't expect other people to get all excited about this. They've got a lot of things that are more important to them. This is important to us because we're involved in it. It seems to us the most important thing in the world. But other people have other things to worry about. \* \* \*

"Now, listen, Frank. Going to jail doesn't hurt a man [it is Sorrell, not Frank, who faces the prospect of jail], not if he's got a clear conscience. If I had a bad conscience and went to jail I couldn't stand it. I'd die. That would kill me. But to go to jail with a clear conscience and for something you believe in? That can't hurt a man. It only ripens a man, makes him grow. I could sit in jail all my life, Frank, if I had a clear conscience and believe in what I was fighting for \* \* \*.

I remember Y. He had been over 20 years in jail, but he had a clear conscience. I went to visit him. He hadn't been hurt. He had mellowed and grown. I remember M. He had been in jail a long time to, but he had a bad conscience. He had dynamited a building and killed a lot of people. He was poisoned, warped. As soon as he opened his mouth to talk I could almost see devils jumping out. He was filled with hatred, hatred for capitalists, hatred for Christianity, and that is how mixed up his mind was—hatred for Christ—hatred for the church. I wanted to get away, out into the clean air. That man took a bad conscience into jail with him and the poison had been eating away inside of him all the years. It had killed him. He wasn't a man any more \* \* \*.

"That's the funny thing, Frank. Nobody can hurt you if you have a clear conscience. Jails can't hurt you. But if you haven't, you can't live with yourself. It'll kill you. Remember that and stop worrying about me going to jail."

Of course, Sorrell's philosophy of the clear conscience was not new to me. I have read about it for years in what are called spiritual books. But I have not always done so well at practicing it. The "Whips and arrows of outrageous fortune" have given me some bad moments. I have done much better in applying the philosophy since knowing Sorrell. Not long ago one of my confreres told me he thought I must have strong nerves. I don't really, but I keep remembering Sorrell's discourse on how to live at peace though in jail.

I want to submit this in evidence.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. KEARNS. Where is Father Dunne now?

Mr. BODLE. I do not know, Mr. Chairman.

Mr. KEARNS. All right, proceed.

Mr. SORRELL. I think I can tell you.

Mr. KEARNS. You can answer it later on.

Mr. LANDIS. Did he say it was a lock-out or a strike?

Mr. BODLE. I called it a lock-out. So did Father Dunne. I did not know who you had reference to.

In 1947 I am informed, and I do not state this of my own personal knowledge. His Excellency Archbishop John J. Cantwell, of Los Angeles, appointed a committee to investigate the Hollywood strike, and this is a copy of their report as contained in the Tidings, the official paper of the archdiocese, of March 21, 1947.

The headline is "Movie strike solution urged, priests offer film strike settlement."

Hollywood's prolonged film strike, resulting in unemployment for thousands of men and women, was analyzed this week in a report of His Excellency Archbishop John J. Cantwell.

Rev. John Devlin, film industry representative for the Archbishop, and Rev. Thomas Coogan, Ph. D., professor of labor relations, were assigned several weeks ago by Archbishop Cantwell to study the studio strike situation in an effort to assist in a fair and impartial settlement.

In their report yesterday to Archbishop Cantwell the priest labor experts stated:

I am not going to read the whole of this, but these are the three conclusions which are stated as being the basis for their findings:

1. That the strike can be settled if all parties involved get together in a determined effort to end the struggle.

2. That the producers have taken a most negative attitude by doing little to settle the dispute.

3. That the strike issues cannot be beclouded with cries of communism and radicalism if a settlement is to be accomplished.

Then reading from the report itself, these two paragraphs :

The producers have taken a most negative attitude in their relationship with the strike. Even though a jurisdictional issue is involved, it is to their interest to bring harmony once more into their industry. It would seem that sincere effort on their part would do much to alleviate the existing evils.

Nor can we becloud the air with cries of communism, radicalism. It is true that Communists have tried hard to infiltrate into the ranks of the CSU. Probably some have succeeded. But the strike is not Communist-inspired nor Communist-directed.

I would like to put this in evidence, too.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. BODLE. I would like to have Mr. Sorrell explain the background of certain minutes of this meeting that I want to read in evidence.

Mr. KEARNS. Proceed.

Mr. SORRELL. When the papers in Hollywood began to publish the fact that the Communist angle would be brought up here, the members of my organization notified the recording secretary. He sent me some copies from the minutes of local 644, which he thought would be helpful. I know Mr. Bodle must be tired, so maybe I had better read them into the record. He has these records certified by a notary public.

"The reason he thought it pertinent to send these was that we have had a man's name, an admitted Communist, in our ranks, Frank Spector, and although he did not testify that he was a member of local 644, he was a painter, and it has already been put in the record here that I told them to prefer charges against him, in my name.

When you read this, you will see the fight that goes on by a Communist here and there, and naturally, they have people who go along with them, fellow travelers.

Mr. KEARNS. The committee will take a recess at this time.

(Short recess.)

Mr. KEARNS. The hearing will come to order, and you may proceed, Mr. Sorrell.

Mr. SORRELL. I was explaining the reasons for these minutes. You will understand that the Communist line, as I interpret it and, of course, I do not interpret the Communist line as just those who are opposing me, I interpret the Communist line as I truly see it.

But as stated in the Peoples' World, and as was stated by members of our organization who I suspect of communistic leanings, there was a terrific back-to-work movement. I can explain to some extent why this was.

The small group which wanted to go back to work so bad, and which was so militant at one time, wished to go back in and bore from within and wreck the IATSE, but they wanted to wreck us first.

Mr. KEARNS. You mean to state there that they want to wreck any labor organization?

Mr. SORRELL. I do not say any labor organization. They want a labor organization of their own. Later on—and I don't want to do it now—I want to put in a pamphlet from the Communist Party, and I want to explain it, and I want to tell you how I got it, and all about it.

Mr. KEARNS. I want to get this clear: You mean it does not make any

difference what initials or name most labor organizations have today, if they can work in to destroy that labor organization, they want to do it?

Mr. SORRELL. Yes, they want to destroy the CSU, and they want to destroy or nullify any good that the CSU could do for them.

The reason they want to do that is that they can create dissension by the workers, and dissension by the workers gives them something to build on.

As I have told you before, Bioff, in his regime created a lot of Communists, by creating unemployment, by bringing too many people in to do too few jobs, and causing economic penalties on people who had been able to meet their bills prior to his coming into the industry.

The Communists that I know would like to do that now. They have requested a back-to-work movement which would say that we make ourselves available, and we sit by and organize from within.

I have opposed that. They called one meeting after another because a democratic union, the members have a right to have a say in the proceedings of that meeting, of the meetings, and the meetings govern the policy that runs the union.

They called meetings, and then they could not carry, by vote, they got as little as, sometimes, 10 or 15 votes out of 600 or 700 people.

Then they instituted a drive which they called scenic artists. Now, some of the scenic artists would like to go back to work. In fact, they all would like to go back to work. But some of them would like to jump the union and go back to work.

Strange as it may seem, fellows like Spector, who has just announced that he was a Communist before the Un-American Activities Committee in Los Angeles was one of the leaders, although, if he is a scenic artist, I am a monkey. He could not draw nor anything else. He is not even a good painter, but he is accepted as a scenic artist by the group of people who want to follow the Communist line.

The people in my union are well aware of what the situation is. We do not have to fear communism. We are not afraid of Communists because we can handle them.

As I have said before, I do not know what you gain by throwing these Communists out of work and making marchers of them, and so forth, but I have no use for them. But I think they are a minority group, and if we allow ourselves to become so embittered against our enemies, who are minorities, pretty soon it moves from one thing to another. You eliminate the Communist, you cut his throat, you make it impossible for him to make a living, and he has a lot of idle time, then, to propagate and make more Communists. And the terrible thing about it, the only thing that I don't like about that, is that it follows just like night follows the day, that when you eliminate any small minority it soon becomes a larger minority, and you and I know that right today when the move is on to eliminate Communists, the move is on to eliminate Jews. That is the next size minority in this country. The next thing is to eliminate labor unions. The next thing is to eliminate Catholics.

Mr. KEARNS. Who will be around then?

Mr. SORRELL. Look, that's Hitler's plan. You know what he did. And it always follows that way. I am not trying to protect Communists in many of my views that I have put out here, but I am trying

to be sure that the Bill of Rights of this country stands up, as well as the Constitution, and believe me, I believe in both of them equally.

At the same time, I think we can live together without anyone creating an armed revolution in this country, if everybody can have their day.

This Frank Spector, in a way, I admire the guy for saying it, says, "Sure, I am a Communist, I have been a Communist all the time."

At the same time, I remove him from my local because in the constitution of my local, not when I joined, but since then, it says the fellow has to say he is not a Communist to get into our organization.

Why did he sign that thing? Why did he take an oath in his union, and an oath in a union is just as much to me as an oath in this chair, where I am sworn in.

I think he is wrong, and he will get his trial, and I have no doubt that he will be thrown out.

I understand that the meeting that is coming up Monday, and I had hoped to be there, there will be a great move that something in the law in California is going to protect him.

Well, I suppose that means we will maybe have to hire some more lawyers. But we are going to throw the guy out.

I want you to hear the minutes that were sent to me to show that these fellows opposed me all the time. I get no cooperation from them. But I do not think that I know how to handle them. I do not think the Communists can do me any harm.

I do not think Brewer and Walsh and the IATSE and the producers can do me any harm. Oh, they do me harm, they may break me financially, but I will be in there pitching, and I will be in there pitching until the thing comes to a conclusion. They may get me in jail, they may frame me, put me in jail, but eventually I will be on the outside looking on the inside at them.

With that bit of background, I would like to let my attorney read these minutes. I want you to be sure to get them clear; if there are any questions, I was there, I was at the meeting, it is first-hand stuff, it is nothing that I read in the newspaper.

Mr. BODLE (reading) :

From the minutes of the Moving Picture Painters, local union 644.

Special meeting, September 21, 1947.

Meeting called to order at 10 a. m., Brother Rusk presiding.

(Acceptance of resignation of Brother Robert Leicester as recording secretary; nomination and election of Brother Vernon K. Mangold.)

Mr. SORRELL. I want to interrupt there. Brother Leicester that it mentions here was the recording secretary of our union. He joined the group which requested the international for a separate charter for scenic artists, so they could go back to work, and Brother Leicester refused to sign the non-Communist affidavit, so he had to resign. And Brother Mangold was elected.

I just want you to get that little background.

Mr. BODLE. The minutes continue :

(Nomination and election of Brother Vernon K. Mangold to fill the vacated position of recording secretary; roll call of officers; reading of previous minutes; reports of delegates and committees; are omitted here.)

Brother James Blackburn, general organizer of the brotherhood; Brother Everett Johnson, district organizer, introduced to the membership, and each spoke briefly. Brother Farley, business agent of local 256 was also introduced.

## BUSINESS AGENT'S REPORT

Brother Herb Sorrell told of his trip to St. Louis and its double purpose—first, to consult Presidents Lindelof and Hutcheson on the proceedings at the two past Chicago meetings with Congressman Kearns and the executive board, and the October 4 meeting at San Francisco; second, at the request of many aroused members, to intervene with the general executive board of the brotherhood on the scenic artists' application for a separate charter. He denounced the methods employed by the leadership of this back-to-work movement, the holding of rump meetings, the boycotting of the regular painters' meeting and the taking of signatures from local 644 scabs on their petitions. It was brought out that telegrams had been solicited and obtained advocating this separate charter to the general executive board from the presidents of the New York and Chicago scenic artists locals; also from Business Agents Maury Howard of the screen cartoonists, and Milton Gottlieb, of the screen publicists. The story of the left-wing influence to sabotage our 1945 strike was traced, and the present direction of the party line to return us to work under any conditions, and then bore from within. He reported that the Communists first tried influencing the entire union to give up the fight; failing in this, attempted to split off segments of the union. These tactics Brother Sorrell condemned and warned these members he would not tolerate their disloyal practices.

He then said he felt that many scenic artists and other good union members had been confused, uninformed, and misled by false reports. To clarify our situation, he read excerpts from the transcript of the congressional hearings herein it is demonstrated by the minutes of the producers' meetings that the charges of conspiracy and lock-out are justified.

He asked that a vote of the membership be taken to decide whether they should pursue our present policy, as he advocated, or return to work under whatever conditions they could get and bore from within, as suggested by those now dissatisfied.

Brother Bob Leicester made a report of his trip to St. Louis, accompanied by Wayne Hill, Ralph Smith, and Duncan Spencer, as representatives of the Scenic Artists, to obtain a separate charter. He stated that their mission was both uncomfortable and unsuccessful. A refusal of the charter application by the general executive board was mailed the 17, carrying just a 3-cent stamp. Brother Leicester said he himself was not a Communist. He told of Brother Joe Clarke advising the scenic artists to withhold any action until after the October 4, San Francisco meetings. He cited his record of union loyalty and made a plea for continued friendship local 644 and the scenic artists, confirming Brother Sorrell's recital of the greatly beneficial conditions received within 644.

Brothers Ralph Smith and Frank Spector—

This is the Frank Spector to whom Herb referred—

followed with a criticism of our present policies, questioning the results to be expected from the A. F. of L. executive meetings, the court actions, and the congressional hearings. They asked for immediate negotiations for return to work on the best terms obtainable, and Brother Spector cited the British tax as responsible for the present studio lull.

Brother Carl Head rose to refute the statements on the British tax, quoting Charles Boren saying the presence of scenic artists' representatives and others of the negotiating committee that foreign restrictions would have the effect of requiring an even greater production of Hollywood pictures than the normal period. He claimed the effectiveness of the lock-out was the real reason for curtailed production, citing an article in last week's *Collier's* to demonstrate how the costs of production have skyrocketed due to inefficient craftsmen. He questioned the union principles of those accepting a defeatist attitude, their willingness to agree to terms which would take in scabs, return only a small proportion of our membership, and result in lowered wages and working conditions.

Moved by Brother Jack Warnock, seconded, that we concur in and follow the course of action that has been laid down by Brother Herb Sorrell, until the first meeting in November, unless something happens prior thereto. Carried.

(Section on new business omitted here.)

There being no further business, meeting adjourned at 1:10 p. m.

VERNON K. MANGOLD,  
*Recording Secretary, Local Union 644.*

Then it says:

Special meeting October 26, 1947.

(Excerpt from the business agent's report, p. 2, par. 4:)

Brother Sorrell then yielded the floor to Brother Frank Spector, who spoke against the proposal to cease penalizing those who go back, advocated calling off the strike officially to get as many members in as possible and fight on from inside.

VERNON K. MANGOLD,  
*Recording Secretary.*

Mr. SORRELL. Maybe I had better explain that. You brought in a proposal to the union that after a certain date—and I don't know if the date is there—October 25, 1947—we ceased to penalize any more of our members. In other words, we allow them to work wherever they want. If they want to go back to the studios, let them go back to the studios, and without any penalty.

That was suggested to me because it was being said that the thing that was holding our members out was myself and the officers of the organization, that it was the will of the people to go back to work.

Now, it was brought out very clearly that I considered a man who walked through a picket line as an undesirable, but that those who were so hungry that they had to go back to work, if they had stayed out over 13 months, I considered that they had shown themselves to be union members, and if they felt that they could stand the stigma of passing a brother's picket line at that stage or if they had to go back for any reason, they shouldn't be penalized by the union.

The Communist bloc that I recognized as the Communist bloc—at least, I know one man now, Spector—oh, he didn't want that at all. That would be a terrible thing. His arguments were that we should now say that all of the members are released to go back to work and we "expect you to go back to your job."

Well, of course, the question came up about carpenters. The carpenters would still be on the picket line. And I am not positive, but one of the fellows—and I think it was Frank Spector—said, "I would love to pass a carpenters' picket line."

Now, I had a hard job getting a majority of the union to follow my suggestion. Sometimes I am defeated in my attempts to do things, and I always go along with the rule of the majority. At this time, I think the vote was—I am quoting from memory—about 280 to 260, something like that. It was only 15 or 20 votes, even though I advocated that we abolish further fines.

I know that our boys who did go in since then have only gone in for a very short time, I mean, most of them, for a day or two; then they are disgusted, and they come on out, and they tell me they wouldn't work any more, and they talk among our other boys, and they don't get our people back. It hasn't caused any inroads.

We had lost about 100 men up to that time, possibly 102 or 103, who had gone in—most of them had worked only a day or two—but who had been thrown out of the union.

After that time, I think I am sorry in saying that there have been less than 60 people of our organization going in, and without exception they are dissatisfied, and without exception they will all back us to get back legally with 644 as their union.

They went back to 8 hours a day instead of 6 at straight time.

Mr. LANDIS. What was the penalty? Was it expulsion?



Mr. SORRELL. The penalty was equivalent to expulsion. I will have to—

Mr. KEARNS. And fines, too, were there not?

Mr. SORRELL. I will have to explain that. You see, our constitution says that if a man is expelled by a local union, he can't attend the local union meetings any more. He has no rights as a member, but he has a right to work on the job until the expulsion is ruled on on an appeal. If he appeals within 30 days, he has a right to continue work until that appeal is heard at headquarters by the general executive board of the painters' brotherhood.

The general executive board is supposed to meet every 3 months, but sometimes they do not. Sometimes they skip and meet every 6 months.

Now, if we expel a man and then can't take him off the job, and have to wait 6 months, that would have a very bad effect on our people. So we fine them an unheard-of large fine. We fine them \$12,000 for ordinary painters—that is 2 years' earnings—or \$20,000 for the higher-paid group, which is equivalent to 2 years. The constitution of the painters' brotherhood says, where a man is fined, he must pay the fine before he can work, or post the fine before he can work, until it is appealed to headquarters.

We knew those fellows could not post that fine, or most of them wouldn't, and we would be rid of them. So you will find that we have fined most of the members \$12,000 and \$20,000 up to that time so that we would be rid of them. But until this date, October 26, 1947, I think it is, and from then on, we didn't fine anybody. We let them go in and find out for themselves. But the Communists sort of like this. I am trying to make clear this clause in here so that you will understand.

The Communists don't run the painters, the CSU. We don't deny that we have Communists. We do deny that we have as many Communists as the IATSE. But the Communists in the IATSE do a job. The Communists in our organization have to come out and whip the whole membership into line, which they are very efficient in doing. But they are soon tabbed. They don't carry the weight, as has been borne out by the minutes.

Are there any further minutes?

Mr. LANDIS. Now, before that point is covered, could I say this? On the subject of picketing, I have heard this was a carpenters' strike from the beginning. I mean, it is labeled as started by the carpenters, who were first on the picket lines, and then the carpenters left and got jobs, and afterward the picketing was done by someone else, maybe the electrical workers, or painters.

Now, could you straighten me out on that?

Mr. SORRELL. Yes; I can straighten you out on that, Mr. Landis. It was carpenters and painters who were fired, kicked off, because they wouldn't work on the hot sets, who started the picket lines. Now, the other unions joined, and each union had its own method of picketing. For instance, the carpenters—and I am quoting from memory, I might be wrong—the carpenters picketed 2 hours a day.

Mr. LANDIS. Did you picket every plant?

Mr. SORRELL. Yes; 2 hours a day. Each carpenter had to picket 2 hours a day or pay—I think it was—\$2 and—I can't remember—the equivalent of 2 hours. I don't know exactly what it was.

The painters picketed 6 hours a day at first, and later I think they reduced it to 4 hours a day, or pay a fine of \$5 per day.

Mr. LANDIS. How does it come that they would spend more time than the carpenters?

Mr. SORRELL. We were more intense on it. That was the will of the majority of the painters. Each one took it up in their own union separately. Of course, later there was some difficulty. The painters said, "Why do we have to work 4 hours and the carpenters only work 2 hours, and the carpenter only gets fined \$2 or \$3, and we get fined \$5?" and those things.

And we would say, "Well, if you want to change it, this is the place, at the meeting." And eventually they would go out, not changing it.

Now, where strike benefits were paid, they were only paid to men who were registered on that picket line every day in our organization. Some men didn't try to work. We had many men who have been foremen and in one case in particular, Joe Case, of Paramount, had been on that picket line, I think, every day since the lock-out occurred. He was formerly the head of the department at Paramount. He is a man over 75 years old.

Later because of his age he was demoted to foreman, which meant that he was just under the head of the department, but his pay was never reduced, and he has been on the line continuously. And he doesn't put in 2 hours or 4 hours; he is usually there 5, 6, or 8 hours.

We have many people like that. And he doesn't ask for any strike benefits, because he is ready to retire. When this thing is over, he is going to work a week and celebrate, and retire. He is a man of considerable means.

The electricians worked it differently, the IBEW. Their men all picketed, and if you had a good picket record, you were switched at the independent studios every 2 weeks. If you worked 2 weeks, then you would picket 3 or 4 weeks. And that worked out all right for the electricians, but it wouldn't work for the painters, because certain artists have certain ways of doing things, so that the studios want that one man all the time.

Now, we assessed those people who were working and didn't picket \$5 a day. If they were in the higher brackets of work, that is, earning over \$200 a week, they paid \$60 a week. That money came into the treasury and was paid out in strike benefits to those who didn't get any work.

This carried on until we made this motion, or until we put over the resolution, which said that you could go to work anywhere. Then we altered the plan, and I have forgotten—I will have to get the minutes if you want the present plan we worked under.

Now, all picketing by painters is voluntary. At times I can name gates where you can go and find painters all the time, because they took over certain dates that they would picket, and there is always, sometimes one, sometimes five or six, painters at those certain gates. The carpenters are doing the most picketing. The carpenters have received considerably more help from their international than the painters.

Now, the machinists have received considerable help from their international, and I think that if you want to find out their plan, the best one to testify would be Mr. D. T. Wayne, who is here, because I can't keep in mind all the various unions' plans for picketing, because there are several unions, and there are several methods.

Does that answer your question?

Mr. LANDIS. That is all right for that part. Now, I want to go one step further, and this is all.

Mr. SORRELL. Yes.

Mr. LANDIS. I don't want to interrupt, but if you would care to give your views on picketing, I wonder if you would give them?

Mr. SORRELL. My views on picketing?

Mr. LANDIS. Yes.

Mr. SORRELL. I would be glad to give that on picketing.

Mr. KEARNS. Do you mind if we take that up right after lunch?

Mr. LANDIS. No. Let us have this first.

Mr. SORRELL. I would be glad to give my views on picketing. I don't believe in hired pickets any more than I believe in hired goons, period. I don't believe that anyone who doesn't work in a place or an industry should picket that industry. I know that our ranks have been infiltrated by undesirable people who we don't want there, but in a mass, you don't always get them.

I do think that if a man has a right to walk through a gate to work and he comes out to protest, he should have the right to picket that gate. I don't think that the man should have the right to interfere with people going through. I think that it should be a line to advertise and a line to humiliate people who go through, but I don't think they should be roughed up or touched in any way. If they have got the guts to walk through brothers' picket line, I say, let the dog go through.

Now, that is my view on picketing.

Mr. LANDIS. That is about my view, too. I just wanted to know how we differed. I mean, it is right of free speech and free assemblage, but it was not a picket line of force to prevent people from going to and from work. But if they did want to go through that picket line, that is all right.

Mr. KEARNS. That establishes the right to work. If he wants to go through, he can.

Mr. LANDIS. Yes.

Mr. SORRELL. Yes; if a man—

Mr. LANDIS. I think we all have the same views on picketing. Now, the old style, of course, was force. That picket line was there to stop and prevent people from going to work. But they have the signs there, and they say it is unfair to organized labor, or whatever the signs are, and that is giving the free speech part of it, and that shows that labor says they are unfair to organized labor.

Mr. SORRELL. I want to point out that in the Disney strike there was a bigger mass picket line in front of the Disney studio than there was in front of Warner Bros. studio, and there was nobody prevented from going through the line. Ingress and outgo from the studio was respected by the picket line, although there was a mass line on there. And it may please you to know that sometimes these kids, as I call them, were very versatile. Sometimes they would sing on the picket line, and sometimes they wouldn't say a word. They would just scowl on the picket line. That would be one day's program. The next day they would sing.

The next day they would say, "Scab," or something. They would have certain words that they would say, and they would all do the same thing in unison. There was no individual action there at all.

Now, the same thing could happen at Warner's, but when a mass picket line is out there, the people don't go through it. Now, there are other gates at Warner's, and testimony in plenty of court cases will show that people went in and out of Warner Bros., at a lot of gates, but the one gate where the mass picket line was, was the advertisement. When Warner's attacked that line with the fire hose and tear gas, many of the IATSE and other union people, people who weren't union people, people who were directors and actors, that saw that thing, refused to go back to Warner Bros. until that picket line was eliminated.

Mr. KEARNS. You brought up that point there that your union decided after 13 months, after a man had been on strike 13 months and had established himself a good union member, that you felt that if he needed the work, it was all right for him to go through.

What is the status of a fellow today, who might have been called on strike, and who probably has had a lot of financial difficulty in the family—maybe his wife has been sick, or his children, and maybe he needs to go back into the plant to work the next day after the strike is called—what is his status, while maybe there is some other fellow who stayed out 13 months to prove to you that he is a good union member? What are you going to do in cases like that, where you cannot take care of a fellow?

Mr. SORRELL. Mr. Kearns, I will tell you. There is no use in my kidding you. The people automatically, at the settlement, when this thing is settled, will have to come to the union and make arrangements before they can go back to work, because it is not right to have one man find himself a job outside and work for less money and pay \$5 a day into the union for a couple of years and another man go into the studio and go to work and earn bigger money and not pay anything. I think you can understand that. It isn't right for one man to practically starve—and there has been, you know, desperate misery—and because of his principles, stick by his principles, and be punished by letting the other fellow go through the line and not get punished.

Mr. KEARNS. Yes.

Mr. SORRELL. So there will have to be a settlement of these things when the thing is over, and these men who have gone through, some of them won't work in the industry any more. Some of them, there will be provisions for them.

Now, I want to make an illustration of what happened in 1937. I think you should know this. In 1937, I told you there were about 12 men who went back to work. At that time we could throw them out of the union, and they couldn't go to work. It was not in the constitution then as it is now. The constitution has been changed to give the general executive board of the painters the final vote to take men off their jobs.

So the strike was settled, and all of the nonunion men were taken out.

Now, there was a question of the men in our own union. They hadn't been to trial yet. A democratic union has certain methods of doing things. Charges had been preferred against them, but we couldn't take them off the job because we hadn't tried that yet.

Naturally, the producers would like to save these men.

Pat Casey asked me what I thought, whether we would fine them or whether I thought we would expel them.

I told Pat, "We don't have to expel them, because people despise them so much that that in itself is punishment. However, it is going to be my recommendation to the union that these men be fined everything they have made during the strike, plus \$100 for going through the picket line, plus \$5 a day for each day that they didn't appear on the picket line." That was the picket plans.

They thought that was severe. I didn't think so. That is the recommendation I made to the union, and naturally, the majority of the union wanted to eliminate those people. I didn't agree with them, and I have been very much pleased that I did not, and it was a very close vote, but I won.

Now, here is what happened. One of the members of our organization went crazy afterward. Another one I met on the M-G-M lot, and I had forgotten—this was two or three after—and I walked up and I says, "Hello, Ed." And I shook hands with him.

And tears come into his eyes, and he says, "I guess you are the only friend I've got."

Now, it so happened he was a pretty rugged individual, and when he went back to work, I met him on the street, and we had a little mixup. And he rolled in under a car, and, of course—well, he got away that way. But he said, "I am awfully sorry I didn't take your advice." He says, "I thought you were my enemy then. Now you seem to be the only friend I've got. You come up and shake hands with me."

I said, "What do you mean?"

He says, "I just mean that they give me the silent treatment. They don't speak to me. Even the boss, if he wants me to do a job, writes it down on a piece of paper and hands it to me."

It must have been terrible.

Another of these fellows joined the Navy when the war first started, and he wrote a letter, and I had the letter printed in the *Painters Journal*, and I would like to get that. I will try to get that, and send it in here.

He says—

I realize that I made a mistake in 1937. I broke strike on my brothers. They have never treated me like they should, and I am now going to join the Navy and rehabilitate myself and fight for my country, and hope that when I come back, the union will recognize me as having paid the penalty for what I did in 1937.

It was a very nice letter.

We have not had any trouble with any of those fellows in this altercation. Well, now, maybe we have. I come to think there might be one.

Mr. LANDIS. But in finishing your answers there, the union helps out financially in those cases where they are hard up, in a long strike?

Mr. SORRELL. Yes; that is right.

Mr. KEARNS. Do they? How, wait a minute. Do they? We had the steel strike down there. They called a steel strike one night, and the next day they had people in the union going up and down the streets in the towns trying to get a collection from businessmen. That was a CIO union. They tried to get a collection from businessmen to pay the families of those who were not able to be out of employment.

Then the businessmen met to decide whether or not they should go along on that, and they decided that the union probably had the money

to take care of them. But the men did not get the money from the union, Mr. Sorrell.

MR. SORRELL. Now, let me explain that. The union is not a rich organization. You can take a union of 1,000 men, and if they have \$100,000, that still is not a rich union, because when you divide \$100,000 up between 1,000 men, it is not going to carry them very far.

MR. KEARNS. That is true.

MR. SORRELL. So the union must have money coming in, in order to disburse money. You can't sell two glasses of water out of one glass.

In our union, we have a committee that examines the people, the same as charity does. If they come up to us and say they are going to lose their home unless they make a payment or something, they scrape it up. They try to give to the people who need it the most.

MR. KEARNS. They have a welfare committee?

MR. SORRELL. Yes, it is a welfare committee. They try to take care of the people who are in the worst need.

Now, naturally, the man does not get money as if he was working. You understand that.

MR. LANDIS. But you give them supplies? Flour?

MR. SORRELL. No. Our union never gives a man supplies or flour. We give him money. But if he is a drinking man, we give it to his wife. We refuse to give a man who comes in with liquor on his breath—that is, I know that our committee refuses to give a man who drinks, money, but they send it to his wife. Now, that is just one of the little peculiarities of our union. We don't advocate drinking people. When a boss can fire a man for drinking, believe me he gets no question from the union. We even go so far in that line that we have recommended that when a foreman finds a drunken painter, he has the shop steward take him off the job, because, you know, painters are noted for being drunks.

MR. KEARNS. Are you still convinced after all these years that being with the union and having leadership in the union, that after all you have gone through, that strikes and picket lines are the answer to obtaining objectives in labor? I mean, in view of what you have gone through now?

MR. SORRELL. Mr. Kearns, I think that strikes and picket lines, if eliminated, eliminates democratic unions.

MR. KEARNS. That is your honest belief?

MR. SORRELL. That is my honest belief. I think that is the supreme—that is the farthest you go. When you take away the right to strike and put on picket lines, you tell your people, "You work as slaves."

MR. LANDIS. Now, excuse me for interrupting you.

MR. KEARNS. Yes. Go ahead.

MR. LANDIS. But I was talking about picket lines. Of course, a picket line, according to the Constitution, is one sort of free speech. Of course, we have State laws that are supposed to take care of the violence and destruction of property. But State laws are not always enforced. Now, there might be something proposed or that has been proposed in the Taft-Hartley Act to stop violence and destruction of property, and to allow peaceful picketing.

MR. SORRELL. Let me tell you, Congressman—

MR. LANDIS. I mean, you don't believe in that?

Mr. SORRELL. Let me tell you, Congressman, I don't believe in violence, and I don't believe it is necessary, and I have demonstrated it in the Disney strike.

Mr. LANDIS. That is right; yes.

Mr. SORRELL. But you can't say that the violence is all by the strikers.

Mr. LANDIS. That is true.

Mr. SORRELL. Most of the violence is not caused by the strikers. Now, I put in an affidavit in the record—and I can look it up—where M-G-M hired every policeman employed by Culver City, and they got a lot more money from M-G-M than they did from Culver City.

Now, I am prepared to show also, whenever this comes to court, which eventually it will, that Eddie Mannix told these people when and when not to create trouble. Now, Eddie Mannix is a general manager of M-G-M, and I may say, I admire the guy. I think he is a great guy. I just got through telling you the other day how he took out of his own pocket when the people wouldn't live up to their obligations and pay off. And Eddie Mannix won't lie about this.

But Warner Bros. not only hired the people in Burbank but in Glendale and surrounding cities. And don't you think that when a policeman is hired by the studio, he does what he is told? Do you mean to tell me that when these policemen threw these tear-gas bombs, they did it because they liked to?

Let me tell you something else. It has been testified here that some guy said that some policeman seen him beat him, and said, "Well, he says he is a scab," or something, and so forth.

That is a little hard for me to believe. But when we had the mass picket line attacked at Warner Bros. by the people who came from without and the people who came from behind, I have seen pictures that showed these policemen didn't want to hit the pickets. They didn't want to.

Mr. LANDIS. Now, you are talking about a mass picketing?

Mr. SORRELL. That is correct.

Mr. LANDIS. Does that block the entrance?

Mr. SORRELL. The mass picket line blocked that entrance, yes. And instead of—the people who legitimately worked at the studio wouldn't go through the other gates. The advertisement was too strong. So they attempted to destroy the picket line with mass violence.

Now, the police came out, and sheriffs, from within. They formed a corridor across the street on both sides so that to picket, we had to walk clear across the street, down the block, and back again. We still picketed. Instead of our picket line being six or eight deep, it was a single line going one way, and single line going the other way around these offices.

Mr. LANDIS. Did you have pickets at every gate?

Mr. SORRELL. Pickets at every gate, but not mass pickets.

Mr. LANDIS. That is what I thought.

Mr. SORRELL. Now, this is what I did. You will be interested in this. I took a pad out of my pocket, I took a pencil, and I went up to each man, and most of these were sheriffs, and wrote down the number of his badge, and they were standing just so that they could touch hands like that, when they were stretched out. Then they were scattered along. And to each one of these fellows I would say, "I am taking your number because eventually you will probably be called to

testify as to what happened today and why you are here, and I don't want to take you off your guard. I want you to know what is happening. I don't mean any trouble for you, I only want you to testify to the truth."

And many of these fellows said to me, "This is the most terrible thing I ever had to do. Get me as a witness." Some of them said, "My father is a union man," or "My brother is a union man, and this is awful."

Now, that is where I got a lot of my information, believe me. And I made friends all the way around that line. Occasionally some of them didn't say anything.

Mr. LANDIS. Now, let me ask you this. I mean, just from the general appearance, if every gate had been picketed the same as the other gates, there might not have been any trouble. Now, what I want to know is why at one gate you had a mass picket and at all the other gates you had what we call peaceful picketing. Now, what was the reason?

Mr. SORRELL. This was peaceful picketing, but we put all the people at one gate. That is, not all the people. We had a few pickets at all of the gates. But the mass line, to advertise the line, was out where people could see them, on the street, the main boulevard, where people went by, to show that the strike was still in progress.

Mr. KEARNS. That is why you picketed Warner Bros., was it not?

Mr. SORRELL. What is that?

Mr. KEARNS. That is why you picketed Warner Bros.?

Mr. SORRELL. That is one reason, it was on the boulevard.

Mr. LANDIS. Wait a minute. Why couldn't you go from the gate out to show a demonstration, and leave the entrance open? That is the point I was trying to bring out.

Mr. SORRELL. Believe me, that wouldn't be a picket line.

Mr. LANDIS. Well, if you had your pickets by the gate and had your signs up all along there and had the people there, I mean—

Mr. SORRELL. Look. Did you ever work at a place and come up and see pickets scattered around?

Mr. LANDIS. I have seen a lot of picket lines. I have seen a lot of kinds of them.

Mr. SORRELL. But not the kind that attacks you?

Mr. LANDIS. When they mass at the gate and prevent your entrance, of course, you are using force, if you prevent them from going in.

Mr. KEARNS. You know, they took them off when I went through the studios out there. They didn't have any pickets up there.

Mr. SORRELL. We didn't want to send Congressman Kearns through a picket line. You know, even I went in the studio while you were there, and believe me, that is the only time I got in there, on official business. But I wouldn't go through a picket line.

Mr. LANDIS. Now, when they are around a store, they will be around in a circle, and they will be moving. But if someone wants to pass that picket line and go into the store, he can.

Mr. SORRELL. That is right. That is the way it should be.

Mr. LANDIS. How could they, in this case?

Mr. SORRELL. They can get through there.

Mr. LANDIS. They can get through the gate?



Mr. SORRELL. At Disney's there was a mass picket line, but people went through. They drove cars through. The officers were there to see that they drove carefully, just as you would on a crowded sidewalk. We had no trouble at Disney's. We didn't even have one fist fight.

I tell you today that that was absolutely a peaceful picket line, and we had some boys in there who liked to get a little too much to drink, and who have caused trouble. We took care of them. They were not arrested. We took them off.

Mr. LANDIS. I am talking about the cars, the day the cars were turned over. You said some of them drove through.

Mr. SORRELL. That is right. Look; if somebody comes up and smashes you, you smash back. If somebody comes up and says, "Let me by, please," you let them through. But when they start smashing you, you start smashing back. When they start tearing cars through there and hurting people, they started dumping cars. Violence brings violence.

Mr. LANDIS. But did you allow those cars to go through if they wanted to go through?

Mr. SORRELL. Well, they had these cars turned upside down when I got there that morning. This is hearsay with me, but I know it is a fact, that several cars drove through. They were driven through deliberately by people to smash up the picket line. There were some people went to the hospital. I think the records will show that there were three or four of them that went to the hospital that morning. And then they just deliberately went out and dumped over the cars to block it. And after that, no cars went through.

Mr. LANDIS. I was trying to get the picture of the mass picket at the gate, and then a car was allowed to go through. I mean, I thought they prevented the cars from going through.

Mr. SORRELL. Oh, no, no. No cars was ever prevented that I know of, except that morning when they turned over some cars to keep them from racing through.

Mr. LANDIS. That is the point I wanted to make.

Mr. SORRELL. Yes.

Mr. KEARNS. I think we had better recess until 2 o'clock.

(Thereupon, at 12:50 p. m., the committee recessed until 2 p. m. of the same day.)

#### AFTERNOON SESSION

(The hearing was resumed at 2:10 p. m., pursuant to the recess for lunch.)

Mr. KEARNS. We will call the meeting to order. Mr. Sorrell, we will continue.

We left off on the picket issue, as I recall. The question I was going to bring up on that was the fact that you still think that good, sound, bargaining with industry and labor getting together, and with the guaranty—there should be a guaranty of no stoppage of production and no stoppage of work—all the disputes should be settled before you ever have to have a strike or a picket line.

## TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE—

Continued

Mr. SORRELL. That is what I have stated, yes.

Mr. KEARNS. Do you agree with that?

Mr. SORRELL. I agree with that, yes.

Mr. KEARNS. In my book that is the answer.

Mr. LANDIS. If they do not get together, they lose the privilege of striking to gain their point.

Mr. KEARNS. Was not the decision in the Lea bill that one picket, even though he be a blind man, was just as effective as mass picketing?

Mr. LANDIS. I think that several pickets scattered along is more effective than one picket.

Mr. SORRELL. Do you want me to express my opinion on that? My opinion is that every man has the right to go through a gate to punch a card to go to work, has a right to picket that gate. In other words, one picket may be fine. For me, one picket is as good as a thousand. But to the average man who takes a job in the studio, for instance, he sees a picket there, he knows there is some disturbance, but he says, "That does not apply to me. I will go in and go to work."

If he sees all the people are not working in those shops, and that they are there, and are not simply idling away at home as drones he says, "No, I won't go in and take those people's jobs."

I have one man in mind, and the name just does not come to me. It is too bad I do not remember names better. He went in to work in 1945. He joined the IATSE, I think it was 468, the catch-all local. He was a painter at Paramount. He went in because at the time he went in there was only a token picket line there. And he was a returned veteran. And he heard inside that there was a strike, but it was a Communist-led outfit and did not mean anything.

Then he lost his job when we came back in 1945, but they kept him on the pay roll. They not only kept him on the pay roll for the couple of months that they were supposed to, but they kept him beyond that.

He became suspicious that maybe he was being held on for future trouble. He went back to work in the studio because he did not want to take money under false pretenses, as an electrician or grip or something in the IA. When the lock-out occurred, he left the studio. He sent me a letter and he said, "I have investigated, and I now believe I was a strikebreaker at the time I started to work here, but I would not have done it had I known what I know now. But there was only a couple of pickets and I was given to understand that they represented a bunch of 'Commissies' and trouble-makers."

He says, "I am not going back in the studios, I do not expect anything of you, because you will only know me a strikebreaker, but I will preserve my own conscience by not going back in the studios."

I answered the letter, as I answer every letter written to me, and thanked him for not going back in the studios, and gave him my best regards and told him that I would appreciate him calling me. He did not call me, or if he did, he did not get ahold of me.

Things went along for 4 or 5 months, when one of our boys came in and began to tell me about this man, that he was pretty hungry, and that he did not belong to the union, but he would not go into work. I said, "I remember getting a letter from him, and I'd like to talk to him."

So he gave me his telephone number and I called him up. I asked for him by name, and he said, "Oh, he's gone. He's down in Texas some place."

He said, "Who's calling?"

I said, "Well, this is Herb Sorrell, and I wanted to just talk with the man, but if you give me his number down in Texas, maybe I can write him."

He said, "That's different. I thought it was the damn studios pestering me to come back to work again." He said, "That's me, and I will be glad to talk to you."

He came down and he talked to me, and I took him to another painters union, which does work outside on buildings and so forth, introduced him, and he was taken into the painters union. Whenever this thing is settled, it will be brought up to our membership, and I am sure that they will vote him into the union, because the man is sincere, he is a good union man, he is now working every day, because he is also a pretty good painter.

But he would not have gone in had he known that there was a lot of just honest working people off their jobs, but he went in because there was a weak picket line, not the proper advertisements.

I tell you that story to impress on you the reasons that there must be a demonstration to show that it is not a stray man locked out here or there, but it is a mass of people who have forfeited their positions in the studios, which is their fortune, which is all they have.

In many respects they have made big contributions to the motion-picture industry. They have put their life in it. They know it better than anything else. And then to be locked out, and they pick up some Skidwell bum and send him in there, and claim the same rights for him as those who have made their contribution to the industry—

MR. LANDIS. My point was to get the mass on each side of the gate, if you wanted numbers, put 500 on each side of the gate.

MR. SORRELL. That would not work in the motion-picture studios, because they would think it was a bunch of extras waiting to go to work or something. If you are going to have a picket line, you are going to have to have a picket line.

MR. LANDIS. They could all carry banners to show who they were, of course.

MR. KEARNS. Mr. Sorrell, when you had the mass picket line in front of Warner Bros., all the company officials, any of the executive officers of that company, any directors were permitted to go into that plant and were not molested in any way: is that not right?

MR. SORRELL. I never heard of them being molested.

MR. KEARNS. What people had to stay in the plant for fear of going outside?

MR. SORRELL. The producers bedded down people in the plants.

MR. KEARNS. I mean in what capacity; what was the personnel that they bedded down?

MR. SORRELL. They did bed down people in the plant, and I am trying to think who the people were. I imagine that it was—in fact I know it was laborers and electricians, and common working guys like us who refused to go through the picket lines who if they stayed in the studios where they did not have to go back and forth through the studios, they stayed there; but if they let them go home, they did not come back.

Mr. KEARNS. What about the industrial-relations men and things like that?

Mr. SORRELL. Industrial relations?

Mr. KEARNS. Labor relations, or whatever you call it.

Mr. SORRELL. I never heard of one of them being bedded down in the studios. I never heard of that.

Mr. KEARNS. You did not interfere in any way with the executives of the company going in and out of the building?

Mr. SORRELL. There was only one time that I can ever—that I ever knew of anybody being—

Mr. KEARNS. This, in my opinion, is serious, because I saw a Westinghouse strike up in our District where the office force were not out on strike, nor any of the company's officials, but there was not one of those men who could go into that building; they had to move 15 miles over in Ohio so they could operate their drafting work, and get ready to work, and get their plans made, and blueprints, so they could manufacture when they did go back to work.

Mr. SORRELL. That was not the fact in the motion-picture industry. I was just going to say, to my knowledge, no executive had any trouble going in and out.

To my knowledge, only one man I ever saw was stopped by the picket line, or had trouble. That was Blayney Matthews, the chief of police at Warner Bros., and he went through the picket line with shoulders, going out, and then he waved for the fellows to come on across, and he came back with his shoulders going through, and he got roughed up a bit.

Mr. KEARNS. But as chief of police, though, he was part of management, protecting property rights; is that not correct?

Mr. SORRELL. That is what he was supposed to be doing. But when he bullied the line going out, and then came back pushing people, knocking them over, they roughed him up a little bit. And waving his arms.

Mr. KEARNS. In other words, that was a personal attack rather than a company attack?

Mr. SORRELL. Had he walked through gently, nobody would have touched him. To my knowledge, no executive was touched or harmed, and I do not think you can find any record of any executive or anyone in that kind of a position going through the lines, unless they joined in a mass attack, like this dancing director said, and I do not think it carries much water.

Mr. KEARNS. You believe in property rights in America; you must, because you sat here the other day and you said you would not have communism in America if everybody owned his own home and had a little piece of property.

Mr. SORRELL. Let us put it this way, Mr. Kearns: I think that the basis of good citizenship in this country is the people who own their own homes, have their own gardens, have their own automobiles, and have a part of this country. They are the people that vote. The fly-by-nighters, who are in one town one day and move to another, and on relief another day, and who follow up labor troubles to take other people's jobs, and who hibernate down around Skid Rows, they don't contribute anything to this country. They are misfits, sometimes for one reason and sometimes for another.

But you must depend on the people that defend this country, the people that make this country. It will go right down to the guy, even though his home might be humble, he has one. And I would rather put my dependence on a man with a two-room home of his own than a man who lives in some very fine apartment and pays rent on it.

I think when you take that away from the man, then you have made a tool out of him. I am not here saying how other countries should run their affairs, but when they come over here and try to run my country, and try to take me out of my place, brother, then it's a fight.

Mr. KEARNS. You are not referring to the Congressmen that live in the apartments; we do not get elected long enough to own our own home?

Mr. SORRELL. Mr. Kearns, I think that most of the Congressmen that live in apartments here have their homes that they come from, and most of them at least when they are elected they have them, they may not be able to hold on to them because I understand their obligations are pretty heavy here, but I think that they come from that type of people, or they would not be elected.

Mr. LANDIS. Could I ask you to make an observation? It is a new subject, developed here by different groups and different witnesses. I have been given the impression by some of the testimony that first the carpenters said they were not going to work, and they made that statement on account of the conditions, and the producers argued around whether they were going to close the studios or keep open.

They finally decided to keep the studios open. They went to the IA to see if they could furnish them the men to keep the studios open. That is the impression I got.

All right, they probably promised to furnish the men or do the best they could to furnish the men. I have heard about Bioff and the past deals. I do not want the past deal. I want from then on up, if you will give me your picture from that position on up to now, or just in that time.

Mr. SORRELL. When we get the basis of everything laid here, and bring it up chronologically—

Mr. LANDIS. I mean this investigation, this starts in with the conspiracy, the IA and the producers.

Mr. SORRELL. You understand, I think that when I get through testifying here, you will see, and if you do not want to believe anything I tell you, if you do not see fit to think that it is authentic, there will be people's names here that will be mentioned, that can be put on this stand under oath, that will be honest, and they will tell you, and I did not even know this myself at the time, that when the 1945 strike ended the conspiracy to destroy the Conference of Studio Unions was intensified, and the producers made plans from that day.

I hope that we can go along in this and build up to that, because I am positive that I have enough evidence, whether I can convince you that we have enough evidence or not I don't know, but I do know that we have enough evidence to prove criminal conspiracy between the IATSE top officials and certain members of the major motion-picture producers association.

And I am going to try to build that up. I am coming at it slowly.

Mr. LANDIS. That is all right. You use your own way about coming at it.

Mr. SORRELL. I do not want to get ahead of myself. I want to build it up so it will have a firm foundation. I did not realize it was taking so long, would take so long, and it would not have taken near so long, but they throw in these phony Communist charges and they tangle you up, so to speak, and they get you off the track, and it takes me a long time to answer those questions because just as I will answer every letter that is written to me, I will answer every charge that they throw at me, if I can, whether it has any basis of authenticity or not.

Mr. Bodle says this can't be, and it does not matter, and so forth. It does not make any difference to me. They have been publishing these things for 10 or 11 years, about me. And they have no basis of authenticity, maybe, but by gosh, the things that I answer have a basis of authenticity. I do not sidestep when you ask me if I signed a petition to release Browder. I had a reason for that.

I had a reason for writing him a letter, or writing the President a letter for him. I do not duck any issues. I will meet them right straight on, and when they lie about me, I may quibble a little bit because I want to be absolutely sure that they have lied against me. There have been lies put in here. I do not mean that they have perjured themselves, but they pick up a book or something and they take out a paragraph which distorts the truth to the extent that nobody can recognize it. It has taken me quite a long time, and I have used a lot of valuable time. It has been valuable time to me, to my attorney, and to everyone else, to untangle a lot of this filth that has been thrown up as a smoke screen to hide things that go on behind that.

Mr. LANDIS. Those attorneys ought to have one job like we have, and then they would not have to go to another job.

Mr. SORRELL. Yes, I think my attorney has a lot of work to do, and I have used all kinds of pressure to keep him here, and I may have to go on alone, eventually, anyhow.

It is too bad that I force him to stay here and listen to all this smoke screen of communism and this distortion of facts. But he realizes there is a job to do here. I realize there is a job to do here. And we are trying to get through with it as fast as we can, and we do not want to get ahead of ourselves.

Mr. LANDIS. You go ahead and proceed. That was a point I wanted cleared.

You proceed in your own way.

Mr. SORRELL. Thank you, Congressman.

Mr. BODLE. This is the last of the excerpts from the minutes of the painters' union meetings:

Regular meeting November 17, 1947.

Meeting called to order at 8:05 p. m. at 4157 West Fifth Street, Brother Rusk, presiding. (Excerpt from the business agent's report, p. 3, par. 4): Brother Sorrell said he had been accused of Red baiting lately because he opposed the party line of giving up the strike and going back to work. While he respects personal rights to voice opinions, union policy must come from this floor only, not from outside.

VERNON K. MANGOLD,

*Recording Secretary, Local Union 644.*

The foregoing extracts from the minutes of the Moving Picture Painters Local 644, consisting of pages 1, 2, and 3 are true and exact copies from records in my possession.

VERNON K. MANGOLD,  
*Local 644.*

Subscribed and sworn to before me this 27th day of February 1948.

BILL F. EDWARDS,  
*Notary Public in and for the State of California.*

My commission expires October 13, 1950.

There are other exhibits we are going to introduce on this subject of communism, but they have not yet arrived from the coast.

In the meantime, there are a couple of remarks I want to make. The only alleged proof of any sort of Communist relationship on the part of Sorrell was the alleged membership cards which were introduced, and two, the statements that were selected from the affidavit of Rena Vale, and which previously have been introduced in the Tenney committee hearings, and which were brought before you by Mr. Levy.

I want to say this about the Rena Vale testimony. It is a very serious thing. Rena Vale, as I understand it, sat with that committee during its hearings, yet to my knowledge, Rena Vale was never called at any time as a witness before that committee. Her statements are contained in an affidavit made *ex parte*, not under oath, in the absence of counsel either for the committee, as I understand it, or for anybody else, no opportunity for the persons she accused to confront her, and of course no opportunity for either examination or cross-examination.

Mr. LANDIS. Did Mr. Sorrell know her?

Mr. BODLE. I will have to ask Mr. Sorrell.

Mr. SORRELL. She was pointed out to me at the Tenney committee. I would not know her if I would see her. But that is where she was pointed out to me, and the first time I ever remember having seen her.

However, she might have been some place where I was, because I have been in big gatherings, and she might have been among them, and you do not pick them out.

Mr. BODLE. The alleged Communist conspiracy is claimed by both Mr. Levy and Mr. Brewer to date from the time that Jeff Kibre, a person by the name of Jeff Kibre appeared on the Hollywood scene.

Mr. Levy, in the letter which he sent the committee, made this statement:

The same program which Kibre had outlined originally in his reports was used by Sorrell later, and Sorrell was headed by the same Henschel.

Mr. Brewer, as I have already stated, followed the same line, and he said at page 1792 of his testimony:

Much to my surprise the picture unfolded to me. I found that Jeff Kibre had been a member of the IATSE, that he had been exposed to Communists, that he had been exposed directing a fight against the IATSE in a dual capacity as a representative of the CIO and as an associate of Harry Bridges, as well as an agent of the Communist Party, taking directions from the Communist Party leaders in New York.

And I found there was a set of documents that had been published at the time Mr. Kibre was active, and it was only after a careful study of those documents that I began to see some light in the forces that were at work in this controversy.

I think this is very important, because apparently the whole case of the IATSE is built up upon these assumptions that are stated in

different terms, but are substantially the same, by both Mr. Levy and Mr. Brewer, that Mr. Sorrell is a Communist, because Mr. Kibre was a Communist, and Mr. Sorrell is carrying out the so-called Kibre policy, as laid down in the letters which Mr. Brewer, I believe, read into the record.

I want to point out that one of the primary charges made against Mr. Kibre, and one of the primary bases for tying Mr. Sorrell with Mr. Kibre was on the allegation that Mr. Kibre had formed or had something to do with the establishment of the unemployment conference.

There is Mr. Sorrell's sworn testimony in this record that Mr. Kibre had nothing to do with the organization of the unemployment conference. Mr. Sorrell and the representatives of all of the other unions in Hollywood at the time, except the IATSE, organized and were members of that conference, and that the one union withdrew from it during the course of its life, which was the teamsters, but the inference is certainly clear, and I do not know whether there was direct testimony to this, that all of the other craft unions in Hollywood continued to be members of it.

That means the plasterers and the laborers and the carpenters, and so forth, and the meetings were held, as Mr. Sorrell pointed out, in the hall of the carpenters union.

Mr. Sorrell further testified that he had never read the letters, nor had seen the letters which Mr. Kibre is reputed to have sent to CIO and Communist Party officials, and hence, I think, it is difficult to conclude that his policy was influenced by something which he had never seen or read.

Thirdly, he testified that he had never seen Kibre, had not seen Kibre since 1939 or 1940, I am not sure which.

The testimony is clear that his association with Kibre was only in the unemployment conference where Kibre sat in as a so-called IA progressive, as any person might have sat in.

With regard to the policies which Kibre enunciated, the policy as indicated by both Mr. Levy and Mr. Brewer, and this, I think, is probably clear from the letters, was one of creating an industrial union in Hollywood. If there is any testimony in this record that indicates that Mr. Sorrell at anytime was concerned or interested or active in the formation of an industrial union, I would like to see it.

The truth of the fact is that Mr. Sorrell was the leader of the building trade craft unions and has been since 1937, and his whole activity has been toward protecting the rights of those crafts against the activity of the IATSE. And we will show that if any policy of industrial unionism, such as outlined by Mr. Kibre, was followed it was followed by the IATSE.

Whether that makes it communistic or not, I don't know. But we will show at the time of the 1937 strike, when the Federated Motion Picture Crafts were on strike, a group of craft unions, that Mr. Bioff made the statement that nobody is going to make a deal with the producers except through me, and that if the producers deal independently with these crafts, we will strike them not only in Hollywood but in the theaters.

We have already introduced evidence to show that at the time of the Disney strike in 1941, Mr. Bioff tried to inject himself into the picture, and insist that the Disney strikers, another craft union, deal through



him, and when they did not deal through him, he made a deal for the other A. F. of L. crafts and pulled them off the picket line.

And we will show that the same thing happened in 1945 and in 1946. We will further present testimony before we are completed that as late as 2 weeks ago in the hearing room downstairs Mr. Richard Walsh, in the conversation with Mr. Harvey Brown of the machinists, which was overheard by 10 or 15 people, made the statement that the machinists are out of the studios, that they will never get back, the studios are the exclusive jurisdiction of the IATSE, and they intend to have it.

So if there is any showing of industrial unionism, which is, I presume Mr. Levy is accurate in saying, a policy of the CIO, and which apparently was the policy of Mr. Kibre as the representative of the Communist Party, assuming he was a representative of the Communist Party, it is the policy which has been followed by the IATSE.

I have a number of documents here which I want to read into the record, which will show first that it has been the consistent policy of the IATSE to destroy the craft unions in the studios; secondly, that in this work they have had the complete and constant cooperation of the producers; and, third, that the cry of communism was raised only against Mr. Sorrell, and the people with whom he is associated, because, one, they opposed racketeering in this industry, and secondly, because they stood up for the rights of the craft workers in the industry.

The first clipping that I have to read is from the Los Angeles Times of May 22, 1937. This concerns the 1937 strike during the settlement of which, as you will recall, according to Mr. Sorrell's sworn testimony, he was offered \$56,000 by Willie Bioff.

I am not going to read the whole of it, because it is a very long clipping.

In a four-point statement which was interpreted to mean that an early settlement of the difficulty is an outstanding possibility, the IATSE leaders declared:

That the striking Painters Union must first apologize to the IATSE for asserted slanderous accusations made by the former during the current strike difficulties.

That the IATSE dictate any jurisdictional disputes involved.

That the producers have been served notice by the working studio union groups not to negotiate with the FMPC leaders.

I might state parenthetically that the group that went on strike was called the Federated Motion Picture Crafts.

That, if the producers sign an agreement of settlement with the painters on strike, the IATSE will pull all members out on strike and darken every unionized motion picture theater in the United States and Canada.

I should have said before I started this that at this time Willie Bioff was the head of the IATSE in Hollywood, as the personal representative of George Browne, the international president.

This is a quote from the Los Angeles Herald-Express of the same day, May 22, 1937:

George E. Browne declared that when the strike is settled the IATSE will define the jurisdictional rights of the scenic and make-up artists, affiliates of the painters and, with the latter, comprising most of the 1,000 men and women of the FMPC still on strike.

"If any studio negotiates a settlement with the FMPC unbeknown to us," Browne continued, "we will call a strike at that studio and call out the motion-picture operators of every theater where the studio films are exhibited.

"If the major producers as a group make such a secret settlement, then we will call out our men and women at all major studios and close practically every motion picture theater in the country."

The FMPC has continued indefinitely the deadline previously established for 27 independent studios to sign an agreement providing for union shop and negotiations for new wage and working condition matters. The independents' representatives and FMPC officials conferred several times during the last few days but failed to come to terms.

It was reported, however, that the IATSE had quietly warned the independents to "lay off signing up with the FMPC or we will call a strike in your studios."

Although Browne would not comment upon the report, it was declared in Hollywood today that he had been sent here from his headquarters in New York by William Green, president of the American Federation of Labor, to settle the strike as quickly as possible.

I might point out, too, that at this time Mr. Sorrell was a picket captain. He had no office in the union. The business agent of the union was a man by the name of Lessing, who came here a few weeks ago from New York, according to the clipping.

This is from the Sunday Los Angeles Times, May 23, 1937:

From LaFayette, Ind., came a telegram, addressed to Charles E. Lessing, executive secretary of the FMPC, and signed by L. P. Lindelof, president of the International Brotherhood of Painters and Paperhangers, parent group of one of the striking studio organizations, assailing the IATSE stand in the motion picture dispute.

In the wire to Lessing, Lindelof said:

"The general executive board (of the IBPPU) has endorsed and approved the strike of the local unions affiliated with our brotherhood. Any statements to the contrary are false and without foundation. A special meeting has been called at Cincinnati for Monday and it is expected the internationals affiliated will take action for greater cooperation and join with the brotherhood's representatives in their appeal to President William Green (A. F. of L.) against the action of the IATSE in infringing on other internationals' jurisdiction."

Informed of the content of the telegram sent Lessing by Lindelof, George E. Browne, executive head of the IATSE, declared that his organization has served notice on Joseph M. Schenck, spokesman for the Association of Motion Picture Producers, in which the latter was told "He was mistaken in stating that the door is always open to the Hollywood painters for negotiation if Schenck thinks the door is open," Browne declared, "and if Schenck negotiates on behalf of the producers with the FMPC painters' group, then his Twentieth Century-Fox studio will be one of the first to be closed in this fight.

"The door is not open and this is strictly an interunion fight," Browne said. "The painters (Hollywood local) must come to the IATSE and to no one else. If the producer keeps butting in, we will be forced to bar the showing of their pictures.

"If Lindelof wants to inject himself into this picture," Browne's statement sets forth, "the IATSE is prepared to take him on. Regardless of what Lindelof says in his statement charging encroachment of jurisdictional issues, it is still clearly cut that the IATSE demands will stand unwaveringly."

Mr. McCANN. Mr. Chairman, I think that what he has read here is adequate without adding anything more to it.

Mr. LANDIS. I might ask a question there, if I may. I do not want to break the continuity, however.

Do the locals in the Conference of Studio Unions pay dues, or pay into the Conference of Studio Unions some fee or something?

Mr. SORRELL. To the Conference of Studio Unions?

Mr. LANDIS. Now, what I am trying to get at is this. Tell me the difference between the crafts and their connection with the studio unions and the crafts that are connected with the IA. Would there be any difference that you know of?

Mr. SORRELL. Yes; there is a difference. To be eligible to belong to the Conference of Studio Unions, the unions must have local autonomy. There must be democracy and autonomy within the union.

Mr. LANDIS. That is right; yes.

Mr. SORRELL. In other words, some IA unions would be eligible and some would not, because in the constitution of the CSU, it is very clearly stated that the elected business representatives and two elected officers shall constitute the delegates—not two elected officers—but two elected delegates shall constitute the required delegates to participate in the Conference of Studio Unions. In other words, we didn't trust just the business agent to carry the word back and forth from the meeting of locals to the union meetings. We want three people, so that when the business agent makes his report, it can be checked on by other people.

Now, some of the IATSE unions, you know, have been taken over by the international, and, of course, they would automatically not be able to fulfill the requirements of the—

Mr. LANDIS. You mean, run by the international instead of the locals?

Mr. SORRELL. That is right.

Mr. LANDIS. I was trying to see first whether it was based on the central labor union, where they accepted delegates from the different crafts into the central labor union, or based on the industry-wide set-up, where they could bargain and be effective in bargaining together.

Mr. SORRELL. It is similar to a central labor union. There are conferences of unions in many studios. In fact, you will see here that Bioff set up a Conference of Studio Unions. He called it the Conference of A. F. of L. Studio Unions. And he was joined by most of the unions.

Of course, that conference was a top group. Joe Tuohy represented the teamsters. He didn't have anybody there with him. He was the dictator over the teamsters. Different ones representing their craft, they met in a group, and there was no real, down to earth union participation in it. It was just a set-up where the business agents got together and discussed these things.

The Conference of Studio Unions is practically the same thing, only that when we have a meeting, the business agents discuss their problems and bring in a couple of members from each meeting who sit in to check on them so that it is completely democratic and kept that way.

Does that explain it to you?

Mr. LANDIS. Yes.

Mr. KEARNS. Now, anything you do not want to read, or that is not important, you can just ask to have it put in the record without reading it.

Mr. BOBLE. I am going to skip through this pretty much. I am not going to read all of this. But a lot of this, I think, is important for the record.

Mr. McCANN. Mr. Chairman, it might be well at this point to indicate your recent instructions to me, which is going to make it extremely difficult to advise these persons whose names have been mentioned as possible Communists.

The chairman has directed me, Mr. Landis, not only to write a letter to these people, informing them that their names have been mentioned, but I am further directed to quote the evidence which refers to each of them. That means we have a 2,400-page record now, and there is no telling what we will have before we are through.

Mr. KEARNS. The reason for that is that some of the people have been quoted as being Communists and others are quoted as being affiliated with Communist-front organizations. Some are just quoted as being fellow travelers, and you cannot cover them all in one category of terminology. You have to break it down.

Mr. LANDIS. I suppose he means the main charge.

Mr. McCANN. I just want you to see what the task is going to be, with the record we are building up.

Mr. LANDIS. I do not think he wants the entire evidence.

Mr. KEARNS. No; in what category they are placed.

Mr. McCANN. I will have to read the record with great care to prepare those letters.

Mr. KEARNS. Yes.

Mr. BODLE. Willie Bioff was the personal representative of George E. Browne in charge of the IATSE in the motion picture industry from, I think, approximately 1936 until, as we will show, around 1942.

As evidence which we will present later will indicate, the first deal between Bioff and the motion picture producers was made about 1935, at which time there was a pay-off on the part of the Balaban interests who operate theaters in Chicago. The story of Bioff is important not only as showing the background of the IATSE, but there can be no question to anybody who reads the story that the charges against Sorrell arise out of his opposition to Bioff and his racketeering activities in the motion picture industry.

I want to start the story of Willie Bioff by reading from the November 24, 1939, issue of Variety, in which the story of Willie Bioff up to that time was told:

Willie Bioff, the labor dictator of the entire amusement industry of the United States and Canada, and sole arbiter, on the union side, of problems affecting the 35,000 men and women of the mechanical crafts of Hollywood, was convicted of pandering in a trial before Judge Arnold Heap of the Chicago Municipal Court in February 1922. He was sentenced to serve 6 months in jail and fined \$300 and \$6.50 costs.

Bioff was committed to the Bridewell on February 24 and was released on March 3 on an appeal to the appellate court. The appellate court in the October term of 1922 affirmed the verdict and sentence, and a mandate was issued to the sheriff on March 2, 1923, to return him to jail.

On March 23, the appellate court recalled this mandate because a motion had been made to permit Bioff to appeal to the State supreme court. The documents on file in the appellate court ordinarily would contain a record of the completion of such a further appeal, but there is no trace of any such action in the clerk's office.

Inquiry by telephone at the office of the clerk of the State supreme court at Springfield brings the reply that there is no record there of an appeal to that body. The court record stops at the appellate court's affirmation of the conviction and sentence. The Bridewell records, nevertheless, fail to show that Bioff ever was returned there to finish his sentence.

The arresting officers in the raid on the house of prostitution, of which Bioff, by his own admission, was an employee and in the contention of the State one of the three proprietors, were the late William Shoemaker, then a detective, later chief of detectives of the Chicago Police Department, and Policeman Arthur Wathholz.

Both policemen gave testimony, and Wathholz signed the official information which was the basis of the prosecution. In this document Wathholz said he raided a saloon on South Halstead Street, on the West Side, on January 14, 1922. It alleged that Bioff on that day received from Bernice Thomas, alias Rose, the sum of \$29, earned by prostitution.

The description of the premises said there was a rear room in which prostitutes sat waiting for men. Bioff waived a jury and entered a plea of not guilty.

On the stand Wathholz said that for a few hours before the arrest he observed the Thomas woman, alias Rose, taking men through a gangway at the rear. He said the place was operated by Bioff and two others and described in detail the six upstairs rooms used for prostitution, particularly as to the filthy condition of these quarters.

John Young, an elevator operator by trade, testified he was employed as manager of the brothel. He said he had charge of the cash and the books, which latter consisted of score sheets bearing the names of women frequenting the back room.

Young said that when he was hired at \$2 a day, Bioff took him upstairs to show him the place, instruct him in his work, which included chambermaid duties, and showed him how to keep score on sheets provided for that purpose. He said that in the performance of these duties he would obtain from each woman \$2 to \$3 after each visit to a room with a man, and would mark down the amount opposite the prostitute's name and hand the girl a check.

Referring to a score sheet seized by the police, Young said that on January 14 Rose took 13 men upstairs and that he received \$29 from her, which he duly handed to Bioff after the arrests. This was not the only occasion, however, he said, on which he delivered such revenues to Bioff.

"When Rose would hand me the money," his testimony reads, "I would put the amount down and hand her a check. Then I would turn the money over to Bioff."

Although Bioff contended that he was only a bartender, his counsel, on the unsuccessful appeal, admitted that it had been shown that he received the money from Young. It was contended, however, that it had not been shown that Bioff received anything from the prostitute. As another defense in the appeal it was urged that if a prosecution could be brought against Bioff it must be conducted under the State law against the operation of a house of prostitution rather than under the law against pandering.

The opinion of the appellate court affirmed the verdict, and sentence was signed by Justice McSurley, presiding, and concurred in by Justices Dever and Matchett.

It said in part: "The defendant claims he was employed as a bartender in the saloon and had no connection with anything going on in the building at the rear. However, it is sufficiently proven that the prostitutes would give their earnings to John Young, who had charge of this building and who testified that he gave the money to the defendant, pursuant to instructions he received when employed for this work. Young particularly testified that he did this in the case of the money he received from Bernice Thomas, and it is proven beyond any doubt that the money she gave Young, which he, in turn, gave to the defendant, was from her earnings as a prostitute. The record amply supports the charge, and no reason has been presented to find to the contrary. The judgment, therefore, is affirmed."

Now, that gives us, not the whole criminal record, but a portion of the criminal record of Willie Bioff at the time he was appointed personal representative for President Browne in Hollywood.

Mr. LANDIS. Now, the way I have the picture is that Bioff and Browne, that episode, was agreed to by practically everybody that you know of?

Mr. BODLE. Yes.

Mr. LANDIS. And the fight developed between Bioff and Sorrell, I would say, most of it, over a jurisdictional dispute, and, of course, you have your reasons for your different jurisdictional disputes.

Mr. SORRELL. No.

Mr. LANDIS. I mean, you were wanting to take charge, and he wanted to take charge, and you represented different unions. Is that correct? That would be a jurisdictional dispute?

Mr. SORRELL. To a certain extent, Congressman, you are right. But you would hardly call it a jurisdictional dispute. At the time our people went out—

Mr. LANDIS. I mean, you were fighting to get your union's control, and he was in and wanted to stay in; isn't that right?

Mr. SORRELL. We didn't fight his unions. Nowhere in the record, any place, can you ever find where either myself or any CSU union encroached on IATSE territory. The only encroachment that has ever been made is IATSE encroachments on our territory.

When we walked out in 1937, we did not ask for any jurisdiction pertaining to IATSE people, nor never since then have we ever asked for jurisdiction of IATSE unions' work.

Mr. LANDIS. The real jurisdictional issue, then, developed later, after that?

Mr. SORRELL. Yes; that is right. The real jurisdictional issues were injected from that time on, and you will find that each time that a stoppage of work or trouble has happened, it has been by encroachment of the IATSE on the CSU unions. It will be very clear.

I don't say that sometimes somebody says, "This is carpenter work," and "This is prop work," and that there is not some difficulty.

Mr. LANDIS. Yes, that is true.

Mr. SORRELL. But when there is a strike, or a clean-cut jurisdictional issue, it is never the CSU encroaching on the IA. It is the CSU trying to protect themselves from being pushed out of the picture.

Mr. LANDIS. I still say that it is a jurisdictional dispute, probably invaded from the Bioff section?

Mr. SORRELL. That is right.

Mr. BODLE. I would say that this fight at that time was a fight for clean unionism. I mean, it was a fight to rid the industry of racketeers and gangsters.

It is later shown that Willie Bioff was tied right up with the Capone gang. That is the sort of fight that was waged in Hollywood, and it was because Mr. Sorrell made that fight that he was called a Communist and everything else. I will read later to you that when Browne and Bioff were indicted—and this is almost an exact quote from Variety—they blamed it on the Communists, they blamed it on the producers, and, as Variety says, they blamed it on everybody but Little Red Riding Hood. Now, that is a fact.

Mr. LANDIS. What I mean is that it was agreed on that they were taken care of, or it was proved that they were guilty, that Browne and Bioff were guilty?

Mr. BODLE. Yes; there are two reasons why it has been gone into, Mr. Landis. One is that they go back into—

Mr. LANDIS. There is the point I cannot see. They were guilty and everybody admits they were guilty.

Mr. BODLE. Yes; but they go back into 1937 and 1939 with their charges of communism. They say back in 1939 Mr. Kibre formed

the unemployment conference, and one of his helpers was Mr. Henschel, whom Mr. Sorrell testified he had met once, and Mr. Sorrell carried on the Communist program of Mr. Kibre.

Now, we are going to show—and I think it is important that we show, that the only program Mr. Sorrell carried on from 1937 on was a fight for clean unionism in this industry. Secondly, we are going to show that there has been a consistent program of action on the part of the IATSE right straight through, and you have to show that by starting in now.

Mr. LANDIS. From here on in?

Mr. BODLE. Yes.

There is another thing that I want to show. That will be shown very clearly by this. That is, if Mr. Sorrell was a Communist for opposing Mr. Bioff—and that is all he did—then Mr. Arthur Unger, of the Hollywood Variety, who made one of the most courageous fights that has ever been made to drive this racketeer out of the industry, is also a Communist, and a lot of other people are, too, because there is incident after incident here that was cited where different unions, the Screen Actors Guild, Pat Somerset himself, refused to have anything to do with the IA, and withdrew from the central labor council, because the central labor council insisted on sending A. F. of L. representatives up to Sacramento to fight the extradition of Willie Bioff, a convicted panderer, and as since was proven, and as Mr. Sorrell know from 1937 on, a man in the employ of the producers.

Mr. LANDIS. I don't want to leave out anything that is important, of course.

Mr. BODLE. Yes.

Mr. KEARNS. A point I would like to develop here is this. I mean, an answer from you two gentlemen, either one of you, which the officials from the IA can refute later if they want. I want to know, so far as your knowledge was concerned, what was the position of Mr. Walsh, who was in IA during the Bioff days?

Mr. SORRELL. Mr. Walsh was a vice president of the IATSE. We will bring that in a little later.

Mr. KEARNS. Now, I said during the Bioff days.

Mr. SORRELL. That is right.

Mr. BODLE. That is right.

Mr. KEARNS. And then during the Bioff days?

Mr. SORRELL. Well, Bioff and Browne were at the same time.

Mr. KEARNS. I guess you are right.

Mr. SORRELL. You see, Bioff led to put the force on to elect Browne. And they worked together. When you speak of Bioff, you speak of Browne. I mean, Browne and Bioff are linked together. When they back out of the picture, you will speak of Walsh and Brewer, or Walsh first, and then Brewer. They were together, and one is responsible more or less to the other.

Mr. KEARNS. All right. I think we are ready to go ahead now.

Mr. LANDIS. Here is the part I was interested in.

Mr. BODLE. You want it tied up?

Mr. LANDIS. No; we are going to get to this a little later, and then to that a little later. Of course, that is all right. But I am anxious to know about those Government officials.

Mr. SORRELL. I am anxious to tell you, too.

Mr. LANDIS. Then there are several other things I am anxious to learn about.

Mr. SORRELL. Yes; I am anxious to tell you.

Mr. KEARNS. In other words, you have a lot of anxiety started here.

Mr. LANDIS. Yes.

Mr. SORRELL. I am just as anxious to get it over with as you are.

Mr. LANDIS. Not necessarily to get it over with.

Mr. SORRELL. Washington does not attract me. My home is in a much nicer place.

Mr. BODLE. I think that Mr. Sorrell testified that Mr. Bioff went to Arthur Unger—

Mr. KEARNS. I want to warn about one thing here in this testimony.

Mr. BODLE. Yes.

Mr. KEARNS. There are a lot of "I thinks" used, and when we start then defining clauses here, where people "think," there is a lot of difference between whether you think and whether you know something. I want to remind you of that.

Mr. BODLE. I agree with you, Mr. Chairman.

Mr. KEARNS. All right.

Mr. BODLE. I should have said, Mr. Sorrell testified earlier that Willie Bioff went to Arthur Unger, the editor of the Daily Variety, and demanded that he print complimentary stories about him, Willie Bioff. And Mr. Sorrell also testified that Mr. Arthur Unger refused to.

At the time the threat was made, as Mr. Sorrell testified, Bioff said that he would see that no producer ran any advertising in Variety. And I have all the Varietys of this period, and I can assure you there is no advertising in them, except on one occasion, and I will come to that in a moment.

On Tuesday, November 7, Arthur Ungar wrote this signed editorial, which appeared after this threat:

Attention! Willie Bioff, Eddie Mannix, Association of Motion Picture Producers.

Webster's Unabridged Dictionary defines:

A newspaper: "A paper printed and distributed at stated intervals, usually daily or weekly, to convey news, advocate opinions, etc., now usually containing also advertisements and other matters of public interest."

News: "(1) Something strange or newly happened. (2) A report of a recent event, information about something before unknown; fresh tidings; recent intelligence."

Editorial: "An article published as an expression of the views of the editor."

Daily Variety is a newspaper. It prints the news of the show world.

It expresses itself editorially on matters pertaining to show biz, without telling show biz how to conduct its affairs.

Under the heading "Your business and ours," in the first issue of this newspaper September 6, 1933, the policy and purpose of Daily Variety was set forth as follows:

"There's nothing for sale in Daily Variety except display advertising. No one will ever buy a notice in this newspaper, on the front page, or an inside page, or on the back page. \* \* \*"

This is from Variety, November 8, 1939:

Who's Willie's boss?

Willie Bioff, the day after declaration of the European war, told us that, war or no war, he was going to get a raise in pay for the motion-picture studio crafts which he would be appointed to represent.

He stated that these men were not getting enough employment of studios and, as a result, not enough pay, and he was going to get it for them.



He said there was enough money in the industry to give underpaid labor the increase, and that if the Producers Association started pleading poverty and inability he had an ace up his sleeve.

And that was: He would tell the top studio heads and executives who, he said, were getting unusually large weekly sums of money, to take a 50-percent cut. That the fellow getting along on \$300,000 a year and upward would have to manage on half that amount, and the one getting \$100,000 a year would not starve if he had to struggle along on \$50,000. Such cuts, he said, would more than cover the amount of any increase labor would get, and the producers could not say "No" to his demand.

Several weeks later a 10-percent increase in pay was given to the crafts represented by Bioff.

Then Eddie Mannix wrote him a letter in which he stated that, in view of the world-wide biz conditions, something should be done to erase the increase. Bioff replied saying he would see what could be done. He invited heads of the actors, writers, and directors guilds to meet with him and the producers last Saturday. His tentative guests did not appear. Bioff was on hand with various union executives. Nothing happened, just as in the case when Sam Goldwyn asked heads of the guilds to sit with him and work out cuts and economy measures. \* \* \*

The men employed in the crafts at the studios deserved the 10-percent increase, or they would not have gotten it. Willie Bioff should not talk about rescinding it. Why did Bioff suddenly become a producer ally and ask others and his own people to take a cut, especially his own who, he stated were underpaid?

Bioff represents labor, not the employer. He cannot serve two masters.

It is signed Arthur Ungar.

Then on page 6 of the same issue, there is a reference to William Bioff. It says:

William Bioff, chairman of the Conference of Studio Unions (AFL) comprising all AFL studio unions except the painters \* \* \*

Mr. KEARNS. Would that include the carpenters?

Mr. BODLE. It did at that time; yes, sir.

Mr. SORRELL. Yes; they were members of it at that time.

Mr. BODLE. This is in Variety of Thursday, November 9, 1939. In the headlines:

#### SWG WON'T DEAL WITH BIOFF—HE'S CALLED SCOURGE AT MEET

With members from the floor referring to Willie Bioff as a "scourge on the film industry," Screen Writers' Guild last night turned thumbs down on sitting in on a producers' conference at which he was present.

And then there is a signed editorial from Arthur Ungar entitled "Cordially Yours."

DEAR EDDIE MANNIX: We have known you for a long, long time. Always found you a nice fellow, socially especially. When you came out here about 15 years ago, you were called the "white-haired boy of Metro." You evidently made good on the jobs given you, as pretty soon they made you general manager. That's a big job and a big responsibility.

Now you have taken over the job of chairmanship of the producers' labor negotiating committee. No cinch, we know it. You have made a friend and ally of Willie Bioff. Willie is not hesitant about saying so, and what he tells you to do and what he does for you in return. He's not a bit bashful.

And by the way, Eddie, we are so glad to hear from time to time how you espouse the cause of "freedom of the screen." That's great. We know you are loyal to the picture business. Because if the screen did not have its freedom maybe there would be no film biz, or maybe you would not want to remain in it.

But, Eddie, you probably never figured that "freedom of the press" might be important to us as well as the other newspaper mugs in these United States. It is. So why, Eddie, do you go into producers meetings and beef about us? Why do you squawk and accuse people of being traitors and spies in your own ranks because a newspaper prints news about something that has happened?

That's not according to Hoyle, Eddie. You know "freedom of the screen" and "freedom of the press" are synonyms. So if the picture biz has its freedom, why shouldn't the newspaper field have its? That's 50-50, Eddie. \* \* \*

Mr. BREWER. May I have the date of that, please?

Mr. BODLE. November 9.

Now, I want to point out a very interesting advertisement. This appeared in this issue of Variety. This is November 9, 1939. It is a four-page advertisement of Selznick-International Pictures, advertising *Intermezzo*, a David O. Selznick production. That was the first studio advertisement to appear in Variety for some days.

Now, Variety of November 10, 1939:

#### BIOFF CALLS OFF HIS STRIKE—IA BACK ON SELZNICK-INTERNATIONAL JOBS TODAY

Strike of 100 workers ordered by Willie Bioff at Selznick-International Studios at 11:45 a. m., yesterday was called off at 6 p. m. Members of the International Alliance, Theatrical Stage Employees, were instructed to return to work this morning.

Bioff announced walk-out was ordered because studio assertedly was not applying 10-percent wage increase granted IATSE to key and flat salary men who are being paid above IA scale. This subterfuge, however, was exploded by Bioff himself, who had previously announced he would strike at any studio which did not handle its picture exploitation as directed by him. Selznick was reported to be the first studio to fail to carry out these exploitation instructions.

Mr. McCANN. Let us have that date.

Mr. BODLE. That is November 10.

Mr. KEARNS. The next day?

Mr. BODLE. The next day.

On November 9 was the first advertisement for many weeks of any studio, and there appears in Variety the next day the story of the strike that was called at Selznick-International.

The signed editorial by Arthur Ungar is entitled "Memo to Willie Bioff":

Why do you use the IATSE for your personal grouches and personal gains?

It is pretty raw to use your opinion to try and punish innocent producers by making your members lose work. There's too little of the latter around as it is.

Willie, this is America. And the officers and rank and file of the IATSE are Americans. They don't want any of that stuff you're pulling and should not suffer because someone has not catered to your vanity.

You pulled that independent studio strike yesterday on a subterfuge—the same situation prevailed in studios that are members of the Association of Motion Picture Producers. So why didn't you make the strike general? The primary reason for your doing what you did was to show what you can do, when people do not do what you command, right or wrong."

Variety of November 11:

#### WHITE COLLARS SHUN BIOFF

#### PAR AND WB KEEP OWN UNIONS

Plan of Willie Bioff's committee to organize an industry-wide union of studio white-collar workers struck a snag yesterday when Warner and Paramount workers voted to retain their independent status. Both groups now have working agreements with their studios.

And then another quote:

Willie Bioff's wage-cut party gets more guild ice:

Members of Inter-talent Council of Actors, Writers and Directors met yesterday to discuss Willie Bioff's invitation to attend wage-cutting parley with producers Wednesday (15).

A signed editorial by Arthur Ungar in the Variety of November 13, 1939, entitled, "No Fuehrer Here."

Those who tell what a great biz this is, and who have been benefited from it in the past should want to do so in the future. But it looks pretty gloomy when they place themselves in the hands of a man who knows nothing of the biz and starts telling them how they must run it.

This is virtually what Willie Bioff is trying to do. Bioff may be using the IATSE as a pretense for telling the film execs things now, but it does not appear as if he cares much about the I.A. the industry or anybody else outside of Willie Bioff.

Those of the studio execs who have been contacting him know that. They are not so thrilled by his dictatorial demeanor or his braggodocio air. When he is around, he is the whole show, and many a studio executive cringes and squirms when he gets on the phone and makes demands or gives order or when his name is announced as a caller.

One day he started driving his car on a studio lot. The watchman did not know him. He started bawling the poor man out. He was not satisfied with that so, to prove his importance, humiliated the general manager of the plant by making him come down and bawl the man out.

That's the man from whom some of the members of the Producers Association have been taking orders. Not all—several members at a recent meeting rebelled. They did not like the idea and said so. Head of one company said if the kowtowing to Bioff did not stop he would pull out of the association. He declared that he had too much self-respect for himself and his family to stand for any of that high-handed stuff.

This is Variety of November 14, 1939; headline:

### THREE GUILDS HURL "NO" AT BIOFF

#### SAG TELLS GOOD UNION PRACTICE

With Screen Actors Guild advising Willie Bioff that producers are well able to account for their own interests the writers, actors, and directors last night again turned thumbs on Willie's invitation to attend his wage-cutting party with producers tomorrow.

Kenneth Thomson, SAG executive secretary, in enumerating the views of the board of directors, wrote:

"It is our opinion that it is good labor-union practice for unions to present the case for improved working conditions for their members, and let the employers present the arguments against improving working conditions. For unions to take the initiative in marshaling or circulating the employers' arguments is both bad labor-union practice and entirely unnecessary, for the employers—particularly the producing employers—are well able to look out for their own interests."

Now, there has been some mention of activities by the CIO. Mr. Sorrell testified to two or three attempts of the CIO to organize different unions. And here is one that he missed:

#### FLACKS GUILD DICKERS WITH CIO AFFILIATE

Failure of producers to carry out their agreement with Screen Publicists Guild may send studio flacks into ranks of Congress of Industrial Organizations as an affiliate of American Newspaper Guild. Tentative deal for flacks to come under CIO banner was discussed yesterday at conference between Bill Edwards, SPG proxy and Philip M. Connelly, international vice president of CIO.

Simultaneously, it was reported Willie Bioff was trying to muscle into picture in an effort to get credit for settling controversy if producers decide to ink pact rather than take a chance on the CIO getting into the industry.

Mr. LANDIS. What year was that?

Mr. BODLE. That is November 14, 1939.

Mr. LANDIS. That is when the CIO started in the picture, or had they started before?

Mr. SORRELL. They had been active prior to this, as much as possible, starting, I would say, in 1939, was the first activity that I saw in the CIO.

Mr. LANDIS. 1936?

Mr. SORRELL. And this was 1939.

Mr. BODLE. It continues:

Jackson Parks, public relations contact for Bioff—

Mr. LEVY. Will you give the date, please, of what you are reading?

Mr. BODLE. Yes. This is from the same paper. It is November 14, 1939.

Mr. LEVY. All right.

Mr. BODLE [reading]:

Public relations contact for Bioff, is said to have contacted Edwards with offer to get them deal in 24 hours. He asked privilege of meeting with SPG executive board tonight.

I might say that the Screen Publicists Guild ultimately affiliated with the Brotherhood of Painters.

This is Daily Variety, November 15, 1939:

#### WILLIE'S HOOEY

Willie Bioff's ballyhoo is set for today. He is using a subterfuge about getting increases for American Federation of Labor unions outside of the IATSE, as a means to get the A. F. of L. group to support him in his connivery. Willie does not give a rap about the outside unions, or about the IA men employed here.

All Willie cares about is Willie Bioff and that estate of his near Encino, the land of which he bought with nice new crisp one-thousand-dollar bills. Great to have them. And Willie is thinking about continuing to beautify it.

Willie probably wants some more of those big cedar trees that cost \$600. He must want a mate to the biggest olive tree in the valley which cost around \$250. Maybe he wants one of those rare privet shrubs with evergreen leaves that cost him around \$250. Possibly he wants to do a little more landscaping that may cost a couple of thousand dollars more.

Willie certainly has ideas for the gentleman farmer that are costly. Many a man with a take of \$100,000 a year would not consider them on that income. And Willie's salary, he testified, was \$110 a week plus expenses. But when Willie wants something, Willie says, "Willie gets it."

But Willie wanted the screen actors, directors, and writers to serve as sort of supernumerary background for the shindig that he is staging today with the producers. Willie is not getting that. The screen actors told him plainly, in declining his invitation, that "For unions to take the initiative in marshaling or circulation the employers' argument is both bad labor-union practice and entirely unnecessary, for the employers—particularly the producing employers—are well able to look out for their own interests."

The screen actors are a labor union affiliated with the A. F. of L.

Well, Willie didn't get what he wanted here.

And it looks as if what Willie told the producers he would do cannot be done—that is, bring in the creative guilds of the industry. "Bite, chew, and tear" into them and make them take a cut and like it.

And then, of course, he would, as a magnanimous gesture, turn back the 10-percent increase recently granted the IA crafts.

Now, I believe that is the first fairly open allegation of actual pay-off. That is in 1939, and this went on for a good many years after that.

This is Daily Variety, November 18, 1939, headlines:

## GUILDS UNITING AGAINST BIOFF; SWG BURNS "WEEPING WILLIE"

Screen Writers Guild in a bulletin sent to its membership yesterday stated, "Plans are being made for the inter-talent council to act in unison against the threats uttered by Wee Willie Bioff."

Bulletin stated the actors, director and writers are "firm in their decision to keep Mr. Bioff in this own backyard."

Under the caption of "Some words about Bioff," the bulletin then continued: "It is important that each guild member understand precisely what the situation concerning Bioff is at the moment, and can be at another moment. Some weeks ago Mr. Bioff convinced the producers to give his constituents a 10-percent raise.

"The producers reconsidered the matter and decided that this 10-percent raise had been an ill-advised move on their part. They informed Mr. Bioff that because of conditions they were not in a position to go through with their agreement. Mr. Bioff said that he would be willing to accept this new decision provided, however, that the talent groups accept a cut along with the workers under IATSE.

"It is important for us all to remember that we, at no time, entered these discussions between Mr. Bioff and the producers, and that we are very anxious to keep this matter localized as it rightfully should be, between Weeping Willie and the producers. We have stated our position publicly and privately, to the trade papers, to the producers, and to Mr. Bioff.

"There are those among us who surmise that Mr. Bioff's plan involves a little more than this 10-percent quibbling. There are those among us who believe that it is Mr. Bioff's plan to refuse to accept this 10-percent cut on the basis that since the talent guilds have not been willing to take a cut, why should he and his members?

"The producers, faced with such a statement, will probably insist that Mr. Bioff do as he is told. Mr. Bioff will then call a strike and there will be loud and renting proclamations saying that the strike is due to the selfish attitude of the talent guilds. Mr. Bioff then supposes that the guilds, harassed and embarrassed, will come flocking to the IA and plead to be taken in and do whatever Mr. Bioff suggests that they do."

And then from a signed editorial by Arthur Ungar on the same date, November 18, 1939, we find:

## WILLIE'S HOLE CARD

The power which Willie Bioff has wielded around here was built up for him by the producers association. Its members took what Willie said to be "gospel." Willie is a good salesman. That's how he got the power which he is using now on the producers association.

Mr. LEVY. What is the date of that, please?

Mr. BODLE. November 18, 1939.

Mr. KEARNS. Pardon me at that point. Now, it is interesting reading, and I enjoy it, too. But don't you think it would be just as effective in the record?

Mr. BODLE. I do not think so, Mr. Chairman, because I want to show—

Mr. KEARNS. It is not a question of time. You know, we get paid by the hour, with no overtime. And it is all right. But it is just a case of the record.

Mr. BODLE. Really, I am skipping a great deal.

Mr. KEARNS. All right.

Mr. BODLE. But they made the charges going back to 1937, and we have to show what the situation was.

Mr. KEARNS. All right. Pardon my interruption.

Mr. BODLE. Believe me, I would like to skip it, too.

This editorial continues:

Should the producers look back into the labor history of the past couple of years, they will quickly see why Bioff is telling them off.

It is nothing complex. It is simply the fact that individual unions outside of the IATSE tried to bargain with them. These unions either wanted raises in pay or had grievancees. Bioff had the solution to all that. To him it was an easy matter.

Let the producers get nowhere with the unions and then Willie would move in. He'd tell the unions to place themselves in his hands and that what they were seeking would be obtained for them. Willie got it for some of them. Some of them turned him down. But nevertheless, Willie knew his angles, worked them, and the producers, too.

It is a signed editorial of Arthur Ungar.

Here is a signed editorial of November 20, 1939, by Arthur Ungar:

#### THANKSGIVING MINUS WILLIE

George Browne, for Thanksgiving, forgave all IATSE members who had been expelled from the ranks of the organization during past year or so and told them they could come back and work.

This is a liberal gesture for Browne.

At the same time, Browne can make a more liberal Thanksgiving gift to his membership, here and elsewhere, by decreeing that Willie Bioff no longer is connected with the IATSE in any capacity.

It would be the most wonderful Thanksgiving that the people of Hollywood could have. It would be heartily cheered by the rank and file of the IATSE employed in the studios. It also would answer the prayer of many a mother, wife, and child of IATSE members.

Mr. KEARNS. Mr. Bodle, at this point, what is Mr. Ungar's attitude toward the strike in its present status?

Mr. BODLE. I haven't any idea.

Mr. SORRELL. I know.

Mr. KEARNS. All right. I asked him. You can do that later.

Mr. BODLE. I haven't talked to Mr. Ungar in many years.

Mr. KEARNS. All right.

Mr. BODLE. Daily Variety, November 22, 1939. Headline:

#### WILLIE ICED ON EDDIE'S LOT—M-G MEN NIX TIE-UP WITH BIOFF

Three thousand studio white-collar workers are shying away from affiliation with a national labor organization because they do not want to be identified with Willie Bioff. Position of Metro workers was stated yesterday in a bulletin mailed out by M-G-M Office Employees Guild notifying members of general meeting Thursday (30).

White-collar workers made it plain that they admired work of International Alliance of Theatrical Stage Employees and American Federation of Labor as organizations, but stated AFL here at present time meant IATSE, and that IATSE meant Bioff. Bulletin states in part:

"Bioff's hand seen. The AFL is useful in many parts of the United States. But in Hollywood AFL means IATSE. Which means Willie Bioff. The two AFL studio locals which are not affiliated with the IA must wage a constant battle for independence. Witness the current fight of the painters against the IA to maintain their rights.

"We all want a raise. But what good is a raise if we have to pay it all back, and more, in assessments, high initiation fees, and dues?

"No democracy. What good is a raise if we are associated with an organization like the IATSE which—

"1. Permits no membership meetings without the sanction of Bioff.

"2. Slaps assessments on members without sanction or explanation and will answer no questions.

"3. Has no machinery by which officers can be recalled if proven unworthy.

"4. Appoints business agents over the heads of members.

"What good is a raise if you have joined an organization which will not permit you to withdraw if you disagree with its tops?"

"Do you think Willie Bioff is in this business to help you?"

"Where there is no democracy, there can be no safety."

Daily Variety, November 24, 1939, headline:

#### LAW CATCHES UP WITH BIOFF—COPS HUNT WILLIE AS PANDERER

The law has caught up with Willie Bioff.

A pandering conviction which Billie boasted had been fixed may send him back to Chicago to serve out a 6 months' sentence in the house of correction.

(Websters Dictionary gives the following definition of a panderer: "A go-between in love intrigues; a pimp; a procurer or procuress; a minister to the evil designs or passions of others.")

Variety, November 25, 1939, a signed editorial by Arthur Ungar:

#### THE "KEEDLE" KRIES

Willie the "Keedle" Bioff is trying to put Hollywood in the throes of a general strike. That would be Willie's crowning achievement. It would satisfy his sadistic desire.

Willie is blaming everyone he can think of for the sudden reawakening of the State of Illinois which found that the "Weeping Kid" did not complete his 6 months' stretch in the Bridewell. He is trying to bring people to his own level by attempting to jeopardize the earning power of thousands of workers in Hollywood with a strike threat. These are the same workers to whom he refers to card men, not unionists. They are threatened with having their living jerked away from them without the right to vote on the matter.

Now, this is from Variety of December 1, 1939, a signed editorial by Arthur Ungar:

#### THUGS AND PICTURES

News of Willie "The Keedle" Bioff's strangle hold on Hollywood studio labor is spreading around the country. And the newspapers do not think so well of it.

The St. Louis Post-Dispatch, in its issue of Tuesday, November 28, under the caption of "Thugs and Motion Pictures," said editorially:

"The International Alliance of Theatrical Stage Employees, of which St. Louis No. 1 racketeer, John Nick, is first vice president, has won, at least temporarily, its fight for a 10-percent wage increase for 23,000 studio workers in Hollywood.

"As to the merit of the union's demands, it is difficult to pass judgment; certainly the union makes the strongest possible statement of its case when it says, 'Before any readjustment is allowed to diminish the earning power of the studio workmen, the salaries of those receiving \$2,000 a week and upward should be carefully scrutinized.'

"But the victory of the international alliance in this case, as well as its previous triumphs over the CIO in the fight over which would organize labor in Hollywood, has been one of considerable cost. Willie Bioff, the personal representative and right-hand man of President Browne of the alliance, has been exposed as a former Chicago panderer and gunman, and as the recipient of a \$100,000 'loan' from a prominent producer during the course of the maneuvering between the AFL and the CIO for dominance in Hollywood."

Here is a signed editorial of Arthur Ungar on December 5, 1939, entitled "Willie's Weak Heart."

Willie Bioff is desperate in his endeavor to remain in California. "The Keedle" is pressuring heavy to induce labor organizations to wire Governor Henry E. Horner to tell the Illinois Governor what a great man Willie is and that the most unfair thing that could be done would be to have him serve his term of close to 6 months for the pandering conviction, and thus pay his debt to society.

Willie knows that labor, its rank and file, has no use for a panderer. Willie also knows that if he had a vote taken of the unions into which he muscled as to

how they stood about him, he would find that the overwhelming verdict would be for "The Keedle" to go back to Chicago and take his medicine like a man.

Willie has reared labor up enough with his escapades, intrigues, and selfish negotiations. It should have no more of him. And it will have more of him if labor lets "Willie," the interloper and muscled-in to its executive ranks, fight his own battles, and not be used as a cloak to help him sneak out of his pandering rap.

Willie has no right to ask labor organizations to endorse him, especially in view of what Willie has tried to do to labor organizations that did not fall in with his line of negotiating.

We know how Herb Sorrell went to the producers to discuss an increase for his men.

We know that Sorrell was told it would be O. K., but that if it were given, Bioff would pull the IATSE studio workers.

We know that Sorrell was told what a tough guy Bioff was and what Willie might do to him if he went to "The Keedle's" office.

Sorrell went. He was ushered into the presence of "The Keedle." The latter stuck out his hand. Sorrell refused it and told Willie why. Then Sorrell told Willie off. He told him in no uncertain terms. Willie denied that he had threatened to pull a strike, or would.

Willie was shaky and nervous while Sorrell was telling him off. And when Sorrell was departing he told Bioff, "No double-crossing on this, either," and Bioff turned white as Sorrell stood over him telling him this.

Then we also know that Willie did not show up for 4 days after Sorrell's visit, and it was said at his office, "Bioff is at home with a little heart attack."

That's the guy who wants labor to help him. That's the guy who has refused to shake hands with reputable picture people because they did not negotiate the way "The Keedle" wanted them to. But Sorrell is the man who refused to shake hands with the panderer.

And Sorrell is of labor. He worked as a member of the painters' craft, represents an organization affiliated with the American Federation of Labor for the same salary he earned painting, and negotiates for his men only.

And he shakes the hand of anyone he considers and knows to be right, but not that of a panderer who wants to use labor for his veil of purity.

So Willie, with all his maneuvering and manipulating politically and otherwise to beat the pandering rap, should know that Hollywood labor, the rank and file of it, wants no part of him, and the quicker he quits posing as its friend the happier it will be.

Variety of December 7, 1939, headline:

#### FLACKS GET NON-BIOFF DEAL—PRODUCERS O. K. ON TERMS OF PACT

Definite agreement between producers and Screen Publicists Guild was reached yesterday at conference between SPG representatives and producer committee composed of Joseph M. Schenck, Y. Frank Freeman, and Eddie Mannix.

Then an editorial signed by Arthur Ungar, same day:

#### WILLIE FADING OUT

It must have been a most regrettable situation in Willie Bioff's life when the producers agreed on a contract with the Screen Publicists Guild. No doubt it was more regrettable than the situation Willie has been in for the past 17 years—that of being a fugitive panderer.

Willie tried to badger the screen publicists into letting him be their spearhead. He did everything conceivable to whip them into line. But Willie found that the publicists have a sense of decency and respect for womankind, and want no part of the stigma of being represented by a fugitive panderer.

Variety, December 11, 1939, a signed editorial by Arthur Ungar:

#### WILLIE'S GUEST

Abraham L. Marovitz, who recently was retained as Chicago attorney for Willie "The Keedle" Bioff to thwart extradition proceedings, is a guest at the Encino ranch of his fugitive client.



Marovitz, who has been in town for a couple of days, no doubt must have been impressed with the beauties of his surroundings—the artistic landscaping, the largest olive tree in southern California, the rare trees and plants of the lay-out, as well as the inside furnishings.

Willie's lay-out is the last word, we are told, and no doubt he made certain to impress that fact on his Chicago attorney. Whether Willie told him how he negotiated the set-up or not cannot be said. But really Willie should have been frank with his attorney and told him how he got a studio to buy furniture, for which he neglected to pay; how another sent out drapes gratis, how he used new, crisp \$1,000 bills with which to pay for the land, and how he spent thousands on landscaping and tree planting—all on a mere wage of \$110 a week and expenses he got from the IATSE, many of whose members, who work now and then in studios, are worrying as to how they can pay for Christmas gifts and food.

Variety, December 14, 1939:

#### SAG QUILTS LABOR COUNCIL—AID TO BIOFF RESULTS IN SPLIT

Screen Actors Guild is withdrawing from membership in Central Labor Council. Actors are reported to have become incensed over political maneuvering of CLC leaders, which culminated recently in their pledging support of Willie Bioff in his fight to escape extradition to Chicago to serve a 6 months' sentence on a pandering conviction. SAG is said to take position council should confine its activities to strictly labor affairs and that it should not attempt to interfere in law-enforcement matters.

Daily Variety, December 15, 1939.

There has been some testimony in here with reference to J. W. Buzzell, and this is in relation to that:

#### BUZZELL IS BURNED BY SAG LOSS

Apparently angered over withdrawal of Screen Actors Guild from affiliation with central labor council, J. W. Buzzell, CLC executive secretary, charged yesterday that actors' objection to endorsement of Willie Bioff by the council was a "subterfuge."

Daily Variety, December 16, 1939:

#### SAG WAR ON RACKETS IN LABOR

Screen Actors Guild announced yesterday it was mailing copies of its withdrawal from central labor council to all American Federation of Labor unions in California to make clear guild's position "that unionism must leave no room in the ranks of labor for racketeering or rackets."

Letter of Kenneth Thomson, SAG executive secretary, to J. W. Buzzell, secretary of CLC, follows:

"For some time it has been apparent to the Screen Actors Guild that the officers and controlling faction of the Los Angeles Central Labor Council have not conducted affairs in the council along the lines of democratic, honest unionism advocated by the guild.

"The guild has been informed that the central labor council has adopted a resolution calling upon the Chicago Federation of Labor to intervene with the Governor of Illinois for the purpose of opposing the extradition of William Bioff from California to Illinois on a criminal charge.

"We regard this action of the central labor council as a climax to a course of action which will bring not only the central labor council and its member unions but also all organized labor into public disrepute.

"The nature of the crime of which Mr. Bioff was admittedly convicted is such as to stigmatize any group condoning or defending Mr. Bioff. It is not the function of the Screen Actors Guild to pass on the guilt or innocence of Mr. Bioff, and it is merely noted in passing that he has admitted the essential facts and pleaded the defense of 'youthful indiscretion.' It is the purpose of the guild to state that it believes labor unions should not interfere in a matter which rests between Mr. Bioff and the law-enforcement officers of the States of Illinois and California. No union issue is involved here.

"The central labor council conceives as a primary duty the protection of its reputation, and the good name of all labor before the bar of public opinion.

"It protests against the central labor council resolution in the case of Mr. Bioff, and to make plain to law-enforcement officers and the public that this resolution does not represent the position of the Screen Actors Guild, the guild hereby withdraws its membership in the council, effective at once.

"This action has been authorized by unanimous vote of the board of directors of the Screen Actors Guild."

Variety, December 18, 1939, a signed editorial by Arthur Ungar, entitled "The Sorrell Way."

Herbert Sorrell is entitled to take bows for the businesslike manner in which he negotiated a 15-percent wage increase for the studio painters. Sorrell did no threatening; he did no muscling; he just presented his problem to the producers; Pat Casey stuck by an agreement made two years ago and Sorrell got a square break for his men.

Sorrell is a biz agent from the ranks of his own organization. His pay is the same as that received by a member of his craft. His mannerism is frank. His opinions and demands are always for those he represents. He is fearless, as he proved by refusing to have anything to do with Willie Bioff. Bioff told Sorrell it would be just too bad if the latter did not let him negotiate for painters as well as other AFL crafts.

After these threats Sorrell told Bioff he needed none of his help and wanted none of his conniving tactics. Bioff respected Sorrell and his wishes, and left him alone. He knew here was one man who would not stand for any threats—a man who had his number.

Bioff had passed out the word that "Only crafts under his wing" would get an in raise of 10 percent, and insisted that producers would deal with none except through him. Sorrell just let Bioff know that this town would not be big enough for both of them if Willie tried any monkeyshines.

Willie maneuvered around and got 10 percent for the AFL crafts, outside of the IA, whom he represented. Willie made strike threats, etc., prior to getting it. Sorrell made no threats, talked cold turkey and got his 15 percent. Willie made his deal retroactive to October 10. Sorrell, besides getting 5 percent more than Willie "negotiated," made the increases retroactive to August 25.

Sorrell is the type of representative of which all labor can be proud. He makes a deal. His men live up to it. He is from the ranks of his craft. There are other "Herb Sorrells" in the ranks of studio labor crafts. These are the men who should negotiate for their respective unions. Their brother workers will believe in them and will observe contractual obligations to the letter. These men should be brought to the fore. They should be given their union reins, the racketeers given the gate, and Hollywood given a chance to forget that an endeavor was made to stigmatize labor by forcing Willie Bioff on the unions as their representatives.

A new year will soon be here. New resolutions will be made. Undoubtedly one of them will be by the individual studio crafts to break the hold that Willie, the panderer, has had on their economic future, once and for all.

Variety, December 29, 1939:

#### WILLIE TRIES NEW LABOR GRAB—CARPENTERS' JOBS ASKED FOR GRIPS

Willie Bioff has renewed his drive to assume control over all film industry work with the demand for about 50 percent of work now done by studio carpenters. Jurisdiction claim filed with producers also would require plasterers, plumbers, molders, and sheet-metal workers to carry cards in the IATSE when employed on special effects to go before the camera.

In list submitted to Pat Casey, producer labor contact, Bioff claims grips are entitled to handle all cut-outs, remakes, erection, and wrecking of scaffolds, storing and caring for sets, etc. Propmakers would be allocated all work pertaining to erection of special effects, whether wood, plaster, sheet metal or iron. Plumbers and plasterers would be permitted to continue some of this work on special effects but would be required to carry an IA card in addition to one from their own local.

Under jurisdiction claim ornamental iron work, sheet metal, laths, floorboards, etc., would have to be installed by an IA man if used on an imitation ship or other special effects prop to go before the camera.

Work of carpenters would be confined exclusively to the carpenter shop. It is estimated by studio labor contacts that carpenters would lose about 50 percent of present jurisdiction.

Bioff claims this work formerly was done by grips and propmakers, but that the carpenters gradually took it over. Was disclosed, however, that the work originally belonged and was allocated to the carpenters, that the IA grabbed the jurisdiction, but that it was taken back by the carpenters during the internal strife in the IA.

Producer representatives indicated yesterday that Bioff would be advised the matter was a jurisdictional dispute between two unions and should be settled by representatives of those organizations. Joseph Cambiano, international representative of studio carpenters, has been advised of situation, and is expected here first of the week from his home in San Mateo. In meantime, William Castle, business representative of carpenters, was seeking list of work claimed by IA, but said nothing would be done until he talked with Cambiano.

Jurisdiction claim came as surprise since Bioff, when he was pleading for united front of all American Federation of Labor studio craft, stated all jurisdictional disputes would be settled around conference table after completion of producer negotiations.

Castle attended Bioff's AFL studio conference sessions and his name was listed along with other studio business heads on official announcements handed out by Bioff's office.

Moving picture painters local 644 and Screen Actors Guild were only AFL crafts which refused to have anything to do with Bioff and his negotiations. At that time Herbert Sorrell, business representative of painters, warned other unions against tying up with Bioff.

Daily Variety, Thursday, January 11, 1940; headline:

#### GOVERNMENT INDICTS WEEPING WILLIE—EVASION OF \$5 G TAX CHARGED

Willie Bioff, who boasted he made as much as \$3,500 a day for himself while negotiating for "the little fellows," was indicted by the United States grand jury yesterday, charged with income-tax evasion of approximately \$85,000. Attorneys for Chicago hoodlum made arrangements to surrender him at 1:15 a. m. today. Bond has been set at \$5,000.

First count charges Bioff swore his income in 1936 was only \$5,720 and paid a tax of \$105.92, although his actual income was \$33,573.25. It claimed Government was defrauded of \$4,384.93 in taxes.

Second count covers Bioff's income for 1937. Charges he reported a total income of only \$7,205 and paid a tax of \$193.05, although his actual income totaled \$176,416.38. Is alleged the Government on income for that year was defrauded of \$80,057.41.

In 1936 Willie listed his income as \$5,720 in salary received from International Alliance Theatrical Stage Employees. The Government alleges that in 1936 he had other income of \$27,853.25. In 1937, Willie listed his income as \$5,830 in salary from international and \$1,375 in dividends from domestic and foreign corporations, bringing the total to \$7,205. The Government insists that he had other income during the year of \$169,211.38, making his total income for that year \$176,416.38.

Daily Variety, January 16, 1940; headline:

#### BIOFF PLANS PHONEY FADEOUT

"Keedle" hopes to hold command back stage to quiet men's clamor.

Fighting to keep his stranglehold on film labor, Willie Bioff was reported last night as planning to step out of union limelight, at least temporarily, with the idea of manipulating strings from back stage. A front man would be selected for window dressing, with Willie calling shots from behind the curtain.

Move is said to be under consideration to head off clamor from rank and file workers that Bioff get out of picture until he can satisfactorily explain charge of United States Government that he made more than \$200,000 during 1936-37.

Daily Variety, Monday, January 29, 1940, headline: "Revolt in IATSE Over Bioff, Row Over Loyalty Pledge."

Open revolt by 10,000 film technicians against domination of Willie Bioff is brewing over demands of International Alliance Theatrical Stage Employees

that local members sign a loyalty pledge. Several workers branded demand as an insult and violation of constitutional rights and National Labor Relations Act.

Copies of pledge which binds workers to accept any phony rules or regulations that may be promulgated in future by Willie and his associates have been turned over to Department of Justice operatives and officials of the National Labor Relations Board. Many workers are signing pledge in fear of losing their jobs, but others have indicated they will file a mandamus action in court if refused the right to work unless they sign the loyalty binder.

Secret meetings of workers are being held to discuss situation. All of them are opposed to signing such a document, but claim they have been told that they would have to sign up in order to get a paid-up membership card. None of them can work without this card because of the present closed shop agreement between the IATSE and the major companies. Many fear if they refuse to sign they will be secretly black-listed and will be unable to get work.

Mr. LANDIS. Let us take a 5-minute recess.

(Short recess.)

Mr. LANDIS. We will proceed with the hearing.

Mr. SORRELL. Reading from Daily Variety, Thursday, February 8, 1940, "Governor Refuses to See Delegation for Bioff."

SACRAMENTO, February 7.—Five members of Studio Conference organized recently by Willie Bioff sought conference with Governor Culbert Olson today to ask for continuance of Bioff extradition hearing set for Tuesday (13). Stanley Mosk, executive secretary to Governor Olson, said Governor was "too busy" to see them and that scheduled hearing would be held.

Delegation told Mosk that fugitive Chicago panderer was needed to negotiate for studio workers with producers at parley supposed to start Thursday (15). Mosk said he couldn't believe that with an asserted 30,000 members only one man could handle the negotiations.

Names of delegates appearing in behalf of Bioff were listed as: Hal Moore, prexy of International Photographers Local 659; Herbert Aller, business representative of that organization; Joseph Tuohy, business representative of Studio Transportation Drivers; L. C. Helms, business representative of Studio Utility Employees; and A. H. Peterson.

Variety, February 10, 1940:

#### A. F. OF L. PREXY SLAPS BIOFF—ASKS COURTS TO PUNISH GUILTY

MIAMI, February 9.—Prexy William Green of American Federation of Labor, admitted today he was powerless to rid AFL of racketeers and indicated it was up to courts to punish and remove them.

Replying to criticism over his failure to oust Willie Bioff, fugitive Chicago panderer, from labor ranks, Green stated:

"No president of the AFL is vested with authority or clothed with the power to interfere with the administration of any of its international unions or to remove any officer elected. I have no more authority to interfere in nationally chartered unions than does the President of the United States have authority to interfere with the affairs of a sovereign state.

"That is why we must rely on the courts and our judicial authorities to punish criminals who may fasten themselves upon the AFL. If a man is guilty of the commission of a crime, if he is a racketeer, he ought to be punished and removed."

Green's statement that men guilty of a crime should "be punished and removed" was interpreted by some labor leaders as a direct slap at Willie Bioff, who muscled into labor ranks as a bodyguard for George E. Browne, prexy of International Alliance Theatrical Stage Employees.

Willie was convicted of a felony in Chicago, taking money from a prostitute, and was fined \$300 and sentenced to 6 months in jail. His sentence was affirmed by appellate court, and fugitive faces extradition hearing Tuesday (13) before Gov. Culbert Olson, of California.

Mr. LANDIS. Is that a quotation?

Mr. BODLE. Green is a quote; yes.

Mr. LANDIS. The point I wanted to make there was that he came before the labor committee and did not want to make any changes about

the racketeer. We were after racketeers and labor abuses. We wanted to work with labor leaders and correct the bad situations. He said the house of labor will settle them, and they did not want any laws.

Mr. SORRELL. According to this, you think he lays himself open to criticism?

Mr. LANDIS. Yes; because we were after labor racketeers and labor abuses. It was not solved.

Mr. SORRELL. Mr. Landis, I agree with you. If you go after racketeers, you have to use everything you have got, the Congress and the investigating committee, and then they are hard to get. It is very hard. Nobody knows the years and the money that went in to get this guy any better than I do.

Mr. LANDIS. That is right, and I say we worked the bill out, and we may have to make some changes in the Taft-Hartley law, but I think if labor will sit down with us and help us pick the thing, it would be to their benefit.

I think where they are making the mistake now is not giving us some suggestions and working over the Taft-Hartley law that we have in effect.

Go ahead.

Mr. BODLE. February 17, 1940, headline, "Chicago gets Bioff, Governor signs extradition ordering panderer back."

You will recall from the testimony that Mr. Sorrell was the one Hollywood labor leader who went up to see Governor Olson and demanded that the extradition papers be signed.

Variety, February 19, 1940: Signed editorial by Arthur Ungar:

#### WILLIE AND HIS KIND EXIT

Gov. Culbert Olson has ordered Willie Bioff back to Chicago to serve that pandering sentence. It's the verdict which all clean-minded and honest workers wanted.

And from now on, labor in studios and elsewhere should be represented by legit labor people. No more hoodlums or strong-arm specialists—but men who through experience will know what they are bargaining for and about.

Herb Sorrell, of studio painters local 644 is of this type. Sorrell would not stand for Bioff in any way. And Sorrell had the fortitude to urge Governor Olson to send Bioff back to Chicago, so that studio labor would be purged of his ilk. And we are confident that there are many men of the Sorrell caliber in the ranks of the IATSE here.

This is Variety, February 21, 1940, page 5:

#### UNION'S CONFERENCE BLAMES EVERYBODY BUT WILLIE

About same time Willie Bioff was entering Bridewell Prison in Chicago yesterday, Conference of Studio Unions—

and this is the Conference of Studio Unions which Willie Bioff formed, not the one which Mr. Sorrell was instrumental in organizing—

was extending him a vote of confidence. Later it was announced resignation of fugitive pandeer as chairman of conference would not be accepted, and that demand for immediate resumption of negotiations would be filed with producers unless date for next meeting had been set by end of week.

Conference adopted a resolution containing several thousand words in which Willie's troubles with the law were blamed on producers, moneyed interests, Communists, CIO, Tom Mooney, newspapers, in fact, everybody but Little Red Riding Hood. Resolution also criticized Gov. Culbert Olson for approving Illinois requisition.

Daily Variety, March 7, 1940:

JUDGE STOPS BIOFF COMPLAINT; LABOR ISSUE BARRED IN TRIAL

CHICAGO, March 6.—Hearing on the Willie Bioff habeas corpus writ was recessed today until 2 p. m., Thursday (7), after the fugitive pander had testified, "I was led to believe the case was settled."

Willie was on the witness stand for some time today. He gave his age as 39 and his residence as Los Angeles. When the pudgy hoodlum and his attorney attempted to throw up a smoke screen by blaming the Congress of Industrial Organizations for the prosecution, Justice Prystalski stated:

"I can't see where the labor situation has anything to do with this case. I am not going to let a CIO-AFL controversy on the west coast be brought in here. I'm not trying to settle a labor dispute on the west coast."

Variety, March 8, 1940, headline: "Bioff linked to gangster hoodlum's bond fixed by Zuta."

CHICAGO, March 7.—Willie Bioff today was definitely linked with Chicago gangsterism. Testimony that the loud-mouthed hoodlum was a hireling of Jack Zuta, boss of West Side vice spots before his murder in 1930, was introduced in criminal court during a hearing on a habeas corpus writ by which Willie hopes to escape serving a 6 months' jail sentence for pandering. The unexpected and sensational testimony was given by Morris Green, disbarred attorney, who appeared to testify without having notified either the defense or State's attorney's office. He said he came in to clarify certain statements previously made by Bioff.

Green said that Zuta, one time known as vice king of the West Side, had tried to aid Bioff escape serving the pandering sentence. The attorney said he was hired by Zuta to appear for Bioff and that he did not receive any fee from Willie. Green said he appeared in morals cases for Zuta, who operated rooming houses, hotels, and saloons, including the brothel where Bioff was employed at the time he was arrested for sharing the earnings of a prostitute.

Continuing further:

Zuta, with whom Bioff was associated at that time, was shot to death in a dance hall near Delafield, Wis., in 1930, after reportedly being put on the spot by a telephone call from Chicago. He had previously been listed as being a member of both the Al Capone and Bugs Moran gangs.

Variety of March 16, 1940, simply tells how the conviction was upheld and Mr. Bioff was ordered to jail.

Daily Variety, June 3, 1940:

IA CONVENTION OPENS TODAY

LOUISVILLE, June 2.—With delegates from all over the country gathering here for the opening tomorrow of annual convention of International Alliance Theatrical Stage Employees, indications were that Prexy George E. Browne would be reelected if and when his name is presented for another term. Also was reported that IATSE tops would try to prevent any mention being made from the floor of Willie Bioff, former coast IA head who is now serving a 6 months' jail term in Chicago on a pandering conviction.

Variety, June 5, 1940, page 7:

BROWNE PRAISES WILLIE, SAYING HE'S VICTIM OF PERSECUTION

LOUISVILLE, June 4.—A vigorous defense of Willie Bioff was made at International Alliance Theatrical Stage Employees' convention here today by Prexy George E. Browne. The IATSE head said Bioff was the victim of an unfriendly newspaper columnist who dug up an old court record of a youthful indiscretion and secured Willie's jail commitment.

Browne expressed gratification that California studio unions refused Bioff's resignation and wanted him to continue to represent them "even if he had to do so from a jail cell." He claimed Bioff was the victim of persecution by anti-labor interests who wanted to "keep this leader out of circulation."

The speaker reaffirmed his administration's confidence in Bioff and recited numerous victories that Willie had won for California workers. The delegates listened attentively while Browne read a 34-page address.

Browne referred to the resignation of John P. Nick, of St. Louis, former vice prexy, whom he said was now under the care of a physician.

In case you have not followed the sequence of this, I should point out that this is not only after Bioff had been extradited on the pandering charge, but after he had been indicted for income-tax evasion, which stemmed in part from the receipt of \$100,000 from a producer. At least that was the claim.

This is Daily Variety, June 6, 1940:

#### BIOFF GETS IATSE PAT, GEORGE BROWNE A MEDAL

LOUISVILLE, June 5.—Delegates to annual convention of International Alliance Theatrical Stage Employees today endorsed Willie Bioff, gave Prexy George E. Browne a medal, heard a report on coast litigation, and referred to executive board various resolutions, one of which would extend IA studio jurisdiction.

Here again we return to the charges of communism which I think unmistakably were thrown up as a smoke screen.

George Breslin, Los Angeles attorney, read a written report discussing case of Joseph Carpenter against Browne.

Breslin said a vicious concentrated attack is being made against IATSE, and that radical subversive elements of west coast were spearheads in litigation now concluded, aided and abetted from many sources.

I might point out, too, that it is clear from the Arthur Ungar editorials, that Bioff was a racketeer as of this time, and if he were not, then Bioff certainly had grounds for libel.

Daily Variety, December 17, 1940, headline:

#### PROBE LABOR RACKET CHARGES—STUDIO WORKERS TELL ABOUT STRIKE DEALS

Los Angeles city and county authorities are making a preliminary investigation of charges of labor racketeering here, including the film industry, to determine whether there is sufficient evidence to warrant placing it before the new grand jury.

It is understood that Herbert Sorrell, business representative of moving-picture painters, local 644, will be questioned or has already been asked about settlement of the strike of studio painters. At that time, it was disclosed Sorrell had nixed an offer of \$55,000 to pay pickets if he would take a 10-percent increase for his men instead of insisting on 15 percent. In urging he accept the offer, it was understood Sorrell was told by a union executive he could pay the pickets and still have half the amount left for himself. Sorrell scorned the offer and demanded the full 15-percent raise for his men.

Mr. LANDIS. Is that the \$56,000 deal?

Mr. SORRELL. Yes; that is a misprint; \$55,000.

Mr. BODLE. This is Daily Variety, August 19, 1941.

#### LAB WORKERS WIN NEW PACT—683 FIRST IA LOCAL TO SET DEAL SANS BIOFF

"The producers labor negotiating committee has reached an agreement with local 683." That terse announcement yesterday by the producers' association made studio labor history. Union leaders said it averted a threatened strike of 10,000 film technicians, recognized the rights of local crafts to deal for themselves, and marked the beginning of the end of eastern hoodlum control in industry-labor negotiations.

It is the first time that a studio local of the International Alliance of Theatrical Stage Employees has been permitted to negotiate a deal for its membership. Contract negotiations formerly were handled by Willie Bioff, a Chicago hood

now facing trial in Federal court on charges of extorting vast sums from picture companies on threat to call strikes.

Of course, this came out after Bioff finished serving the jail sentence on the pandering charge, then Federal indictments were brought against both Browne and Bioff for extortion. And this came out subsequent to that.

On the back page there is an interesting advertisement, particularly in view of statements previously made by Mr. Levy with reference to the laboratory technicians, local 683. There is a full-page advertisement here placed by the laboratory technicians, 583, which reads as follows:

**Laboratory technicians, local 683, affiliated with the IATSE and the A. F. of L. Announces a satisfactory agreement has been reached with the producers' association.**

Local 683 acknowledges the support and wishes to thank the following: "Herb" Sorrell and moving-picture painter local 644; D. T. Wayne and machinists local 1185; Glenn Pratt and the Screen Office Employees Guild; The Screen Cartoonists Guild; also The Hollywood IATSE locals.

Daily Variety, September 8, 1941, headline:

**BIOFF BACK IN DRIVER'S SEAT—DICKERING BY LOCALS HALTED**

Local wage deals for 10,000 studio technicians have been blocked by Willie Bioff, pudgy labor hoodlum who is now facing trials in United States courts on extortion and income-tax-evasion charges. Telephoning from New York, Bioff flashed word to the unions and the producers that negotiations were being transferred east, implying they would be supervised by the international of the International Alliance of Theatrical Stage Employees.

Most of the locals expressed opposition to the move, but said it was indicated they would go along with the plan or "else." The "else" was explained to mean their local charter might be jerked if they insisted on negotiating their own deals under the home-rule plan given the unions more than a year ago.

And then on page 4 there is an item entitled, "Dismissal Plea by Browne Nixed." That is New York, September 7, with reference to a motion for dismissal of the extortion charges against Browne.

Variety, October 8, 1941:

**"OUST BROWNE" MOVE SWEEPS IA—CANAVAN FAVORED AS SUB**

NEW YORK, October 7.—With the spotlight on George E. Browne and Willie Bioff, who go to trial in Federal court here tomorrow, a movement is reported gaining momentum with the International Alliance of Theatrical Stage Employees to return William Canavan to the presidency.

Variety, October 9, 1941, headline:

**\$2,000,000 BIOFF BITE CHARGED—EXTORTION TRIAL OPENS**

NEW YORK, October 8.—The original demand of George E. Browne and Willie Bioff from five major picture companies was for \$2,000,000 made on the direct threat: "You pay us or we'll wreck your business", United States Attorney Matthias Correa declared today in his opening address to the jury as trial of the two labor officials began before Federal Judge John C. Knox.

Arguments by the company executives finally reduced the amount to be paid to \$50,000 per company per year, paid off and on from the time of the original demands in April 1936, until Browne and Bioff were indicted last May, Correa said. "Of the \$550,000 total paid, \$400,000 was in cash, which is an eloquent point in testifying to the racketeering nature of the demands," declared the prosecutor.

Explaining how the remaining \$150,000 was paid, Correa said Loew's became scared of the large cash payments showing on its books, and arranged with Smith & Aller, distributors of Du Pont film, to make the Bioff payments through them. Smith & Aller, anxious to get the Metro business away from the Eastman Co., agreed to appoint anyone Metro named as a contact, Correa said.



The prosecutor said Metro went to Bioff and asked him to appoint someone as "salesman" for Smith & Aller. He named his brother-in-law. The studio then started buying Du Pont film, paying a premium which Smith & Aller turned over to Bioff's brother-in-law (unnamed in court) as "commission."

Telling the jury that Browne and Bioff were "racketeers of long standing," Correa said that the motion-picture producers had no alternative but to yield to their demands. He said Browne and Bioff insisted upon "secret transactions" and refused to accept checks.

Daily Variety, October 10, 1941, headline :

100 G TOSSED ON BIOFF'S BED—PAY-OFFS TOLD BY SCHENCK

NEW YORK, October 9.—Loew's handed George E. Browne \$100,000 and RKO paid an additional sum to prevent a strike of New York projectionists in 1935, Nicholas Schenck testified today in the second day of the George E. Browne-Willie Bioff labor-racketeering trial in Federal court here.

Throughout his testimony Schenck made the effort, whenever possible, to protect Browne and put the onus on Bioff, giving the indication that Bioff was coercing Browne into doing whatever he did.

Wednesday, October 15, 1941, Daily Variety, headline :

PHONY VOUCHERS PAY OFF BIOFF—LOEW EXEC TELLS OF COVER-UP

NEW YORK, October 14.—A series of falsified expense vouchers by Loew's executives provided the \$100,000 which Nicholas M. Schenck testified he, as president of Loew's, turned over to George E. Browne and Willie Bioff in 1936 and 1937. David Bernstein put up the coin from his personal funds and got it back over a period of time via phony vouchers.

Going over Loew's payment of \$100,000 to end threat of a projectionists' strike in New York in 1935, Correa, in redirect examination, brought out from Schenck that RKO had handed over \$50,000 at the same time. Schenck said Charles Moskowitz came to him at that time and told him a strike was threatened at Loew's and RKO houses. Schenck suggested seeing Browne and Moskowitz reported back to him after the meeting that Browne said :

"Yes, I could do that. But I want \$150,000 from the two companies."

The money was paid through Mort Singer, but it amounted to considerably more than \$150,000, Schenck said, as Singer was given a check and had to pay income tax on it. The studios added the amount of the tax to their payments.

Monday, October 20, 1941, Daily Variety. You may recall I read earlier an article in Variety of how the SOEG had voted to remain independent and effect any tie-up with the IATSE.

Headline: "SOEG votes painter tie-up. Collarites link with Sorrell."

The Screen Office Employees Guild, by a majority of better than 3 to 1, has voted affiliation with the Brotherhood of Painters, Decorators and Paperhangers of America, an American Federation of Labor International.

The vote followed a report by the SOEG executive board recommending such affiliation and outlining the advantages to be gained from it. The executive board vote in favor of the move was 26 to 3. The only serious opposition came from a Metro leader and an RKO group. The board stated that the SOEG had never been anti-A. F. of L., and that it had been a question only of finding a proper place to affiliate. It was stated the painters were selected because it was a democratic union, was nonracketeering and gave complete local autonomy to its local unions.

Mr. SORRELL. Reading from Variety, of Tuesday, October 21, 1941, headline :

10 G BITE "PEANUTS" TO BIOFF—WARNERS' SQUEEZE TOLD

Harry M. Warner, testifying in Federal court here today, stated that Willie Bioff referred to a \$10,000 pay-off as "peanuts." He said the pudgy labor hoodlum demanded more coin, complaining that "the biggest part of it goes to some people in Chicago." It was the first time that the Chicago gangster angle had been injected into the extortion trial of George E. Browne.

I don't know how much he wants me to read of these, so I am going to ditch them as fast as I can.

Reading from Variety, Thursday, October 23, 1941, headline: "—And then Bioff shook Par. Pay-off told by Keough."

NEW YORK, October 22.—The Government closed its case today against George E. Browne and Willie Bioff, who are charged with extorting more than \$550,000 from four major picture companies on threats to call general strikes of workers. Motions are scheduled for tomorrow. Attorneys for the defense have indicated it will take 2 weeks to present their side.

Mr. BODLE. Variety, October 28, 1941, headline:

WILLIE BIOFF SINGS BASS—"I'M ERRAND BOY" ARE LYRICS

The lid blew off the film industry today. Willie Bioff, taking the witness stand in Federal court in his own defense, tossed the lie in the teeth of every witness against him. Bioff declared that he acted only as a receiver of the huge sums handed to him and turned every cent of it over to Joseph Schenck at Nicholas Schenck's request.

The annual edition of Daily Variety, October 29, 1941, signed editorial of Arthur Ungar:

Had the industry, or a few company heads of it, revealed to the trade press the demands and threats of Bioff, there would not have been chaos and trouble encountered when the phenagling of "Weepin' Willie" was brought to light by Uncle Sam's criminal proceedings against him.

Daily Variety had no fear of Bioff. He made threats to us, tried to drive us out of business, attempted intimidation in every way he could conceivably think of or do to whip us into line. But Daily Variety wanted no truck with Bioff or his ilk. It told him off personally and in no subdued or timid manner. The industry could have done likewise. Those of Bioff's caliber have never had the confidence or sympathy of the public. Let's hope the industry has benefited sufficiently from this experience not to fall for a similar one. No matter what the "shake" may be, they should not go for it. The industry has nothing to hide, nothing to atone for, and no one to be afraid of as long as it deals from the top of the deck.

This is from the same anniversary edition, page 12 signed article by Ralph Roddy, entitled "Studio Labor Rides Gravy Train. Pay Tilts for Everybody."

Sorrell also played a big part in getting a contract deal for Film Technicians Local 683 and the studio machinists headed by D. T. Wayne. His strength and recognition as a leader is attested to by the fact that producer representatives appealed to L. P. Lindeloff, national president of the painters, to try and keep Sorrell from throwing too much aid to union groups outside of his painters. Lindeloff is said to have received the protest with a grin, laughing behind his hand as he promised to talk to the husky leader of the studio painters.

Sorrell directed the 2 months' strike of the Cartoonists' Guild at Walt Disney Productions, which finally resulted in a closed shop deal for the workers.

The guild was supported 100 percent by D. T. Wayne and his Studio Machinists, Film Technicians Local 683, and the Screen Actor's Guild. Some of the other locals started out with the Guild, but were ordered by Willie Bioff to withdraw their support when the Cartoonists refused to accept any settlement in which Bioff was involved. Bioff had tried to horn into the picture and grab credit in an effort to pose as the indispensable man and to try to take credit away from Sorrell.

Mr. KEARNS. Mr. Bodle, everybody has been very patient. I know you are tired reading, so we will recess the hearing at this moment until 10 o'clock Tuesday morning.

(Whereupon, at 4:45 p. m. an adjournment was taken in the hearing until Tuesday, March 9, 1948, at 10 a. m.)

# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

TUESDAY, MARCH 9, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will come to order, please.

We will proceed with the hearing. Mr. Sorrell, I think you were still on the stand. Will you continue where you left off Friday.

## TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE— Continued

Mr. SORRELL. Yes, sir.

I received quite a few wires over the week end. I sent this wire to Gunther Lessing this morning:

GUNTHER LESSING, *Burbank, Calif.*:

Papers evidently misquoted my testimony. There was no violence in Disney strike.

Now, I thought I made that very plain that there was no violence in the Disney strike. However, the papers on the west coast printed it that Bioff was connected with some bombings.

In case the record is not clear, what I testified to was that it was reported to me that Bioff and some "torpedoes," as they are called—or some professional bombers from Chicago—were in the lobby of the Hollywood Roosevelt Hotel. I reported it to my attorneys who reported it to the authorities just prior to the bombings during the present lock-out. I would like to get that clear.

Mr. Brewer testified that he picked up copies of the minutes of CSU meetings which were left with the local 683 effects. He reported there was something to do with Eddie Rickenbacker, some opposition to making a picture by Eddie Rickenbacker; that the picture was made and nothing came of it.

I think I should make it very clear to the committee, since it has been brought up, you will probably remember when Eddie Rickenbacker was picked up in the ocean after having drifted for several days, he came back to America and made some antilabor speeches, they were directed at unions.

We received communications from unions in different parts of the United States, when it was announced that he was to be glorified in a

picture, stating that we should oppose these things, because of his antilabor stand.

We took it up with the Fox west coast people. I am quoting this from memory, but I remember writing a letter to Wendell Willkie asking him if he didn't think it was poor policy to make a hero picture of a man who came back and raised so much Cain with labor and labor unions.

He answered me. I think possibly I have the letter in the files. Again, I say, I am quoting from memory. He said he had contacted Skouras, they had discussed the matter, that they would hold up the picture temporarily, that Skouras would contact William Green and either Phil Murray or John L. Lewis, I have forgotten who was in the saddle at the time, before they would proceed to make the picture.

There was never any vote taken. There was some talk, but there was never any vote taken in the conference as to our disposition on working on the picture, because, if I remember correctly, this was during the period when we were under contract to the producers. It would have been a violation of our contract not to have done the work.

As I say again, I am quoting completely from memory. I have no notes on the case, but I think this should be explained to the committee.

Mr. Brewer also testified the notes showed local 683 withdrew from the CSU without any apparent notice or reason for it. I am prepared to give you the reason. Again I am quoting from memory, but I think it will be borne out very authentically.

There was a move by certain people to tear up the Conference of Studio Unions.

Now, if I were Mr. Brewer I would say there was a move by the Communists to destroy the CSU, but my statement to you is there were people who wanted to destroy the CSU.

Among those people were some of the officers of local 683; also Bill Pomerance, who has been spoken of here, who was the business agent for the cartoonists.

In order to destroy or dissolve the Conference of Studio Unions another outfit was formed, called the Council of Hollywood Guilds and Unions. Now, that would take in not only unions, but the talent guilds.

I could not participate in that because I could foresee a minority group controlling the council, since a minority group can always be obtained from little guilds who have no affiliation, and so forth.

Our union, by vote of the membership, joined the Council of Hollywood Guilds and Unions, but I refused to be a delegate; 683 dropped out of the conference because they thought their affairs could be handled better by the Conference of Hollywood Guilds and Unions. That was one reason.

It seems that some of the members came to see me during that time. I had home discussion with them and they brought it back on the floor. I think I kind of knocked the Hollywood Guild Council, or whatever it was. They used that for a reason to get their people to vote themselves out of the conference.

Mr. Brewer told you, I believe, that local 44 voted on a resolution to do only their own work, and they had to be taken over by the international.

Mr. Brewer did not tell you the cameramen's local voted the same thing, the same resolution; the sound local voted the same resolution; the wardrobe local voted the same resolution; and local 683 voted the same resolution.

I think if you will check you will find these other locals voted also not to do any of the work in the jurisdiction of the CSU people. And I think you will find also in their minutes that the locals instructed their business agents to defend the propmakers who were thrown out of the IATSE for refusing to do work out of their jurisdiction.

There was no action taken by the international against the camera, sound, wardrobe, and 683 locals since very little of that jurisdiction would overlap into the CSU work, so that the people were not at all capable of handling any of the work done by the CSU unions.

**Mr. McCANN.** Correction. I would like to suggest you said, "No action was taken against union 683."

**Mr. Sorrell.** No action was taken against 683 union at that time; no action by the international.

**Mr. McCANN.** I thought you stated a few minutes ago that the international had taken over 683.

**Mr. Sorrell.** No; the international took over local 44, that is, the prop union.

Now, later the international operated local 683, when local 683 joined the picket lines of the Conference of Studio Unions.

But at the start of the strike—and I think that was in 1945—local 44, because the members refused to do the work of the carpenters and painters that went on strike.

Now, the local 44 business agent is Cappy DuVal. He was brought out here from Chicago under the Bioff-Browne regime. He was given a job to supervise the collecting of the 2-percent assessment which every IATSE man was supposed to pay. At least I know every IATSE man working in the studios was supposed to pay.

Cappy DuVal was called 2-percent Cappy. He came there when I was working in the studios. I had him pointed out. He was a very much hated sort of individual.

He went to work as a propman, when Bioff and Brown went to jail, for a short time.

He was manipulated back into the union and as I remember the business agent of the prop unions name was Hansert. He was thrown out and Cappy installed temporarily, later confirmed by election.

Cappy DuVal was business agent of 44, as I have stated, at the time of the take-over, and cooperated with the international officers in taking over the union.

Later, when a convention was held of the IATSE, the officers or trustees of local 44 called a meeting to elect a delegate to the IATSE convention. Cappy DuVal naturally ran as a delegate and was defeated by a man who was later thrown out of the union, and went to work in local 1421's jurisdiction. He testified on the stand in Los Angeles.

Cappy, however, went to the convention because he was sent as an appointed delegate from one of the unions created to do the work of the striking carpenters and painters.

There will be more about Cappy DuVal later.

Mr. Brewer also stated that somewhere he read that Louis Weinstock donated \$10,000 from his unions to the striking Hollywood unions. Louis Weinstock was labeled a Communist here. I wonder why, since Mr. Brewer knows so much, he did not mention that Jake Wellner, who is a right-wing leader of some of the painters' unions in New York and Brooklyn, and has as much prestige, I believe, as Louis Weinstock, donated as much or more to the striking unions in Hollywood as Louis Weinstock.

I am sure that Jake Wellner would be very much displeased if he were accused of having Communist ideas, even, by reason of the fact that he contributed to a cause that could be labeled a communist cause. Jake Wellner knew the story as well as Louis Weinstock. I am sure he went to his unions to get money for the striking unions, with as clear a conscience as any trade-union leader would have. If Louis Weinstock is a Communist and if all of the people that donated money to our cause are Communists that still doesn't make any difference, we will take the money.

Mr. Brewer also made quite a to-do about an election in the State federation of labor between a man called Shelley and a man called Bitters. Mr. Bitters is a carpenter. His nomination was seconded by Mr. Cambiano, who is also a carpenter, but Mr. Bitters' chances for winning were ruined when he was also seconded by Mr. Roy Brewer.

Roy Brewer is a much-hated man by many elements of labor in California. The main reason for this is that Mr. Brewer is looked upon as an impostor. Mr. Brewer was brought in from outside the State to run the IATSE and the motion-picture labor. At the time he was brought in there were two vice presidents of the IATSE who lived in Los Angeles and who, I have been told, received more votes than Mr. Richard Walsh. They apparently have nothing to say about the way the IATSE is run. Instead, an appointed man is brought in to run labor there.

The people who work for a living and pay dues to the IATSE don't like this.

They supported Bioff because Bioff did some of them some good. Those who had steady jobs and those keymen in the studios who received hourly raises, benefited by them and Bioff was looked upon as a man who did some good for some of the people in the motion-picture industry.

Brewer is looked upon as a man who has done no one any good.

One of the vice presidents of the IATSE, William Barret, who was business agent for local 80, and then was elected vice president of the IATSE, followed the line of the international and began to uphold their acts vociferously. He was defeated for reelection as business agent and now is working in the studios. The mere fact that Mr. Brewer supported Mr. Bitters against Mr. Shelly bears out the fact that the same relations now exist with the Walsh-Brewer machine that existed with the Bioff-Browne machine.

What I am trying to do is to point out that the only difference we have been able to detect is a difference in personalities.

Now, I mentioned Frank Nitti as being one of the gang. There was a group of so-called hoodlums in Chicago who were supposed to be connected with Bioff and Browne in their manipulations in the studios. The only two of those people that I knew when an indict-

ment was requested for them, were Johnny Grafelli and Frank Nitti.

I know considerable about these characters. I do not intend to go into it extensively because I realize that we want to get away from here.

But a man by the name of Joe Park, a reporter for the Los Angeles Times, called me in my office and said, "You will be interested to know that an indictment has been requested or issued against the following people." He named over a lot of so-called hoodlums. Among them were Frank Nitti and John Rosselli.

I told him at the time the only two I knew were Rosselli and Nitti and I considered Rosselli a minor figure in the underworld, but that Nitti, I could not believe that they had issued an indictment for Nitti and that I didn't believe they would ever bring Nitti to testify; that they either would not find him or they would kill him because Nitti, as I knew, was a liaison member who contacted the big-shot producers, who had too much money to let him testify.

About 5 hours later Joe Park called me and said, "You must have been looking in a crystal ball because Frank Nitti has just shot himself twice through the head; committed suicide."

You can check this conversation with Joe Park, who is the labor editor of the Los Angeles Times.

I think it is important that I bring these things out because I want to show that although we are accused of following the Communist Party line, we certainly are not doing it. But I am now accusing the IATSE of following the same line laid down by Browne and Bioff and the producers in 1935, and it hasn't changed.

I was talking to Eddie Mannix one day—and as you know I like Eddie Mannix. He was telling me he was innocent of all this manipulation going on between the producers and the IATSE gangsters, that he did not know anything about this money being passed around and that he fought his heart out trying to do a job for his people. I called him up on one thing. I said, "Eddie, you know I like you, you are a likable guy. I know you would cut my throat from ear to ear but I like you."

Secretly the reason I like him is because when he makes a deal with you you don't have to sign it, he is honest.

But I said, "You know, I'm probably going to have to send you to jail sometime, and I want you to know when I send you to jail it's not because I have any personal dislike for you but it's because if you were my father, my brother, or my son I'd have to do the same thing."

Now I said, "Eddie, you know you're still paying off."

He said, "Oh, no, I am not."

I said, "All right, I'll just show you."

The central labor council, who I think I have told you before was corrupt under the leadership of J. W. Buzzell, entered into the splitting up of these locals of the IATSE and one man was so dumb they could not take care of him. That was Harry Sheerman, who acted as president of the central labor council.

You put him to work as inspector of police. Now the police on this lot don't like the guy; they don't trust him. He didn't do anything, but he collects a check and he is still collecting his check and I don't think he comes in except on pay days, but he comes in for that check every pay day.

Now, don't tell me that's not a pay-off, Eddie, you know its a pay-off.

Eddie immediately called Whitie Hendrix. He asked if he had this fellow Harry Sheerman on the pay roll. Hendrix said that he did. Eddie said, "Where is he?"

Harry said, "How do I know, see him pay day."

He said, "Fire him."

I mention this because I want you to have the feeling of what is going on in the studios. I want you to know that in California they still carry the same attorneys that defended Bioff and I think the records will show that many, many thousands of dollars were spent with Luddy, who still officiates for and gives advice to the IATSE.

MR. McCANN. Just a moment. Mr. Chairman, could we have the date when Mr. Mannix laid that man off? Could he place that sometime?

MR. KEARNS. If he has it.

MR. SORRELL. I am talking completely from memory but we have a lot of things to go into the record which will probably fix it so I can fix the dates later.

I cannot give you exact dates, but it was after Walsh came into the picture that this happened.

Now it has been said that a fellow by the name of Merrill, an office worker, told Walsh that I had a deal with him for office workers. I would like to get this guy Merrill on the stand and see who is lying. I never made any deal with Merrill in my life.

I was introduced to him and I might know him if I should see him, but there was no deal between me and Merrill. I have forgotten his first name. He is not a man I think I would make any deal with. He is a little insignificant Jewish boy who to me has come out of the office boys' ranks, or something. There was no deal between me and Merrill.

Particularly, I think I saw the man in New York. If I am not mistaken I went to his office and looked at some contracts or asked to see some contracts he had signed with some of the motion-picture producers in New York. The contracts called for a 10 percent all-over raise, but no classifications.

If I remember rightly at that time it meant that if a girl was getting \$15 a week she got raised to \$16.50, which I did not consider any raise. I considered it a deal where no benefit was given to the low-paid people. I told Mr. Merrill that at the time.

When we left his office—I think I went there with Glen Pratt, business agent of the office workers—when we left his office I think we went to Pat Casey's office. I told Pat Casey what I thought of Merrill and his union, I did not think it was doing a job for the workers. If you ask Pat Casey I think he will tell you something about that.

Glen Pratt would be glad to testify to that, too.

I am trying to pick up the loose ends as I go along to get it all in the record because Mr. Brewer and Mr. Levy say these things and those things, and I might pass over some of them.

If my attorney has something to read into the record maybe as he goes along I can break in to explain things.

MR. BODLE. I have some more clippings on the allegations of communism that have been made against Sorrell, which I would like to read into the record at this time.



The first is an editorial from the Hollywood Sun of April 3, 1946, entitled "Nailed, Hollywood's Most Vicious Lie of the Year." [Reading:]

It is almost impossible to write about communism plus Hollywood without appearing a defender of the faith or being ranged among those damned as its persecutors.

In short, you are either a "Commie" or a Red baiter.

This, nevertheless, must be written.

The most pernicious lie to circulate in studios in recent months is that the 1945 film strike was Communist-inspired.

It is the exact opposite of this charge which is true.

Communists opposed the starting of this strike.

Once it began, they fought to end it.

If, by taking part in picketing they were active in closing days of the long walk-out, so too, was the general public appalled by the police brutality and a studio's wanton use of tear gas and fire hose on peaceful citizens.

So Communists, far from sparking the 1945 walk-out, were actually on the side of unions and studios that opposed the strike.

For proof of these statements which will astound some, we want to turn back the pages of the People's World, popularly viewed as the voice of the party in these parts. This is the publication so generously drawn on by those who spread the lie that this strike was Red-inspired.

Monday morning, March 12, the day of the walk-out, broke with disquieting effect on Hollywood's assorted liberals, progressives, freethinkers, and those who veer so far to the left they may be said to "follow the line."

It broke disturbingly because America was still at war. Labor had given a no-strike pledge. Hollywood liberals, like the Nation's stuffed reactionaries, desired until above all in pursuit of the war effort. At the same time they recognized the justice of local 1421's picket lines, strung after 2 years of imposition by studios.

That morning, not a line about the strike appeared in the World.

Tuesday, the same.

Wednesday there was a news story about the start of the strike. Then it broke.

Thursday, in a front page, two-column editorial, the World demanded, "End the movie strike at once." That was the head. It went on: "Strikes in this war period are impermissible under any circumstances. We have said this many times before and we repeat it again."

Does that sound inspiring, except to persons subject to influence by the paper? Some undoubtedly were influenced, for there was a prompt demand for a return to work from certain quarters, including a telegram from New York City. Pressure from these elements caused at least two unions to vote nonobservance of picket lines; others to return to work.

Thus, the "Commies" and others did make themselves felt in the strike. But on whose side? The IA's and the studios. And to what end? One end. To "end the movie strike at once." To break the strike, with justice be damned, if only unity could be preserved and the studios kept open.

The World editorial, after an analysis of the issues involved, concluded:

"The strike is a blow at our wartime morale and unity.

"It is being utilized by reactionaries to attack labor and the national administration.

"The walk-out should never have taken place. It should be called off at once." Who else echoed these demands?

That's the "Commies" talking. Strike inspiring?

The World editorial, besides refuting a vicious lie, also proves this: Some persons found a way out of their betwixt-and-between funk in its words. Most factually and emphatically, the strike leaders did not. They called the strike fully knowing they would have opposition from various unity-above-all quarters. They continued to prosecute it when had the People's World been their master's voice, they would have listened and acted otherwise. Others did heed the cry "back to work."

But the strikers—

**They didn't listen and they didn't act otherwise.**

If communism was behind the 1945 film strike it served to stab the strike in the back.

You will recall Mr. Sorrell testified that charges against him had been filed with the central labor council alleging that he was a Communist. This is a news report of his appearance before the central labor council. The date of the report is July 10, 1946, the Hollywood Sun.

#### SORRELL REFUTES "COMMIE" CHARGES

Herb Sorrell dramatically took the central labor council floor in his own defense Monday night.

By sincerity and danger in admitting and explaining leftist associations that had been counted on to damn him as Communist, observers felt Sorrell had turned the tide of opinion among the 300 AFL delegates at the fourth trial session.

The plan to wind up the trial in one all-night session abruptly collapsed when the central labor council voted Sorrell more time to answer his accusers. Date was set for July 29.

Worst blow to the IA camp was the certainty that IA prexy Dick Walsh had now lost his last chance to report as the crowning achievement of his regime, that Sorrell had been exposed as the Communist disrupter of Hollywood labor.

Explaining that he stood up for men and principles regardless of political connection, Sorrell admitted protesting deportation moves against Harry Bridges and Communist William Schneiderman, and Browder's imprisonment, and pointed out proudly that men like Wendell Willkie and FDR had taken similar stands.

Emphatically Sorrell denied any membership in the Communist Party and disavowed handwriting that the experts had claimed was his.

Now an editorial from the People's World of March 4, 1948. That is of very recent vintage :

#### THE CASE OF HERB SORRELL

Herbert K. Sorrell was a militant trade-union leader once.

Now he has lined up with the racketeers and the Red baiters in the labor movement, with the Jack Tenneys and the labor haters.

Sorrell has filed charges against Frank Spector, a member of studio painters local 644, on the grounds of membership in the Communist Party. And he initiated these expulsion proceedings the week after Spector was pilloried before the Tenney committee.

The Red-baiting leaders of the International Association of Theatrical Stage Employees in Washington still call Sorrell a Communist at hearings of the Kearns House Labor Subcommittee.

But Irving McCann, the notorious free-swinging committee counsel, knows better. He defended Sorrell.

We hope Sorrell gets whatever satisfaction he can out of his associations with the antilabor Kearns committee.

Sorrell has been playing along for some time with the Kearns committee which includes among its members none other than Representative Fred Hartley of ill fame.

At one time he went so far as to recommend to the committee that it bring forth ideas for labor legislation—although the kind of legislation it would recommend was only too clear.

This dalliance with the labor baiters was the inevitable outcome of Sorrell's break with progressives over the conduct of the studio lock-out.

Progressives, while supporting the picket lines to the limit, felt that the best way to preserve democratic unionism in the studios was to get back on the job. They understood that the one thing the producers and their agents in the IATSE wanted was to get militant rank-and-file workers out of the studios. But Sorrell in rejecting this policy also rejected reliance on the rank and file, and began to depend on maneuvers with the Kearns committee.

Now he has completed the circle with the attempted purge of Frank Spector. Maybe McCann and Kearns and Harley and Tenney will applaud. Maybe Sorrell will work out some top-level deal. But this policy won't build strong, democratic unionism. As Sorrell has said in the past, Red baiting always helps the employers, never the workers.

They don't like a lot of people, apparently.

I might point out that the reference to the proposed legislation which Sorrell suggested, refers to suggestions made at the hearings in Los Angeles, so this opposition goes back to that date, as well as before, as we have indicated.

Now I want to return to the record of Bioff and Browne up to the time of their conviction. I want to read from Variety of November 3, 1941, a leading article which refers to the organization of Conference of Studio Unions, at the time that Browne and Bioff were on trial. The headline reads: "Unions launch united front—Painters lead new set-up." [Reading:]

The Conference of Studio Unions was launched yesterday when the conference constitution was unanimously approved at a specially called membership meeting of Moving Picture Painters, Local 644. Studio Machinists Local 1185 already has instructed its business representative, D. T. Wayne, to participate in organization of the conference and to bring back the constitution for early consideration. It also will be acted upon at early meetings of the Screen Office Employees Guild, Screen Cartoonists Guild, and other American Federation of Labor crafts. The organization is said to be looked upon favorably by officers of Film Technicians, Local 683, and that group, as well as other locals of the International Alliance of Theatrical Stage Employees, are expected to affiliate.

The conference, organized for the purpose of bringing about joint economic action and closer unity of the unions and to protect individual autonomy of the crafts, will establish offices in Hollywood to handle research, coordinating problems, etc. When the organization is completed it will be governed by a chairman, vice chairman, and a secretary-treasurer, to be elected by secret ballot and to hold office for 1 year. Any craft affiliated with the American Federation of Labor will be eligible to join the conference.

The constitution states the purpose of the conference shall be "To unite the motion-picture unions for the protection of the autonomy and democracy of each" and "to advance through joint consultation and action the economic welfare of the motion-picture unions and their members."

Each conference member is to be represented by three accredited delegates, one of which shall be the business agent. Each union shall pay the conference treasurer a monthly per-capita tax of 5 cents per member to defray operating costs. Meetings will be held at least once a month. Special meetings may be called by the chairman upon written requests from 7 delegates. Standing committees or at least 3 persons will be appointed to handle research, negotiations, coordination, and publicity.

Other clauses in the constitution provide:

In the event that any union a member of this conference calls a strike or takes other economic action, after the sanction of the conference has been obtained, the members of the conference shall be bound to respect the action so taken and any picket lines established thereunder. Any member failing to respect such action and/or picket lines shall be automatically expelled from the conference.

"This constitution may be amended by a two-thirds vote of the conference, provided written notice of such meeting specifying the amendment is mailed to the delegates thereto not less than 4 days prior to the date of said meeting. Before any such amendment is effective, however, it shall have been approved by not less than two-thirds of the unions which are members of the conference.

"All action, unless otherwise specified in this constitution, shall be by a majority vote of the delegates present at any conference meeting. A quorum for any meeting of the conference shall consist of 25 percent of the delegates to such conference, provided that not less than 50 percent of the unions members of the conference are represented by one or more delegates."

A two-thirds vote of delegates is required to expel any union from the conference.

The painters, after approving the conference and its constitution yesterday, appointed Herbert Sorrell business representative of Local 644, Carl Head and William Ball to represent them as delegates to the conference.

Then, from the same issue—and again I call your attention to the fact that this is the time when the trial of Browne and Bioff was continuing—the following press release:

OUSTER OF BROWNE BY IATSE DENIED

NEW YORK, November 2.—A statement denying that George E. Browne had been ousted as president of the International Alliance of Theatrical Stage Employees was issued here by James J. Brennan, fifth vice prexy of the IATSE.

From Variety of November 4, 1941, headline:

40G PAY-OFF TO BROWNE TOLD

CHARLES MOSKOWITZ BARES DELIVERY OF SHAKE-DOWN

NEW YORK, November 3.—Testimony that George E. Browne was paid \$40,000 to prevent theater strikes, that Eddie Mannix instructed an executive to call Willie Bioff "Link," and that Bioff expected to make a "couple of million" out of his union connections was given in Federal court here today. Charles Moskowitz, head of Loew's theater department for years, said he personally handed the money to Browne in Moore's restaurant.

Then, on November 7, 1941, Daily Variety, headline: "Bioff, Browne Guilty.—Jury out for 2 hours."

And Variety of Tuesday, November 11, 1941, head line: "IA Dumps Browne for Walsh—New Prexy Pledges Clean-up." [Reading:]

NEW YORK, November 10.—The resignation of George E. Browne as president of the International Alliance of Theatrical Stage Employees has been accepted by the IATSE general executive board, and Richard F. Walsh has been elected to fill the unexpired term, which runs to June 1944. Walsh was third vice prexy of the IATSE, having been elected to that post at the Louisville convention in 1934. He also is president of local 4, Brooklyn stage hands.

Variety, November 12, 1941: "Burned locals seek revenue—Pay-offs to bring new demands":

NEW YORK, November 11.—Locals unions of the International Alliance of Theatrical Stage Employees, resentful of the large sums paid George E. Browne and Willie Bioff, and claiming increased living costs under the war economy, are reported preparing a wave of new severe demands as their contracts expire.

Variety of November 13, 1941: "Bioff Gets 10; Browne 8—Convicts Lashed by Judge."

Then, quoting from the article, which has a date-line "New York, November 12," Judge Knox said:

My idea is that dishonest men, whether they be found in trade, industry, or in the ranks of union labor, should pay the price of their sins. In this case the wrong of these defendants has indeed been heinous. Not only have they violated the laws of the United States, but they have signally betrayed their trusts that were committed to their care. Their concern, instead of being that of the members of the union, was for their personal gain and advantage. Through their acts they disregarded the welfare of the union and brought their organization into disrepute before the public.

Right between the eyes, and upon the face of union labor, these men have dealt a blow that will leave its scars for years to come. Recreant to their trust, dishonest in heart, mind, and action, these defendants have served to make clear our knowledge that when personal gain is to be achieved the leaders of labor can be as reprehensible and base as any dishonest leader of capital.

Variety, November 24, 1941. Headline: "IA Beefs at 125G Bioff Fee.—Coin for Appeal Nixed." [Reading:]

NEW YORK, November 23.—Considerable resentment has been aroused among International Alliance of Theatrical Stage Employees over the fact that the organization will pay around \$125,000 legal fees for the defense of George Browne, ex-president, and Willie Bioff, his personal representative, who were convicted of racketeering and sentenced to 8 and 10 years, respectively, Federal penitentiary.

Richard F. Walsh, new prexy of the IATSE, made it known on Friday that the organization would stand the legal expenses of the duo up to the time of their conviction but that it will not pay any attorney fees subsequent to that, including the appeal now pending in their behalf.

Walsh said that with Browne resigned from the IA, and since neither he or Bioff are any longer officers of the union, they would have to shift for themselves to provide coin for their future legal maneuvers.

It is reported that authorization for the union to pay the legal freight was in the hands of Browne while he was president of the IA, since an amendment to the international bylaws was forced through by him to cover such contingencies in case of legal complications for international officers. \* \* \*

In view of the nature of the indictments against Browne and Bioff, and the evidence adduced in some union quarters, it is felt that the IA could have contested any payments at all to the attorneys for the two convicted racketeers.

Now, I want to return for a moment to the IA convention proceedings which occurred June 3 to June 6, 1940, at a time after the extradition proceedings against Bioff had been brought and after his indictment for income-tax evasion in Los Angeles. I want to read certain matters into the record which will indicate that this cry of communism raised against Mr. Sorrell was a smoke screen that was raised to protect the IA officials in their racketeering activities.

These quotations are from the president's report of President George E. Browne at the 1940 convention of the IATSE. He makes reference to a meeting of the board of the IA and then says this:

At this same board meeting, my personal representative, William Bioff, tendered his resignation, which your executive board unanimously refused to accept, knowing the tremendous strain he had been forced to work under and the brutal, slanderous attacks being continuously heaped upon him, which, as we all know, was only done because he was successful in furthering the closed-shop conditions for our studio local members.

Although the board members tried collectively and individually to get him to reconsider, he refused to alter his decision. There being nothing else to do, his resignation was reluctantly accepted, with the understanding that continued efforts be made to have him return to his post. The letter of acceptance of the resignation follows:

Mr. WILLIAM BIOFF,

*Personal Representative, International President Browne,  
Bismarck Hotel, Chicago, Ill.*

DEAR SIR AND BROTHER: The general executive board of the IATSE and MPMO of U. S. and C., in session in Chicago, September 10, 1938, was indeed shocked to have placed before it your letter of resignation from the organization activities of the IA. Your work for this organization in years gone by has been outstanding, not only in the results obtained but also in the quiet, businesslike, and efficient manner in which you have gone about your work and the high integrity and honesty you have displayed in all your dealings.

We have discussed the subject of the resignation fully in our session today and are of the unanimous opinion that the welfare of the IA as a whole would be advanced if it were possible to persuade you to withdraw that resignation. Please give consideration to this request that you continue in active participation in our affairs.

Should you find, however, that it is not possible to comply with our request and withdraw your resignation, the general executive board has unanimously voted that there is now and always will be a place in our ranks for you and,

further, in appreciation of your valuable services in the past, has voted you 1 year's salary.

With best wishes to you in whatever your future endeavors may be, we remain,  
Sincerely and fraternally yours,

George E. Browne, International President; John P. Nick, First Vice President; William P. Covert, Second Vice President; Harland Holmden, Third Vice President; Richard F. Walsh, Fourth Vice President; Floyd M. Billingsley, Fifth Vice President; James J. Brennan, Sixth Vice President; Roger M. Kennedy, Seventh Vice President; Louis Krouse, General Secretary-Treasurer.

Then the following from the president's opening statement:

William Bioff has done the most remarkable job any man has ever done for labor against terrific odds, but what a price he and his family have had to pay for that our members and their families might enjoy a better livelihood in their own pursuit of happiness.

And then to indicate the manner in which attention was attempted to be distracted from the racketeering activities of Bioff, we find the following in the opening statement:

If someone were to ask what is the most imminent and dangerous force standing in the path of our continued success, without hesitation and with bitter venom my answer would be "communism." It is not my intention to create the impression that our international is singularly vulnerable in this respect for its debilitating effects are universal. \* \* \*

I am much concerned over what might happen to the locals who refuse to treat these continued warnings seriously, being deeply conscious of what will be its eventual disintegrating effect on our international as a whole. We have seen the havoc they can cause as attested by the incessant strife that has ranged in this country throughout various industries and particularly the dissension created and kept aflame in the west coast studios. Only recently did the international succeed in suppressing the communistic element that was threatening the existence of our west coast locals through the spread of insidious propaganda.

Mr. SORRELL. Now that the attorney has read some of his stuff—and believe me we are jumping a lot and cutting a lot, for we want to get over it—I will again talk from memory.

As is plain here, what we have tried to show up to this time is the line followed by Bioff and Browne. We will try to show from there on that it has not changed any, that it is being followed even now by Walsh and Brewer.

In 1942, we had a little rest. When Bioff went to jail I was quite relieved. I was relieved in many respects because I had not taken the job as business agent of the union with the intention of staying at it. I announced when I took it that it was only to get an agreement, and I had been forced to stay on because I had been picked on and hammered at and if I quit everybody would take credit for running me out.

Now, I am that kind of an American that is not going to be run out of anything. I don't know why, but if people ask me to do something nicely I am inclined to do it, but if people tell me I am going to have to do something, I back up. Maybe that is the mule in me from Missouri. I don't know what it is, but it was sheer onery stubbornness that kept me on the job for as many years as I put in.

I was attacked by this thief Bazell and by this other thief Bioff and by many other cheap, chiseling racketeers.

In 1941, everything seemed to be peaceful—and I do not know whether I testified to this before or not—but Bioff was in the "can." We had gotten rid of Bazell. The sign painters' union, who had linked up with my opposition to Bioff—I think the leader of that

organization died. It just seemed that we had arrived at a time when I could now quit and no one could say anything about it. I proceeded to quit before I got into any further trouble.

I announced to my union that I thought now for the first time everything was accomplished, everything was going right, and it was now time to get someone else.

Yes; I had even collected from Warner Bros. on the suit for false imprisonment. I was "nigger rich," so to speak. I was able to pay all my bills, all the debts I had contracted. I was really in clover.

So they refused to take my resignation. I told them at the meeting, "Well, you can take a horse to water, but you can't make him drink," so I didn't show up. I took my things home from the office and began to get ready to go to work. I was called by the studio manager of Universal. He said, "They tell me you are really going to work."

I said, "I am."

He said, "Do you want a job?"

And I said, "I do."

And he said, "Well, come right on over."

I said, "No; I wouldn't come over when you call me, because I don't know whether you need any more men over there or not; if I go over there and they lay somebody else off, I would have a guilty conscience. In the meantime, when one of the painters' foremen calls me I will come to work, but not to replace anybody or not to take a preferred job."

The next day I got a call from the head of the paint department asking if I would come to work. I asked him if I would be replacing anyone, or if he really needed somebody.

He said, "I really need you. We have a job, and we have to get it out today."

He said, "If you will come to work immediately you will probably work all night."

That suited me very well, because that night they had called a meeting to see what they would do about me quitting.

As I remember, I worked until about midnight that night. I got a call from the union after they had gotten in session. They said, "Everybody has their price. What do you want to come back to work?"

Well, you understand in all these 4 years the wages had gone up considerably in the studio, but I was still working for the same price. I had not asked for a raise because I was not prepared to quit and because if I quit everybody would say they were running me out.

Again I am quoting from memory and I might get this wrong, but I said, "I don't think you want me any more at the price that I would ask."

They said, "Well, you name it."

Well, first I said, "There are four or five fellows I don't like very well and I am liable to hurt them. I am liable to push them around a little bit, and if I ever do I will be arrested, so the union would have to pay any fines that I would acquire by such actions.

"Second, you would have to give me—" I have forgotten now whether I said a \$60 or \$75 a week raise it practically doubled my salary, plus \$40 a week expenses, plus 5 cents a mile for driving my car, plus a 3-year contract, and I don't think that is unconstitutional. I made it impossible, so I thought.

Then I went back to work, and we all had a laugh about it. The boys who had heard me tell them over the phone got a laugh, and we all enjoyed ourselves. We went along and did a fine job.

In about a half-hour they called up and said, "You are hired, you get everything you asked, come on back."

Well, I said, "I am sorry, I don't think that is possible. The constitution says you can't raise a man's salary only when he is to be reelected and Joe Clark, the vice president, was there, so you better check with him."

"No," they said, "he says it's fine."

I said, "I'm sorry, I can't come, I have a job to finish, but I'll start next week."

So I got hooked back in again.

MR. McCANN. What date was that?

MR. SORRELL. I am quoting from memory. I think it was in March 1941. It was about that time.

We had pretty smooth sailing. We signed agreements in 1942, and we had no troubles.

Our troubles began to come at the end of 1942 or the end of 1943, when we were unable to sign new agreements.

Now, it has been testified here, I think it was by Rothvon, that the Conference of Studio Unions said it was not a jurisdictional strike, it was a strike for wages, hours, and contracts.

This is a fact, because to my knowledge no contract has been written for any Conference of Studio Unions member, any union belonging to the CSU, since 1942.

Now when you don't have contracts you have troubles.

The producers used all kinds of conniving and manipulating in order to avoid signing contracts. They would put this thing in your way, that thing in your way, and it was particularly exasperating. The IATSE unions were able to sign contracts. Our unions were not.

Our members would read in the papers, "Such and such union IATSE has signed with the producers." They would say, "Why don't you get something signed?" I was unable to do it. It was just one thing after another.

The set decorators they used for a hold-up. They admitted—the War Labor Board told them—and everybody admitted that the IATSE did not have any set decorators; that a few people who worked both in the set decorators' jurisdiction and when things were dull carried a card in the IATSE, was their only basis for saying that they had any connection with them. But the producers refused to sign up until we could get it clear.

It has been testified here as to the attempts we made to get it cleared. We have a lot of evidence to be read into the record here of the efforts that we made to clear this situation up so that our unions could get contracts.

The strike in 1945, I think by the evidence that will be read into the record, will show it was almost impossible to avoid. I think if the attorney has some of these records now it would be a good time to read it in and then as it comes off or as he reads it, so as to place dates, I will butt in to explain the reasons for our actions.

Will you go ahead?

MR. BODLE. Yes. This is with regard to the background of the 1945 strike. The evidence I will present later will indicate that the Society



of Motion Picture Interior Decorators and Independent Incorporated Labor Organizations had entered into a 5-year contract with the producers in 1942, the contract to expire in 1947.

This contract contained the following provisions, and I am reading now from the award of the arbitrator appointed by the National War Labor Board to hear the dispute:

SECTION 2. *Recognition.*—The producer recognizes the society as the exclusive collective bargaining representative of all employees covered by this agreement. The society makes this agreement in behalf of such employees, a majority of whom the society wants, are members of the society in good standing.

\* \* \* \* \*

SECTION 10. *Change of bargaining representative.*—In the event that a majority of the interior decorators and assistant interior decorators in the employ of the producer should designate a different bargaining representative, the name of such representative shall be inserted herein in lieu of the name of the society or the producer may, at its option, declare this agreement null and void.

Now under the terms of the contract, as the arbitrator subsequently found, there was a legal obligation on the part of the producers in the event of a change of affiliation of the society, to either declare the contract null and void or to insert the name of the new affiliation into the contract and to continue to bargain with the new affiliate, pursuant to the terms of the contract.

The members of the set decorators affiliated with screen set designers local 1421, affiliated with the Brotherhood of Painters, and with the Conference of Studio Unions on October 28, 1943.

As the decision of the arbitrator later will indicate, the producers were notified of this change of affiliation and the producers bargained with local 1421 as the representative of the members of the society, up until sometime late in 1944.

The evidence will also indicate that the various studios which are represented by the Motion Picture Producers Association, recognized the business representative of local 1421 as the representative of the set decorators and bargained with him with reference to the adjustment of grievances and so forth.

In about June or July of 1944 the producers for the first time indicated that they would not recognize local 1421 as the representative of the set decorators because of a counter claim that had been made by the IATSE to representation of these set decorators.

Local 1421 then agreed to present to the producers authorization cards signed by each one of the employed set decorators in the studios, by which cards the set decorators had designated local 1421 as their collective-bargaining agent.

This was unacceptable to the producers. They thereupon insisted that local 1421 file a petition for certification with the National Labor Relations Board in order that it might be certified as the collective-bargaining agent for the set decorators.

Local 1421 thereafter filed such a petition and shortly after it was filed the IATSE intervened.

At that time there was a rule in the regional office of the National Labor Relations Board in Los Angeles—and I think this rule was general throughout the country—that the Board would not accept petitions for certification where the certification was contested by a sister union of the same general affiliate.

In other words, if a petition were filed by an A. F. of L. union and another A. F. of L. union intervened the Board would not accept

jurisdiction, but took the position that this was an internal matter within the A. F. of L. and should be determined by the A. F. of L.

The regional director of the NLRB took that position.

At the time the motion for intervention was filed by the IATSE they informed the local representatives of 1421 that the Board would not proceed to hear the petition for certification and hold an election to determine who represented the men.

Local 1421 thereupon withdrew its petition for certification.

Thereafter as Mr. Sorrell has testified there was a 2-day strike by a—

Mr. SORRELL. A few of the set decorators.

Mr. BODLE. By some of the set decorators, the strike having been called to force the producers to bargain to recognize 1421 as the bargaining representative of the set decorators.

Mr. SORRELL. I might explain that 2-day strike. The decorators on their own accord pulled out.

Mr. LANDIS. Was that 1421?

Mr. SORRELL. No; they were in 1421, but just the decorators; the people who would not be recognized decided to quit their jobs all over. When they quit their jobs that naturally caused confusion and other people quit with them, and so forth. All of our people come to meetings. Mr. Brewer has stated he doesn't have many people come to meetings, but the people in our unions know that they run the union. They tell me what to do, and we don't tell them what to do, so our people attend the meetings.

When something comes up they usually understand very thoroughly what it is because of our completely democratic set-up.

Mr. LANDIS. Do you think the Board should allow the election here in this case?

Mr. SORRELL. Do I think the Board should have allowed the election?

Mr. LANDIS. Yes.

Mr. SORRELL. I think had the Board allowed the election it would have cleared the thing up completely. But since the Board would not allow the election all we had to do was to pull the thing out of the Board. This temporary stoppage of work caused the War Labor Board to step in because since it was tied up in the NLRB and nothing could happen, the War Labor Board then stepped in.

I think he has some communications on that.

Mr. LANDIS. But don't you think then it would have been all right if the employer could have petitioned for election and held an election?

Mr. SORRELL. I sure do, but you see the employer is so completely tied up in this conspiracy to destroy the Conference of Studio Unions, that he refused to do anything.

Mr. LANDIS. I mean under the new law, the Taft-Hartley law, it gives the employer the right to petition for election.

Mr. SORRELL. The employer at that time could also step in. If the employer had stepped in and they would have held an election between the two A. F. of L. unions, if the employer requested it. But the employer refused to request it. The employer sat aloof and refused to deal with anyone. When he did that he refused to make contracts with any of the CSU unions.

We were all tied up by the employer's obstinacy in not dealing with us, and the IATSE tying it up in that way.

That is what created the strike of 1945.

I think we have wires to that effect that will clear this up so that you will understand.

Mr. LANDIS. Did they sign contracts with 1421 before?

Mr. SORRELL. Oh, yes; but they haven't signed contracts with anyone since 1942, except when we pulled another strike in 1946 on the 1st of July when they signed an interim contract. That interim contract is the only thing we have a producer's signature on after 1942.

In other words, the strike was not a jurisdictional strike of our making. The strike was for wages, hours, and contracts, and the producer, with the cooperation of the IATSE, turned it into a jurisdictional issue, for the public's sake.

Mr. LANDIS. Were any of these dealings with Pat Casey during that time?

Mr. SORRELL. Pat Casey sat in on a lot of them but Pat Casey seemed to lose his punch. I will come to that a little bit later.

He seemed to lose the authority to consummate deals that he had had in the past. I will come to that a little bit later as we get into this.

Mr. BODLE. There is a reference in the transcript to a statement Casey made with reference to this situation. I am sorry Mr. Owens is not here because there has been a lot of talk about the sanctity of contracts.

There can be no question but that there was a legal obligation on the part of the producers in this situation to either declare the contract with the society null and void, or to recognize 1421 as a new affiliate of the members of the society. The War Labor Board arbitrator who heard this matter subsequently came to that very same conclusion.

As a matter of fact, Mr. Burton Zorn came to the same conclusion and so did Pat Casey. I would like at this point to quote their language when they were on the stand in Los Angeles.

At that time Mr. Casey testified—and this is with reference to the contract with the society—I am quoting now:

There was an obligation on my part to accept the other bargaining agent or cancel the contract.

Then he goes on to state that he did neither.

Mr. ZORN. Mr. Chairman, could we have the page?

Mr. KEARNS. May we have the page in reference to that?

Mr. BODLE. It is page 1137.

Then with regard to Mr. Zorn's views on the subject, at page 1159, Mr. Zorn, I think somewhat lightly, tosses the legal implications of the contract off when he says, and I quote:

They may have been remiss perhaps, strictly legally, in their duty.

That is their duty, either to cancel the contract or to recognize 1421 as the new collective-bargaining agency.

The point I want to make is that here there was a clear legal duty and that the cause of this strike was the failure of the producers to live up to the terms of the contract into which they had entered.

Mr. LANDIS. You talked about the contract; was it a signed contract?

Mr. BODLE. Oh, yes; it was a signed contract signed in 1942, a 5-year contract, with the Society of Motion Picture and Interior Decorators. It had this clause in it that I have already read.

Now after this walk-out of the set decorators occurred the following telegram was sent to Herbert Sorrell, president of Conference of Studio Unions, by Gene L. Green, director of disputes, Tenth Regional War Labor Board. The telegram is dated October 11, 1944:

Information has been received by the Board concerning the existence of a strike involving members of the Screen Set Designers, Decorators and Illustrators Local 1421, the Moving Picture Painters Local 644 and Motion Picture Machinists Local 1185, A. F. of L. unions affiliated with the Conference of Studio Unions employed at the studios of Metro-Goldwyn-Mayer, Paramount, Columbia, and Warner Bros. I am advised the strike has resulted over conflicting claims of jurisdiction by the unions listed above and the International Alliance of Theatrical Stage Employees Local 44, a sister A. F. of L. local. Your attention is directed to the reaffirmation of labor's no-strike pledge as made by the executive council of A. F. of L. and as announced by President William Green in Miami, Fla., in January of this year. "No matter how great the grievance or how aggravated the situation might be there can be no justification for local strikes or local stoppages of work." This strong language against the use of strikes in wartime as an economic weapon is even more appropriate to a strike involving a jurisdictional dispute between sister locals. I have been informed today that the dispute has been certified by the Conciliation Service to the War Labor Board as case No. 111-11414-D, for processing before the Board in accordance with the orderly procedure established by the President and Congress for handling disputes during the war. Under the usual policy of the Board no action will be taken directly toward effecting a settlement while the members of the union involved in the dispute continue on strike. Will you therefore take the steps necessary to bring this information to the attention of the employees involved and **take the steps necessary to effectuate a resumption of the employment by the members of the local unions involved in the dispute?** When advise by collect wire, Address to the attention of Gene L. Green, Disputes Director, War Labor Board, 1355 Market Street, San Francisco, stating employees involved have returned to work has been received, the Board will commence action toward adjudicating this dispute. Copies of this telegram are being addressed to the Association of Motion Picture Producers, Inc., and the International Alliance of Theatrical and Stage Employees Local 44.

GENE L. GREEN,  
*Director Disputes,*  
*Tenth Regional War Labor Board.*

Mr. LANDIS. Do you have a copy of that contract?

Mr. BODLE. I do not think I have a copy of the contract but the relevant portions of the contract are incorporated in the decision of the arbitrator, Thomas Tongue. That I am putting into evidence.

Mr. LANDIS. What was their excuse for breaking the contract?

Mr. SORRELL. What was the excuse of the producers?

Mr. LANDIS. Yes. They evidently broke the contract.

Mr. SORRELL. Their excuse that the IATSE wanted these people and said they had a claim to them; that they could not deal with us; that the IATSE would not allow them to deal with us.

They did not give any excuse for breaking the contract, never have.

Mr. BODLE. In the transcript of the Los Angeles hearings there is a statement by Mr. McCann directed to Mr. Casey to this effect, "Don't you think, Mr. Casey, that you were derelict in your duty when you didn't either cancel the contract or accept 1421 as the new collective-bargaining agency?"

And Mr. Casey said, "I think you are right," or words to that effect. I do not have the exact quotation before me but so far as I know there was never any justification given by the producers.

Mr. LANDIS. How could he cancel the contract?

Mr. BODLE. Well, the producers had an option to cancel or to insert the name of the new affiliate in the contract in lieu of the name of

the society. It was an option to do one or the other. They did neither.

Mr. KEARNS. They should have gone from the society to 1421?

Mr. BODLE. That is right. Not only did they do neither but they actually misled 1421 because as the Tongue award will indicate they bargained with 1421 for these people over a period of about 8 to 10 months. The studio managers actually recognized the business agent of 1421 as the representative of the set decorators in the studios.

Then suddenly they raised this question of the counterclaim of the IATSE.

Although I think it will be clear from what I have to read there was never any doubt but that 1421 represented not 90 percent of these people, but 100 percent of them.

After the receipt of the telegram of October 11 from Mr. Green, the following telegram was sent to Mr. Gene L. Green, dated October 12, 1944, by H. K. Sorrell, Painters Local 644, D. T. Wayne, Machinists Local 1145, Ed Mussa, Set Designers Local 1421:

MR. GENE L. GREEN,

*Tenth War Labor Board,*

*1335 Market Street, San Francisco, Calif.:*

Have advised all painters, decorators, and machinists to return to work on their regular shift immediately in compliance with your request. Sincerely hope you will expedite final decision of this case. Will cooperate to the limit.

A telegram dated October 21, 1944, Washington, D. C.

HERBERT K. SORRELL,

*1153 Norden Avenue, Glendale, Calif.:*

Re your tel case No. 111-11414D will be placed before new case committee next week.

GEORGE T. BROWN, *NWLB.*

Then, a telegram dated October 30, from Washington, D. C., addressed to Herb Sorrell, president, Conference of Studio Unions, 4157 West Fifth Street, Los Angeles:

Hollywood studio cases 111-11414D has been referred by new case committee to A. F. of L. members of National War Labor Board in accordance with established practice involving jurisdictional disputes requesting every effort to obtain early settlement.

BERNARD WEITZMAN, *NWLB.*

Mr. LANDIS. At about what time was this?

Mr. BODLE. This was October 30.

Mr. LANDIS. Of what year?

Mr. BODLE. 1944.

Mr. LANDIS. The last part of 1944?

Mr. BODLE. Yes, sir.

Mr. LANDIS. Was the big long strike in 1945?

Mr. BODLE. In 1945.

Mr. SORRELL. This is bringing it up to the 1945 strike.

Mr. LANDIS. This is really the 1945 strike?

Mr. SORRELL. Yes. You see, we exhausted our efforts. We spent months, and months, and months going to the National Labor Relations Board, only to be pushed out of the National Labor Relations Board, due to the fact that they would not intervene between two A. F. of L. unions unless the employer requested it. The employer refused to request it, thus tying us up.

Then at some of the studios the decorators quit work, caused a stoppage of work, which brought the War Labor Board into it. We immediately went back to work as requested by the War Labor Board because they said that they would settle.

Now the War Labor Board assumed jurisdiction of the thing. The wires I sent the War Labor Board do not appear here, but their answers to me do appear.

I was always needling them; "get something done; we want contracts; contracts are being held up, due to this dispute."

It was referred to the A. F. of L. committee. I figured it would die there. I needled them and needled them.

There was a vote taken—and I do not remember now whether the NLRB or the War Labor Board held the vote—to see if these people would actually strike or not, after a 30-day period.

After the vote was taken, William Green called me and caught me at Warner Bros. I was going around to see how the vote was going. I had my first disagreement with William Green there. I said:

If you had not held it up in your office so long we would not be voting today. If we could get some action we don't want to strike, we want to continue work, but we find ourselves in an untenable position, and it is partly your fault.

Mr. LANDIS. When was the arbitrator appointed, do you know?

Mr. SORRELL. Dates are very poor for me, but he will bring it up very quickly.

Mr. BODLE. On January 26.

Mr. LANDIS. 1945?

Mr. BODLE. Yes. There was a delay here from October 11 to January 26, while the Board had jurisdiction and before the arbitrator was appointed. The point I want to make is that there was no hasty action taken here.

Mr. LANDIS. What is his decision?

Mr. BODLE. May I just read through these? I will be up there very soon.

Mr. LANDIS. Go ahead.

Mr. BODLE. This telegram of December 27, 1944, to Mr. L. P. Lindelof, Painters and Decorators Building, Lafayette, Ind., signed by Herb Sorrell:

Unable to contact you by phone today. Hope you will be able to influence President Green to make some move prior to January 6, so that I will be able to call a meeting and assure the decorators some positive action is being taken and arrange to postpone the strike vote. Failure to receive some action prior to January 6 will mean a complete tie-up in the motion picture industry.

This is a telegram from Gene L. Green, director of disputes, Tenth Regional War Labor Board, to Herbert Sorrell, dated January 4, 1945:

This is to inform you that the Tenth Regional War Labor Board sent the following telegram to the National War Labor Board "in dispute case 111-11414D, involving the major motion-picture producers, Hollywood and Local 1421, Screen Set Designers, A. F. of L., previously referred to William Green, president, A. F. of L., the Tenth Regional War Labor Board today unanimously adopted the following resolution"—

I might say, parenthetically, of course, there were A. F. of L. members on that board designated by the A. F. of L.—

1. That the chairman be directed to report to the National War Labor Board the seriousness of this situation aggravated by the failure of the Board's procedures to effect an early settlement.

2. That the regional board feels responsibility in this matter, since the employees returned to work after a previous strike upon persuasion by a labor member of the board on its behalf that if the employees return to work and stayed at work the case would be settled peacefully under board procedures.

3. That there is now grave doubt that the men will continue to work if this matter is not promptly disposed of.

4. That the Tenth Regional Board urges the National Board to take whatever steps may be necessary to settle the case on its merits, and soon as possible, including, if necessary, referral of the case to the regional board for determination of the dispute on the merits.

THOMAS FAIR NEBLETT,

*Chairman, Tenth Regional War Labor Board.*

Then a telegram of January 18, 1945.

Mr. KEARNS. Pardon me at this time.

We will adjourn until 2 o'clock.

(Thereupon, at 12 noon, an adjournment was taken until 2 p. m. of the same day.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will come to order, please.

You may continue, Mr. Bodle.

#### TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE— Continued

Mr. BODLE. I think I had just finished reading a telegram from Gene L. Green, director of disputes, Tenth Regional War Labor Board, to Sorrell, quoting a telegram from Thomas Neblett, chairman of the Tenth Regional War Labor Board, to the National War Labor Board itself.

The next telegram is a telegram of January 18, 1945, to Mr. William H. Davis, Chairman, National War Labor Board, Washington, D. C.

Regarding dispute case No. 111-11414D, President Green notified me January 6 this dispute would be settled by arbitrator appointed by Board and requested holding off strike action. Twelve days have now elapsed with no further word of settlement. Please confirm or deny statement by Green. Impossible to keep situation in check much longer. Appreciate an answer before Sunday.

Signed, "H. K. Sorrell, president, Conference of Studio Unions."

The telegram of January 23, 1945, to Herbert Sorrell, Screen Set Designers' Local 1421, 4517 West Fifth Street, Los Angeles, states:

Pursuant to Board's earlier letter to William Green, arbiter is not being selected in case 111-11414D, involving Local 1421, Screen Set Designers, A. F. of L., and the major motion-picture producers, Hollywood. Name of arbiter will be announced shortly.

Signed, "Gene L. Green, Director, Disputes Division, Tenth Region."

Then a telegram of January 26, 1945, to Ed Mussa, business representative, Set Designers, Decorators, and Illustrators, Local 1421, Brotherhood of Painters, Decorators, and Paperhangers of America, A. F. of L., 4157 West Fifth Street, Los Angeles:

Re case No. 111-11414D involving Hollywood studios, Hollywood and vicinity, Metro-Goldwyn-Mayer, Inc.; Columbia Studios; Paramount Studios; Warner Bros.; and Twentieth Century-Fox and Set Designers, Decorators, and Illustrators, Local 1421; Brotherhood of Painters, Decorators, and Paperhangers of America, A. F. of L.; International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, A. F. of L.;

National War Labor Board has appointed Mr. Thomas Tongue, of Portland, Oreg., as the arbitrator to decide the case. Mr. Tongue will communicate with the parties directly with regard to time and place for hearing.

WILLIAM H. DAVIS,  
*National War Labor Board.*

The telegram of January 26, 1945, addressed to Herbert Sorrell, Screen Set Designers, Local 1421, A. F. of L., 4157 West Fifth Street, Los Angeles.

YEON BUILDING, PORTLAND, OREG.

This will advise you that I have today been appointed arbiter in NWLB case No. 111-11414-D involving the major motion-picture producers association, Hollywood, Screen Set Designers Local 1421, A. F. of L., the International Alliance of Theatrical Stage Employees Union, A. F. of L. Hearings are scheduled to commence at 2 p. m., February 8, 1945, in the offices of the Board, William M. Garland Building, 117 West Ninth Street, Los Angeles. It is suggested the parties assemble at 10 a. m. on the morning of the same day at the Board offices for the purpose of framing the issues and for preliminary discussion of them. I will be available for consultation. Letter of confirmation follows.

THOMAS H. TONGUE.

Pursuant to that notice, Mr. Tongue sat as arbitrator in this dispute.

On February 17, 1945, he handed down the following award, which I want to read:

UNITED STATES OF AMERICA, BEFORE THE NATIONAL WAR LABOR BOARD

February 17, 1945

Case No. 111-11414-D—Award of Arbitrator

In the Matter of: Metro-Goldwyn-Mayer Pictures (Loews, Inc.); Paramount Pictures, Inc.; RKO Radio Pictures, Inc.; Twentieth Century-Fox Film Corp.; Universal Pictures Co., Inc.; Warner Bros. Pictures, Inc.; Republic Productions, Inc.; Columbia Pictures Corp.; and Samuel Goldwyn Inc., Ltd. and Screen Set Designers, Illustrators, and Decorators, Local 1421, AFL and International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada, Local 44, AFL; before Thomas H. Tongue.

#### ARBITRATOR BACKGROUND

On October 11, 1944, this case was certified by the Secretary of Labor to the National War Labor Board under Executive Order 9017 as a labor dispute between the producers and local 1421, which might interrupt work which contributes to the effective prosecution of the war, following a strike by local 1421 at one of the studios. Since the dispute arose largely because of conflicting claims upon the producers by the local 44 and local 1421 for jurisdiction over interior decorators, an attempt was then made to have the case settled by the AFL members of the War Labor Board, following which on November 3, 1944, it was referred to William Green, president of the American Federation of Labor, with a request to settle the dispute with the presidents of the two international unions involved, in accordance with past practice in jurisdictional disputes between two AFL unions.

On January 9, 1945, no settlement having been arrived at within the AFL and the danger of a strike being imminent (as evidenced by a strike vote of 254 to 42 under the War Labor Disputes Act), the—

May I interject to say that was a strike vote conducted among the members of local 1421 pursuant to the provisions of the so-called Smith-Connelly Act—

The War Labor Board resumed jurisdiction over the case and notified Mr. Green that an arbitrator would be appointed to settle the dispute by a decision binding upon the parties. It was pointed out that this was also in accordance with established procedure in jurisdictional disputes between AFL unions. This action received tacit approval from Mr. Green by letter dated January 13, 1945, acknowledging the War Labor Board letter of January 9, stating that he was



assured by local 1421 that there would be no strike until further efforts had been made to bring about a settlement, and noting that an arbitrator would be assigned to give attention to the controversy. On January 20, however, the IATSE advised the Board that it would not submit to arbitration. Nevertheless, on January 26, 1944, the Board notified the parties that the undersigned had been appointed "as arbitrator to decide the case."

On February 8 and 10, 1945, hearings were held before the arbitrator in Los Angeles upon the issues as stated below, despite continuing objections by local 44 of the IATSE to the jurisdiction of the Board. Evidence was received, including 17 exhibits introduced by local 1421 and oral testimony from witnesses on behalf of both local 1421 and the producers (whose only witness except for statements made by their attorney, was the attorney for local 44). Oral argument was also made by attorneys for the same two parties and it was agreed that memoranda upon the question of jurisdiction might be filed by all parties, including local 44 as *amicus curiae*, on or before February 14, 1945. The only memorandum submitted, however, was on behalf of local 1421.

In view of the refusal by the producers to take any part in discussion of the issues, even to the point of declining to admit or deny statements by local 1421 of its position and in view of the refusal by representatives of local 44 to take any part in the hearing, except by testifying on behalf of the producers, it was not possible to arrive at any agreed or written stipulation of the issues. After calling upon the parties to state their views of the issues and their positions thereon, and after hearing such discussion as was forth-coming, it was ruled that the issues involved were as follows:

1. Whether local 1421 has bargaining rights for interior decorators by virtue of a contract signed May 3, 1942, between the producers and the Society of Motion Picture Decorators, which local 1421 claims to succeed, and by virtue of conduct by producers since such alleged succession which is claimed by local 1421 to constitute *de facto* recognition of it as the successor to the bargaining rights for such employees.
2. Whether the National War Labor Board and an arbitrator appointed by it has jurisdiction to finally decide a labor dispute involving such an issue.

#### PRELIMINARY RULINGS

##### 1. *Title of case: Employer parties*

It was first ruled, upon motion by the producers, that the producers association should not appear as a party to the case and that the individual employer parties should be amended to include those listed above.

##### 2. *Jurisdiction to hold hearing*

The objection by local 44 to the jurisdiction of the Board and its arbitrator to hold a hearing in the case was overruled, without prejudice to the right to renew this objection on appeal from the award of the arbitrator.

In view of the power of the Board to decide all labor disputes certified by the Secretary of Labor as apt to interrupt work which contributes to the effective prosecution of the war, so long as it does not invade the jurisdiction of other Government agencies, such as the National Labor Relations Board, there can be little doubt concerning the jurisdiction of the Board to at least proceed with a hearing of this case. No showing was made or attempted that this is not such a dispute. In fact, not only local 1421 but the producers conceded this point. It is plain that jurisdictional disputes between unions can effect the prosecution of the war fully as much as other types of labor disputes.

Moreover, under an agreement between the Board and the AFL, jurisdictional disputes, although first to be referred for settlement within the unions themselves, as is by all means most desirable, may then, if such settlement fails, be submitted for final decisions to arbitrators appointed by the Board. Thus arbitration of such disputes, although individual unions may object, is essentially voluntary rather than compulsory, for the reason that it is based upon this agreement. The letter from William Green on this point has already been noted. If, however, any doubt arises concerning the power of an arbitrator to decide such a case, it could be quickly resolved by the adoption of his award by the Board as its own directive order, after due review.

*3. Jurisdiction to decide which union represents majority of employees in appropriate bargaining unit*

Near the outset of the hearing local 1421 took the position that one of the grounds for its claim to bargaining rights is the alleged fact that all interior decorators are members of local 1421 and that the appropriate bargaining unit is limited to interior decorators. It was ruled by the arbitrator that these issues are beyond the jurisdiction of the War Labor Board, since they are exclusively within the jurisdiction of the National Labor Relations Board. This rule has been so firmly established by the War Labor Board that no citation of supporting authority is necessary and no authority to the contrary was submitted by local 1421.

*4. Jurisdiction to decide dispute to exclusion of rights to apply to NLRB*

Finally, it was ruled as a preliminary matter that even a decision upon the question of whether local 1421 has bargaining rights by virtue of the contract and the conduct of the producers could not preclude any party from applying to the National Labor Relations Act for a determination upon the question of representation. Objections by local 1421 to this ruling were rejected. Again, it seems obvious that the War Labor Board cannot preclude any person from at least filing such an application with the NLRB. This does not mean, however, that the War Labor Board cannot proceed to determine the conditions of employment under which employees and employers shall work, including the important condition of whether an employer shall continue to recognize and bargain with a union of which all of the employees involved are members, at least pending a final determination by the NLRB of the question of representation.

POSITION OF PARTIES

*1. Local 1421*

(a) Local 1421 succeeded to the bargaining rights of the Society of Motion Picture Interior Decorators by virtue of its contract with the producers; including provision for assignment of bargaining rights, and by virtue of the fact that the producers did not exercise their option to cancel the contract when local 1421 succeeded to such rights and did not object until many months later.

(b) Local 1421 also acquired bargaining rights as the result of a course of conduct under which the producers gave de facto recognition to it as the bargaining representative for interior decorators.

(c) The National War Labor Board has jurisdiction to make a final decision of the case, which does not involve any questions of representation for the National Labor Relations Board to decide.

*2. Local 44*

(a) The National War Labor Board and its arbitrator have no jurisdiction to decide a jurisdictional dispute between two AFL unions unless all parties agree to the arbitration.

(b) (Testimony on behalf of producers.) Jurisdiction over interior decorators was claimed since January 1942 by virtue of the charter granted to local 44 by the AFL and by virtue of its contracts with producers covering property men; also by virtue of its claim that more than a majority of members of the society were members of local 44.

*3. Producers*

(a) The National War Labor Board has no jurisdiction to decide the case because it involves the determination of a question of representation, which only the National Labor Relations Board has jurisdiction to decide.

(b) The producers will not bargain now with local 1421 for interior decorators, but will bargain with whatever union the NLRB decides represents a majority of the employees in the appropriate bargaining unit.

(c) The producers will, however, abide by any decision "within the reasonable scope" of the powers of the National War Labor Board.

SUMMARY OF EVIDENCE

1. On May 3, 1942, the producers entered into a contract with the Society of Motion Picture Interior Decorators, effective from April 1, 1942, to April 1, 1947, which included the following provisions, among others:

Section 2. Recognition:

"The producer recognizes the society as the exclusive collective-bargaining representative of all employees covered by this agreement. The society makes

this agreement on behalf of such employees, a majority of whom the society warrants are members of the society in good standing."

Section 10. Change of bargaining representative:

"In the event that a majority of the interior decorators and assistant interior decorators in the employ of the producer should designate a different bargaining representative, the name of such representative shall be inserted herein in lieu of the name of the society, or the producer may, at its option, declare this agreement null and void. In the event that the society should affiliate with any other labor organization, the name of such labor organization shall be inserted herein in lieu of the name of the society, or the producer may, at its option, declare this agreement null and void."

2. The society by contract had never been certified by the National Labor Relations Board, but the employers recognized it as the bargaining agent for the interior decorators.

3. On October 28, 1943, the members of the society voted that the society should affiliate with local 1421 and designate it as exclusive bargaining representative. Thereafter, all members of the society became members of local 1421.

4. On November 6, 1943, local 1421 notified the producers that the society had affiliated with local 1421 and that it desired to adjust certain provisions of the agreement between the producers and the interior decorators.

5. On November 8, 1943, the producers were notified by local 1421 that the agreement between them (for groups other than interior decorators) would expire on January 1, 1944, and that it desired an early date to proceed with negotiations for a new contract, to include interior decorators.

6. On November 11, 1943, the producers acknowledged this letter and suggested that local 1421 forward a written proposal of the amendments desired. No mention was made nor question raised concerning its claim to represent interior decorators.

7. On December 30, 1943, negotiations were officially opened, no objection being raised by the producers, and were then transferred to New York where further negotiations were held on April 11, 1944.

8. On June 8, 1944, at a further meeting in Hollywood, local 1421 proposed a form of contract to cover all groups represented by it, including interior decorators. At this meeting wages, hours, and conditions for interior decorators were discussed. No express objections were made by producers at this meeting.

9. On July 25 or 28, 1944, there was a further meeting, at which the producers requested the union to obtain a letter from the society notifying the producers of the change in affiliation. This was understood by local 1421 to be regarded as a mere legal formality required by attorneys for the producers. On July 28, 1944, such a letter was sent to the producers over the signature of the secretary and former president of the society. By reply dated August 10, 1944, the producers notified the society that they were not willing to recognize local 1421 until certified by the National Labor Relations Board and that until then the producers would continue to recognize the society. The society, however, had ceased to exist, except for "cultural" purposes and to retain and disburse its funds, which had not been turned over to local 1421.

10. On August 8, 1944, the producers advised local 1421 that as a formality it should be certified by the NLRB, following which, on August 8, a petition was filed with that Board. On August 16, local 44 intervened in this proceeding. Local 1421 concedes that some decorators had cards with local 44, but only in order to work as property men when no work as interior decorators was available. On August 30, local 1421 withdrew its petition, claiming it to be an unnecessary step for the reason that there was no question of representation.

11. There is no evidence that after October 28, 1943, the producers ever actually dealt with the society as the bargaining representative for interior decorators. On the other hand, the producers by a course of conduct, gave de facto recognition to local 1421 as the bargaining representative for interior decorators, at least to the extent of hiring all decorators through local 1421, calling upon local 1421 to furnish work permits for some 80 decorators, a practice not effective until local 1421 succeeded to the rights of the society, and to the extent of settling at least two grievances with local 1421 for interior decorators. Recognition also was granted to the extent that representatives of interior decorators were included on the union committee with which the producers met to negotiate a new contract and to discuss wage rates for interior decorators.

12. On August 31, 1944, local 1421 notified the producers that it had withdrawn its NLRB petition, but stood ready to submit proof that it represented 100 per-

of the former members of the society, enclosing a list of alleged members. In a reply dated September 13, 1944, the producers requested that local 1421 submit a description of the bargaining unit claimed by it to be appropriate. This was the first time that any reference to this point had been made by the producers. On September 14, local 1421 replied by enclosing a copy of the jurisdiction granted by its international union. By letter dated September 19, 1944, the producers notified local 1421 that they did not agree to the appropriateness of the bargaining unit suggested by local 1421 insofar as it would include interior decorators, did not recognize it as collective bargaining representative of the employees in that unit, and would not negotiate with local 1421 for interior decorators. Relations then deteriorated until a strike on October 5, 1944, following which the War Labor Board assumed jurisdiction upon certification by the Secretary of Labor.

13. Testimony to establish the responsibility and professional nature of work by interior decorators was introduced by local 1421, showing the differences between their work and that of property men. A copy of the jurisdiction granted to local 1421 by its international union, including jurisdiction over interior decorators, was introduced in evidence as well as membership cards purporting to show that all interior decorators had designated local 1421 as their bargaining representative. It was not denied that at least a majority of interior decorators were members of local 1421.

14. The charter granted in 1939 to local 44 by its international union gave it jurisdiction over property men and set dressers, and its contracts with producers included references to the emergency origination of set dressings by property men as well as the handling of all "props" and property men. There is no inconsistency, however, between the origination and designing of sets by interior decorators, except in emergencies, and the manual handling of "props" for such sets by property men. Evidence is conflicting on the question of the number of interior decorators with cards from local 44. No petition, however, has been filed or is now pending with the NLRB on behalf of local 44.

#### OPINION

##### *1. Acquisition of bargaining rights by local 1421.*

Aside from any question of representation, as discussed below, it appears to be clear that local 1421 not only succeeded to the bargaining rights of the society under its contract with the producers, but also was given at least some degree of de facto recognition by the producers as the bargaining representative for interior decorators.

It may be true, as argued by the producers, that the society did not "affiliate" with another labor organization in the strict sense of the word, since it retained its funds and continued in existence as a "cultural" organization. It is not disputed, however, but a majority of the interior decorators designated a different bargaining representative, as provided for in the first sentence of section 10 of the contract. This placed the burden upon the producers of either recognizing local 1421 as the successor to the bargaining rights or else of declaring the contract void.

It is admitted by local 1421 that the company was entitled to notice of this change in bargaining representation. It may also be true that the producers were not required to take cognizance of notice given by local 1421, a stranger to the contract. But the producers do not deny that they did acquire knowledge of this change and by their silence and their entrance into negotiations with local 1421 without objection to the change, they are estopped now to object to the lack of adequate notice. Moreover, even after receiving formal notice from the society by letter dated July 28, 1944, the producers still did not and never have declared the contract void. Consequently, they are bound by its terms to recognize the successor to the society as the bargaining agent for interior decorators, aside from any question of representation.

This conclusion is further supported by the fact that the producers, by dealing without objection with local 1421 as the representative of interior decorators to the extent of requesting the union to issue work permits for interior decorators; meeting with a committee of local 1421, including representatives of interior decorators, and discussing wages for such employees; as well as dealing with local 1421 in the settlement of at least two grievances, accorded at least a substantial degree of de facto recognition to that union as the bargaining agent for interior decorators. Moreover, it is not denied that at least a majority of interior decorators are members of local 1421.

It does not follow, however, that local 1421 had the right to demand the abandonment of the former contract with the society and the negotiation of an entire new agreement. By the terms of that contract it was to extend until April 1, 1947, and could only be reopened for negotiation on changes in wages, hours, and working conditions during the month of April 1944. If local 1421 is to be the successor to the bargaining rights under that contract, as it urges, it is also subject to the duties imposed by the term of the contract.

The question whether that contract is to be amended, which might effect a complete change in all of its terms, or whether a new contract should be negotiated covering not only interior decorators, but other groups represented by local 1421, is largely one of mechanics, although the producers have the legal right to insist upon the former alternative. The only remaining question, insofar as the contract is concerned, is whether demands made in November 1943 are to be considered as having been presented during the month of April 1944, as strictly required under the contract. This question was not an issue at the hearing and is thus beyond the power of the arbitrator to decide. Since, however, this might become the seed of a further controversy, it is recommended that because the demands were still pending negotiation in April they should be considered as in the nature of continuing demands and thus of the same effect as though expressly renewed during that month.

Thus, aside from any question of representation, it is concluded that local 1421 has succeeded to the bargaining rights of the society under its contract with the producers, with the result that both producers and local 1421 are bound by the terms of that contract and with the further result that they should proceed with the negotiations upon union demands now pending either for the purpose of amending that contract or negotiating a new contract to cover all groups represented by local 1421.

## 2. Jurisdiction of the War Labor Board over issues in case

As already noted, it is recognized by the War Labor Board that it has no power to finally decide questions of representation, which are exclusively within the jurisdiction of the National Labor Relations Board. It does not follow, however, that the War Labor Board should therefore refrain from directing that employers and unions should continue to work under the terms of previous contracts or to proceed with the negotiations of new contracts.

The War Labor Board has adopted the rule recognized by both the NLRB and the courts that a union which has acquired bargaining rights as the representative of a majority of employees in an appropriate bargaining unit is presumed to retain such rights until the contrary is shown. As stated by the Board in the case of *U. S. Gypsum Co.* (14 W. L. R. 388):

"It has been the policy of the NWLB to require an employer and a union with which the employer has had a past history of collective bargaining to negotiate and sign contracts to continue in effect according to their terms or until the NLRB shall have determined that the union is no longer entitled to represent the employees as the exclusive bargaining agent."

The announced policy of the War Labor Board in cases of jurisdictional disputes, as stated in *W. L. B.—N. L. R. B. Agreement on Cases Involving Wagner Act Question* (14 W. L. R. VIII), is as follows:

"C. Where there is a prior collective-bargaining contract between the parties, whether or not there has been an NLRB certification, or where an NLRB certification has become "stale."

"(a) Cases involving competing unions. These situations are presented to the WLB in a variety of forms. We set forth here two typical cases:

"(1) Union X has had a collective-bargaining contract with the company. At the expiration of its contract (which occurs more than a year after its certification by the NLRB), union Y claims to represent a majority of the employees. At the time the dispute is certified to the WLB, neither union Y nor the company has filed a petition with the NLRB for an election, but in the dispute case before the WLB they both question the majority status of union X.

"Under the NLRB rules either the company (because there are competing unions) or union Y has the right on its own motion to petition the NLRB for a determination of the representation question. It was felt that, unless prior to certification of the dispute to the WLB the company or union Y had petitioned neither the producers nor local 44 challenges the claim that it represents a the NLRB, the WLB could properly assume that there was no bona fide doubt as to union X's majority status. The WLB would therefore treat the previous NLRB certification as still conclusive of the majority status of union X."

I might point out at the time the case was certified to the Board neither local 44 nor the producers had filed a petition for certification.

It is to be noted that this policy is to be applied whether or not there has been an NLRB certification and even where a competing union is pressing its might be assigned and, as we have found, an assignment was actually made to local 1421. The producers also continued to deal with local 1421 and even now claim. The mere fact that local 1421 received bargaining rights by assignment would not appear to be a valid reason for not applying this policy in the instant case, nor to override the presumption that local 1421 has the bargaining rights.

The producers by contract recognized the society as having exclusive bargaining rights for interior decorators and by contract agreed that these rights majority of the interior decorators.

As held by the Regional War Labor Board in the case of *Spicer Manufacturing Corporation* (Case No. 111-4472-D) :

"We could scarcely subscribe to the principle that the bare act of affiliation of an independent union with a national labor organization constituted such a change in the organization as to deprive it of the benefit of concessions previously obtained in the course of collective bargaining."

Further support for this view is to be found in the case of *Northern Indiana Brass Co.* (20 W. L. B. 119), to the effect that—

"If a mere change in national affiliation or, by analogy, a change in name, were to be considered a sufficient reason for breaking off contractual negotiations, unfold confusion and delay might result in American labor relations with grave consequences for the effective prosecution of the war."

Nor will the mere unsupported claim by employers or by a rival union that the union in question no longer represents a majority of employees in an appropriate unit rebut this presumption, for the reason that :

"A bare assertion that a union, previously certified by the NLRB, has lost its majority status, will not persuade the WLB to deny to the union the benefits of certification. Substantial evidence must demonstrate in each case that events occurring since NLRB certification have been of so compelling a character that opportunity to seek a redetermination of the question should not be foreclosed." *Chicago Transformer Company* (14 W. L. R. 666).

The conclusion is thus reached that the producers and local 1421 should continue to work under the terms and conditions of the contract of May 3, 1942, and should continue to negotiate either amendments to that contract or, if producers are willing, an entire new agreement and that these conditions should continue until any question of representation that may exist is determined by the NLRB.

In so holding, the War Labor Board is not invading the province of the NLRB. Rather, any question of representation is reserved for exclusive decision by that Board.

The War Labor Board is doing no more than applying its usual policy in jurisdictional disputes of preserving the status quo pending final determination of any question of representation by the NLRB. A further reason for applying a status quo policy in this case is that there appears to be a conflict between the two locals over the scope of their charters, which can only be resolved within the AFL.

In order to fulfill the responsibility of the War Labor Board in disputes threatening to interfere with work connected with the war effort, it is necessary that the public interests be protected by directing the parties to maintain the status quo until a decision on any question of representation can be made by the NLRB or until the question of conflicting jurisdiction can be resolved within the AFL. As held by the War Labor Board in the *Chicago Transformer* case (14 W. L. R. 666) :

"If it is proper to order the unions to refrain from exercising their right to strike, and we entertain no doubt that it is, we think that it is equally proper to order an employer to refrain from exercising his right to refuse to continue collective-bargaining relations with a union in circumstances such as we have here."

#### AWARD

1. In view of the past history of collective bargaining involving interior decorators between the producers and local 1421, including the transfer to local 1421 of the bargaining rights for such employees from the Society of Motion Picture

Interior Decorators pursuant to its contract with the producers dated May 3, 1942, the producers and local 1421 shall proceed to operate under the terms of said contracts and to negotiate either amendments to that contract or, if the producers are willing, an entire new contract including interior decorators with other groups represented by local 1421.

2. These conditions shall continue until either:

(a) The contract of May 3, 1942, together with any amendments agreed upon, or any agreement negotiated to supersede said contract has expired in accordance with its terms; or

(b) In the event of disagreement over the terms of such amendments or agreement until the National War Labor Board has decided such terms and until such contract has then expired in accordance with its terms; or

(c) In the event that the National Labor Relations Board should assume jurisdiction to determine any question of representation, until a final determination is made by such Board of a different bargaining agency or unit; or

(d) Until the conflict in jurisdiction between local 1421 and local 44 is resolved within the organization of the AFL; or

(e) Until the further order of the National War Labor Board.

3. It is understood that this award is without prejudice to the rights of either the producers, local 44, or local 1421 to petition the National Labor Relations Board to determine any question of representation that may exist nor to the rights of either union to request the AFL to determine the conflicting claims of jurisdiction, but is solely an award to preserve the status quo in the public interest unless and until such a final determination is made of this controversy.

THOMAS H. TONGUE, *Arbitrator*.

Mr. KEARNS. Well, when you are all through with that you are right back where you started from, is that right?

Mr. BODLE. No; I wouldn't say so. I don't know what you mean by just right back where you started from.

Mr. KEARNS. Well, you still have to go before the Labor Board to make any decision on it. They were merely establishing the valid phase of the contract as having existed.

Mr. BODLE. No; that is not correct. The award says that pending the determination of any question of representation the producers shall recognize local 1421 as the assignee of the rights of the society under the contract between the society and the producers, and shall bargain with local 1421 on behalf of the set decorators. That was all 1421 was actually requesting, that the producers bargain with it as the representative of the set decorators under the contract.

Tongue in his award ordered the producers to do that, on his authority as an arbitrator appointed under the National War Labor Board procedure.

The producers refused to do that. They are the ones—and that is certainly contrary to the testimony that has been given up to now—who followed the War Labor Board decision and are actually the moving parties in bringing about the strike which subsequently occurred.

Mr. KEARNS. What you are trying to establish here definitely is that the 1942 contract which had a tenure of 5 years to run, was not kept, is that it?

Mr. BODLE. That is right. Tongue decides as a legal matter that because the producers failed to cancel the contract when they were notified of the change of affiliation, that they were bound to accept local 1421 as the collective-bargaining representative of the set decorators. He ordered them to do that. It was the failure of the producers to conform to the order of the National War Labor Board that precipitated the strike.

Mr. Sorrell was there and I was not, but he has already testified to that effect.

I might say one other thing. There was here an obligation on the part of the producers and the IA to comply with the order of the National War Labor Board.

There was further an obligation on the part of the producers under the National Labor Relations Board to bargain with the organization which represented the majority of their employees in an appropriate unit. When they finally concluded the NLRB proceeding, you will see from the record of ballots cast, that I think every single one of the set decorators employed by the studios at the time of this War Labor Board proceeding were members of local 1421, had designated it as their collective-bargaining agent, and voted for it when the ultimate NLRB election was held.

So the producers were subject to two responsibilities, both of which they failed to live up to, the responsibility under the Wagner Act to bargain with the representatives of a majority of their men—because there was never any dispute but that 1421 represented a majority. Tongue makes reference to that at two or three places in his award.

When the election finally occurred it was conclusively proved because all the men who had gone out on strike, who were the employed set decorators at the time of this hearing, voted for 1421.

Mr. LANDIS. When was that election held finally?

Mr. BODLE. It was held sometime prior to June 12, 1945, a few days prior to that—here it is, May 24, 1945.

Mr. KEARNS. Mr. Sorrell, you stated this morning this was the only contract the CSU ever had with the producers, is that right?

Mr. SORRELL. What was the only contract?

Mr. KEARNS. This was the only recognized contract you ever had with the producers.

Mr. LANDIS. Since 1942.

Mr. KEARNS. Yes.

Mr. SORRELL. We haven't had any kind of contract with the producers since 1942, except the interim agreement which we obtained by going on strike in 1946.

What I testified to was that the producers continuously held us all out. They dealt with the IATSE, signed contracts with the IATSE, but did not sign contracts with the CSU, and kept us off balance all the time by claiming somebody was asking for jurisdiction.

In other words, they tied us up on jurisdictional arguments so that we could not have contracts.

It is very nice to say that this is a jurisdictional "beef" and thousands of men go out on strike, but those men went out on strike because they knew that they had no contracts, and that due to a smoke screen of jurisdictional troubles which was put on by the IATSE and the motion-picture producers to hide the fact that we were working without contracts.

Mr. LANDIS. This was a 5-year contract?

Mr. SORRELL. This 5-year contract mentioned here was a contract the producers made in 1942 with the society, with an independent group of people. That independent group of people joined with the screen-set designers.

So that you will understand that more specifically, a set decorator is a man who studies periods of furniture, periods of architecture,



knows what kinds of rugs go in certain kinds of castles, what kinds of furnishings go in certain kinds of homes, and so on. He is in a way an artist. He works out of the art department. He comes in contact with the art director, the set designer, the illustrator, et cetera.

Often in decorating a set he cannot find the type of furniture that is needed to depict the time and mode of decoration that is needed, so he scours the city, and if he still cannot find what he wants he gets together with an illustrator, roughly draws out what he wants, and gets it made. That is, it is sometimes necessary to make the furniture or the dressings of the set. He does no actual work. He does not move a chair. He is not a manual laborer in any way.\*

Now the IATSE propmen handle all the furniture but the decorators study the script and take care of the decorating of the sets.

That is why he wished to join the organization which had the other artists, draftsmen, and so forth, that he worked with.

Now he had a 5-year contract which stated that if he joined a national organization or another organization, the producers had the right to either cancel the contract with him or insert the name of the new organization he had joined.

Mr. KEARNS. Or negotiate for a new contract?

Mr. SORRELL. That is right; but the producers did not do that. They went along with us. They paid dues for many months. The business representative of the set designers ironed out problems in the studios, and we had no idea for many months that there was going to be objection.

But when our contracts ran out and it came time for us to write more contracts we were unable to do it because the producer said, "Establish that these people belong to you; the IATSE won't let us sign these contracts with you."

Mr. LANDIS. Did they belong to the IATSE?

Mr. SORRELL. No.

Mr. LANDIS. What did they belong to?

Mr. SORRELL. They belonged to local 1421. As a body they had joined local 1421.

Now some of them had been prop handlers, so to speak, doing manual work and still carried a card in the IATSE. That is, there were enough names so that they could get—I don't know whether it was 3 percent, 10 percent, or something like that—to file intervener to stop the National Labor Relations Board from handling the case because the two unions belonged to the A. F. of L. Do I make myself clear?

Mr. LANDIS. They did not belong to the IA?

Mr. SORRELL. No.

Mr. LANDIS. That is the point I was trying to make.

Mr. SORRELL. No. I don't think the record will show that this group of men ever belonged to the IATSE.

Mr. KEARNS. But still you will have to admit the producer had the right to deal with them, that they could be affiliated with whomever they wanted?

Mr. SORRELL. That is right. The producer had the right to cancel the contract, insert the name of the new organization, or write a new contract. The producer didn't do any of these things. He just refused to bargain.

Mr. KEARNS. Did he refuse to bargain or didn't he know just where the recognition should go at that time?

Mr. SORRELL. Well, he said we don't know who to recognize, the IA claims it.

Mr. KEARNS. Then it gets back to that again, doesn't it—recognition?

Mr. SORRELL. That is right. So the IA said, "For every man you have on your pay roll we will furnish you a card with his authorization, and make it fast and snappy."

They said, "No; you must be certified."

So we filed for certification.

Then there was an intervener filed by local 44 of the IATSE which automatically tied it up.

Then there was one more way out. We asked the producer to file. He refused to file. In refusing to file he had us hog-tied.

Mr. KEARNS. Well, he was all right there.

Mr. SORRELL. Sure he was all right, but—

Mr. KEARNS. It was still an A. F. of L. fight?

Mr. SORRELL. Yes, but he said, "We don't take any part in it, you just figure it out your own way. We just won't bargain."

So consequently we did not bargain, we waited.

Then the set decorators themselves pulled a strike which looked like it would spread.

Mr. KEARNS. You did not have anything to do with that?

Mr. SORRELL. No; the only thing I had to do with it was to get them back to work. When Gene L. Green sent me a telegram stating if I would get the people back to work the War Labor Board would assume jurisdiction—that telegram was read into the record here this afternoon—I immediately sent him a wire saying, "I will get everybody back to work."

Then I bombarded him with wires, "Now I have done my part, you do your part." Eventually Thomas Tongue was appointed and I figured that as loyal American citizens and since our officers had taken an oath not to strike and since the employers had taken an oath to live up to the War Labor Board decisions, that that ended it. But it did not.

Mr. KEARNS. The producer did not know, with regard to whom he recognized, whether he was going to have production or not?

Mr. SORRELL. Had the producer followed the dictates of the War Labor Board as we all agreed to do, it was a closed instance because the IATSE voiced themselves, were quite willing to go along. I will illustrate that a little bit later.

I will tell you now when the vote came—now I am getting ahead of myself. I will wait until we get into the NLRB. I have some things to explain there. There was never any doubt where these people belonged. There was never any doubt who they would vote for. The only doubt was that the producer used them to hold us up and keep us from signing new agreements, to keep us in turmoil and try to destroy the Conference of Studio Unions.

Mr. LANDIS. Was that a slow period of work at that time?

Mr. SORRELL. No, sir. All during the war, believe me, we had a 6-hour day in most of the crafts. All crafts worked 8 hours for 9 hours' pay. They worked 6 days a week and they worked continuously; no-

body lost any time during the war. The studios run full blast. There was no let-up at all.

They did not have the foreign market then: they did not need it; they had the American market.

They made pictures, made money and they did not have to depend on the 75 percent from England, France, Italy, and those places. That didn't slow them down at all.

Mr. KEARNS. This 1942 contract changed the picture, though, after that of the unions out in Hollywood, did it not?

Mr. SORRELL. The 1942 contract?

Mr. KEARNS. Yes, the one here that had 5 years to go, the one you were just talking about.

Mr. SORRELL. That was a contract by an independent union.

Mr. KEARNS. That is right, but it changed the whole picture there because they did not have to bargain with them, they decided they would not recognize them, is that right?

Mr. SORRELL. It didn't change the picture. They decided they would not bargain with us for those people.

Mr. KEARNS. Well, it seems to have changed your picture.

Mr. SORRELL. As we are trying to show you, we tried from 1943, 1944, 1945, to get a new contract. We could not get a new contract.

Mr. KEARNS. You never did get it, did you?

Mr. SORRELL. We never did get a new contract. We got an interim contract, an interim agreement on July 2, 1946. There will be more about that as we go along. You will see the picture as it unfolds.

Mr. KEARNS. The decision that Mr. Tongue handed down didn't mean anything anyway, it was not abided by, was it?

Mr. SORRELL. The producers did not abide by the decision, no.

Mr. KEARNS. So things went on.

Mr. SORRELL. So things went on. Instead of abiding by the decision and appealing to the NLRB, they appealed to the NLRB, they appealed to everything and left us standing without contracts.

I think we should go on with the NLRB thing. I am awfully anxious to get the whole story told. I will inject in spots to point up what happened.

Mr. BODLE. I want to comment on one thing. I got the impression you said that what the producer did was all right.

Mr. KEARNS. No, I was just inquiring as to what they did after this was handed down.

Mr. BODLE. There was a contract here. The producer could only do one thing and remain in compliance with his contract. He could either cancel or he could insert the name of local 1421 in the contract.

Mr. KEARNS. Yes, I understand that.

Mr. BODLE. He did neither. Mr. Tongue held that inasmuch as he had not canceled he was bound to insert the name, so you had a legal obligation here which was violated by the producers.

Since there has been so much made of the fact that the conference struck during the war period, I think it ought to be pointed out that an employer or union can violate the no-strike pledge just as fully by refusing to comply with orders of the War Labor Board, and hence precipitate a strike, as he can by engaging in the strike himself.

I mean both parties have an obligation. Certainly the producers did not fulfill their obligation here.

Mr. KEARNS. Was 1421 a member of the A. F. of L.?

Mr. BODLE. A members of the A. F. of L. It was an affiliate of the Brotherhood of Painters and an affiliate of the Conference of Studio Unions.

Mr. KEARNS. Then there is where the producers have a different way of looking at it.

Mr. LANDIS. But it was not mentioned in the 1942 contract?

Mr. SORRELL. 1421 wrote their last contract in 1942.

Mr. LANDIS. For 5 years?

Mr. SORRELL. No.

Mr. LANDIS. For how long?

Mr. SORRELL. Well, it presumably was for a year, it went from year to year.

In 1943 we didn't have such good luck. In 1944 we still didn't have any luck because we had the argument about their absorbing the small group called the Screen Set Decorators Independent.

Now the screen set decorators voted unanimously to join 1421, came over, paid dues and went along for months before they found there was any objection by the producers. It was they who had the 5-year contract and it was that contract that the producers violated by not saying to them, "We tear up your contract or we accept 1421 as your bargaining agent."

They accepted it in principle by dealing with the business agent of the 1421 group, then all of a sudden when it came time to sign contracts they said, "Your title is clouded to these people. The IATSE claims them. Go get certified."

Mr. KEARNS. Was Mr. Casey handling the labor relations?

Mr. SORRELL. Mr. Casey was the one who told me to go and get certified. I discussed it with Mr. Casey. I told him it was an outrage. He said, "That's right, but I don't run this, that is orders of the attorneys and they have to get certified."

Every time I would meet him he seemed to have the idea that the attorneys were running the labor relations and that they would say we had to be certified, if we couldn't be certified they could not deal with us and we couldn't get contracts.

Mr. LANDIS. Does that take us up to the election of May or not?

Mr. SORRELL. That takes us up to the National Labor Relations Board.

I think I should go on a little bit there because it was while we were in the National Labor Relations Board hearings that we finally went on strike.

I was on the stand just before the strike started. While I was on the stand I asked everyone there, "Look, what good is this? We are going to live up to whatever any Government agency said, we always have. But it seems the painters are the only ones who are willing to live up to anything."

Up to date the IATSE had not made it clear whether they would or would not abide by the decision of the National Labor Relations Board. So I said, "I want to know now, if anyone here is going to abide by this decision or is this just another stall?" I could get no answer from anyone.

The business representatives and the committee from 1421 went back and told their people and their was no holding them thereafter. The strike started.

The National Labor Relations Board then took up the matter. There was a decision by the local regional director, Stewart Meacham. I would like to have you hear that decision.

Mr. BODLE. The Board issued a direction of election and the election was held. I think all the ballots cast by either side were challenged by the other, so this is the report on challenges of Stewart Meacham, regional director, twenty-first region, National Labor Relations Board:

Case No. 21-RE-20 et al.

In the Matter of Columbia Pictures Corp.; Loew's Inc.; Paramount Pictures, Inc.; RKO-Radio Pictures, Inc.; Republic Productions, Inc.; Samuel Goldwyn, Inc., Ltd.; Twentieth Century-Fox Film Corp.; Universal Pictures Co., Inc.; and Warner Bros. Pictures, Inc.; and Screen Set Designers, Illustrators and Decorators, Local 1421, AFL; and International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada, Local 44, AFL

The report on challenges is dated June 12, 1945. I am not going to read all of this, Mr. Chairman, but some of it is pertinent.

On May 7, 1945, the National Labor Relations Board directed an election by secret ballot to be held within 30 days among the set decorators of the above-mentioned companies. The Board directed that both the set decorators who struck on March 12, and replacement workers would be "presumptively eligible to vote, subject to the right of challenge."

On May 24, 1945, the election was held and 112 ballots were cast. All were challenged. Sixty-one ballots were challenged by the International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada, Local 44, AFL, hereinafter called the IATSE, and the employers listed above, hereinafter called the producers. Fifty ballots were challenged by Screen Set Designers, Illustrators and Decorators, Local 1421, affiliated with the Brotherhood of Painters, Decorators and Paperhangers, of America, AFL, hereinafter called Local 1421. A tally of ballots was issued on May 24, 1945.

#### BALLOTS CHALLENGED BY THE PRODUCERS AND THE IATSE

The producers and the IATSE challenged the following 52 employees whom they agreed were employed by the producers as set decorators immediately prior to the strike which began on March 12, 1945.

Mr. KEARNS. Is that the number of people who belonged to the local before the strike?

Mr. SORRELL. That is right.

Mr. KEARNS. Fifty people?

Mr. SORRELL. No, more people than that belonged to the union, there were 77, but 52 of them worked in the major motion picture studios.

Mr. BODLE. Then follows the list of those employees which I will not read.

#### BASIS OF PRODUCERS' CHALLENGE

The producers challenged the above-named 52 voters on the following grounds: "Vote challenged upon the ground that voter was not an employee during the pay-roll period immediately preceding May 7, 1945."

#### BASIS OF THE IATSE CHALLENGE

The IATSE challenged the 52 above-named voters on the following grounds: "1. Was not an employee during the pay-roll period immediately preceding the date of the direction of election by the NLRB—"

Then there are certain other grounds such as that they were supervisory employees, had quit or had been discharged, and so forth.

Now with respect to the decision of the regional director. It is under the heading "Background of dispute."

In order to make clear to all concerned the reasons for the recommendations which will appear below, we are setting forth herein a short review of the events which lead to the dispute concerning the set decorators. This summary is based in part on the information developed by the hearings conducted by both the War Labor Board arbitrator, Thomas H. Tongue, and National Labor Relations Board Trial Examiner, Maurice J. Nicolson.

Then the pertinent provisions of the contract between the Society of Motion Picture Interior Decorators and Producers is set forth. I have already read those into the record.

Then Mr. Meacham follows generally the outline of Mr. Tongue's award in setting forth the facts. I am not going to read that again because it is already in the record.

On December 7, 1944, local 1421 filed a strike notice in accordance with the provisions of the War Labor Disputes Act.

On January 6, 1945, a strike vote was conducted among all of the employees of the producers over whom local 1421 claimed jurisdiction, including set decorators. The overwhelming majority of the voters voted in favor of permitting an interruption of work.

On February 17, 1945, a War Labor Board arbitrator, Thomas H. Tongue, issued his award in which he held as follows—

Then there is a quotation from the award in which Mr. Tongue stated that the producers and local 1421 "shall proceed to operate under the terms of the contract" between the society and the producers, and that these conditions shall continue until the contract of May 3, 1942—that is the society contract—shall have expired in accordance with its terms, or in the event that the National Labor Relations Board should assume jurisdiction to determine any question of representation, until a final determination is made by such board of a different bargaining agency or unit.

Then Mr. Meacham goes on:

On February 26, 1945, the producers filed a petition with the War Labor Board for a review of the award, asking the War Labor Board to set the award aside and requesting the War Labor Board to order the IATSE and local 1421 to join the producers in requesting the National Labor Relations Board to resolve the question of representation.

On February 27, 1945, the petition in the instant case was filed by the producers.

Mr. Sorrell has already testified the producers were requested earlier to file such a petition, but never did.

On March 7, the hearing in the above-captioned case began before Trial Examiner Maurice J. Nicolson.

On March 12, local 1421 went out on strike. Numerous other employees including carpenters, electricians, machinists, painters, refused to go through the picket line and joined the strike.

On April 4, 1945, producers notified each of the set decorators who were on strike that "You are hereby notified that your employment is terminated. Such action was taken because of your failure to report for work, and perform services in accordance with your obligation so to do."

#### RECOMMENDATION REGARDING BALLOTS CHALLENGED BY THE PRODUCERS AND THE IATSE

Section 2 (3) of the National Labor Relations Act states:

"The term 'employee' shall include any employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agri-

cultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse."

Basing itself on this clear statement of the act, the Board has consistently held that strikers are employees and entitled to vote in elections held during the pendency of the strike. Thus, in *A. Sartorius Co., Inc.*, 9 NLRB 19, the Board held that:

"Since the employees who were out on the strike which was current at the time of the hearing have continued to be employees of the company within the meaning of section 2 (3) of the act, they must be counted as employees in the appropriate unit."

Then follows a series of case citations with some discussion.

In the instant case, there is no showing that the employees failed scrupulously to observe all of the terms of their contract so far as affiliation with another labor organization was concerned. It was the producers and not the employees who failed to observe these provisions. This failure persisted over a long period of time and in the face of repeated importunities by the employees. It even persisted beyond and in spite of the recommendation of the War Labor Board arbitrator. It was marked by a belated contention on the part of the producers that a question of representation existed and a still more belated filing of an employers petition for determination and certification of collective bargaining agent. It was only after this lengthy process that the strike occurred, which the producers now claim breached the same contract, which they themselves had refused to observe and despite which they successfully contended the existence of a question affecting representation.

In brief, it seems to the undersigned that the only relationship between the *Sands* case and this instant matter is that in each a clear contractual obligation was breached by a party to the contract. In *Sands*, the defaulting party was the union. In the instant case, it was the producers. We do not mean to imply here that the producers were in error in their refusal to observe the contract and in their contention that a question affecting representation existed. We are concerned simply with the effect of the producers' conduct on the contract. Whether that conduct was thoroughly proper is not the question. The question rather is whether, despite the producers' conduct in breaching one part of the contract, the employees were still bound to consider themselves obligated under other provisions of the contract. There is certainly nothing in the *Sands* case to cause one to reach such a conclusion. Neither does it seem to the undersigned to be a position consistent with the general equities.

We are not impressed by the producers' argument that the employees, faced with a refusal of the companies to observe the contract respecting affiliation with another labor organization, failed to invoke the arbitration machinery set forth in section 9 of the contract. If, as the producers have elsewhere asserted, and as the National Labor Relations Board has found, the change in affiliation was matrix to a question concerning representation no arbitration board set up under the contract could resolve the issue. This could only be done by the National Labor Relations Board. That the employees were willing to arbitrate and that the producers were not is strongly indicated by the conduct of each with respect to War Labor Board Arbitrator Tongue. If this contention has any point at all, it is rather that employees should not strike where adequate relief is available under the representation machinery of the National Labor Relations Board. With this we readily agree. However, we are not aware of any ground for contending that a failure to so conduct themselves may render employees subject to legal discharge. The clear language of section 2 (3) of the National Labor Relations Act would lead to the exactly opposite conclusion.

Mr. LANDIS. How could you have arbitration if the producers did not agree to arbitrate?

Mr. BODLE. Well, the producers apparently made the point in the proceeding before the National Labor Relations Board that under the contract with the society there was provision for arbitration of grievances. Mr. Meacham's point is that assuming there were, it was only for the arbitration of grievances and could not resolve a question of representation.

Now if you have reference to the Tongue arbitration—is that what you had reference to?

Mr. LANDIS. That was it.

Mr. BODLE. Mr. Tongue in his award pointed out that an agreement had been reached with the A. F. of L. and I presume the CIO, although I don't know, that where jurisdictional disputes arose and they could not be settled within the body of the A. F. of L., then by agreement they would be resubmitted to the War Labor Board which would take such steps as it saw fit, including arbitration, to bring about a resolution of the issue.

So Tongue said that this was a voluntary type of arbitration inasmuch as the president of the A. F. of L. had agreed voluntarily that jurisdictional disputes should be arbitrated by the War Labor Board. He proceeded on the basis of that agreement in part, as well as on the powers of the War Labor Board under the relevant statutes of Congress.

Mr. LANDIS. Would you say that the War Labor Board and the National Labor Relations Board gummed up the works?

Mr. BODLE. No; I wouldn't say so.

Mr. LANDIS. That they were too slow in acting?

Mr. BODLE. I would say the producers gummed up the works when they did not abide by the ruling of the War Labor Board. After all, this was wartime. Presumably the War Labor Board had jurisdiction. It made a specific finding that it did have jurisdiction. You would have expected that persons who claimed to be patriotic would have observed its rulings, but they didn't.

Mr. SORRELL. Could I say something here?

Congressman, you understand that labor took a pledge not to strike.

Mr. LANDIS. That is right.

Mr. SORRELL. But when they did that they realized that to do that without any strings on it meant there were no unions left, because in many cases they would be dissolved because they had taken a pledge not to strike.

But to get that pledge the War Labor Board was put in effect. Before striking everything was to be submitted to the War Labor Board. That was the reason for the War Labor Board during the war.

Now here was a case where you couldn't hold the people, but a wire from the War Labor Board immediately put everybody back to work and they would resign the case, they would complete it.

They completed it, but the producers were not patriotic enough to live up to the War Labor's Board's findings. The IATSE, who screams "We are the patriotic people," said, "No, you can't live up to it." The producers said, "We are in the middle."

We said, "What do we do, lay down and die, or fight?" So we were forced to strike. There wasn't any other way around it.

As he gets a little further into the National Labor Relations Board issue here I will tell you more about that. That is quite deep. Then we begin to expose some of the people that I told you we would in high Government positions.

Mr. BODLE. Then follows a discussion of some cases. Then Mr. Meacham says:

The set decorators did not strike because the producers refused to change provisions of a contract. They struck because the producers refused to act in conformity with a clear provision of the contract. Also it is apparent that the court, in Columbia Enameling considered significant the fact that the strike



occurred prior to the passage of the National Labor Relations Act. That circumstance is absent here.

In the instant case, the set decorators did not strike to force the employer to violate any laws, but, on the contrary, went out on strike only after the producers refused to abide by the award of the WLB arbitrator.

The producers further state that the discharge of the strikers was lawful and the strikers are no longer employees because the employees struck in violation of the War Labor Disputes Act. The undersigned does not know in what manner the producers claim employees have violated the War Labor Disputes Act, for on January 6, 1945, a strike vote was held in accordance with the War Labor Disputes Act.

The producers further allege that the discharge of the strikers was lawful inasmuch as the strikers ignored the orders of the tenth regional War Labor Board and the National War Labor Board to return to work and, further, because this strike is in violation of the no-strike pledge made by the president of the American Federation of Labor. By these contentions the producers are requesting the Board to extend the doctrine enunciated in the American News case so as to remove from the realm of protected concerted activities any strike of a union affiliated with the AFL, and/or any strike continued after an order by the War Labor Board directing strikers to return to work.

The Board has given no indication that it contemplates such an extension.

The undersigned, therefore, recommends that the challenge of the producers and the IATSE of the ballots of all employees listed on page 2 of this report, excepting Charles C. Nields only, be overruled, and that the undersigned be directed to open and count these ballots.

#### SUMMARY OF RECOMMENDATIONS

It is recommended that the challenges affecting 54 persons, i. e., all of the strikers, plus Gleason, Spencer, and Boltz, be denied and their ballots considered valid. It is further recommended that the challenges affecting Nields, Clifford, Conway, and so forth, be sustained. This leaves 50 replacement workers concerning whose ballots no recommendation can be made without formal hearing to determine facts. It is possible that the 54 ballots considered valid could decide the election regardless of the 50 remaining possibly valid ballots. There is little likelihood that the present strike can be settled until after the result of this election is established. If it is necessary to defer establishment of results until a hearing on challenges is held the prospect of an early strike settlement is disastrously impaired.

The undersigned therefore recommends that the 54 ballots considered valid be opened immediately and counted. If they establish a decisive result regardless of the 50 ballots considered possibly valid an appropriate certification or order of the Board may issue without delay.

As I understand it, the recommendation of the regional director was adopted. The 54 ballots of the striking set decorators were opened. A count of these indicated that a majority of the men involved——

Mr. SORRELL. I do not think you are right.

Mr. BODLE. I am sorry.

Mr. SORRELL. You better let me carry it there. I was there.

Mr. KEARNS. Let us take a 5-minute recess.

(A short recess was taken.)

Mr. KEARNS. The hearing will come to order, please.

Let us proceed.

Mr. SORRELL. I don't remember the exact figures, but I remember when the votes were taken I looked over the people who voted, and saw some people that I recognized from the studios. I made the mistake of saying, "Here is the first scab ballot." That was a mistake because I looked up and I looked right into the eyes of a friend. Now, you will understand that local 44, who presumably was asking for these people, did not want these people. They did not want the set decorators. They didn't want any trouble with them, only the IATSE International wanted the set decorators.

It was voiced later in their meetings that they didn't want to have any part of it, they didn't desire these people. But replacements were hired. It was a very peculiar group of people that was hired to take the place of these highly educated set decorators.

There was one case of Miss Hansert, who was the wife of an appointed business agent over one of the locals to do work that was ordinarily done by CSU members. His wife took a job at \$130 a week as a set decorator.

Shoe clerks took jobs. There were salesmen and people from—oh, even housewives had put in their names and took these jobs as set decorators.

At some of the studios they made the mistake of taking a few IATSE people who had worked with the set decorators, handling the furniture, and so forth, and elevating them to a set decorator's salary. That meant they put on a collar and tie, quit work, and drew \$130 a week instead of the 60 or 70 they had been getting.

Some of these people refused to take the job, but some took the job and in the case of four or five they contacted me and said, "I am being a 'fink', but I am true to you. I might as well hold this job until a man who is capable of taking it comes back to work, because I won't keep the job after he comes back, and should there be a vote or anything of that kind, I would vote for you people, because I realize I am only acting as a strike-breaker and will be eliminated eventually anyhow."

It turned out it was a long time before these votes were counted. There were watchers there. I was one for the CSU. We all signed across all the envelopes after they were sealed. We sealed up the ballots and put them away in a safety-deposit box.

Then they brought in a man by the name of Denham to act as trial examiner. I got reports that it was all in the bag now, that Denham would handle everything for the producers and everything would be all right.

I visited the hearings. I don't know where the transcript is, but I think we should try to get that and put it in evidence because it brings out the background of all these people. Some of the people were fired for stealing. They lost the \$130 a week job, because they not only took the \$130, but they stole everything they could get their hands on. This was brought out in that hearing. If it is possible for me to get that hearing transcript I think it should be in this record.

Mr. LANDIS. What is Mr. Denham's first name?

Mr. SORRELL. I don't know, but it is the Mr. Denham who is now the head of the National Labor Relations Board.

Mr. KEARNS. Chief counsel.

Mr. SORRELL. That is right. He is in the pockets of the motion-picture producers, I was told.

Mr. ZORN. Mr. Chairman, may I rise on a point of order at this point?

Mr. KEARNS. Yes.

Mr. ZORN. We are having too much character assassination without proof here.

Mr. SORRELL. Well, wait, I am not through yet, I will tell you some more.

Mr. KEARNS. Go ahead.

Mr. SORRELL. We knew what was happening with Mr. Denham, we knew what kind of a deal we were getting, but after all there are three

members on the board, at least three, maybe more, because I was not there. Among them were Mr. Easton, Mr. Riley, Mr. Millets. We have friends that work around that board. They kept in touch with us and told us what was happening.

Mr. Benjamin was sent to the board by the producers—although they are in the middle they are very much interested in this, so they sent Mr. Benjamin there and he makes a lot of contacts. We have that, and we know considerably about it.

We did not do anything about it because we were busy in the strike until we got word that there was now a decision being mimeographed which did not allow any of the set decorators to vote, but only allowed the replacements to vote.

MR. KEARNS. The ones who were out on strike could not vote?

MR. SORRELL. The ones who were out on strike could not vote at all, but the people who had been put in their place would be the only people to vote. We couldn't win on that kind of a deal.

I immediately called our attorney. I told him a few things I knew. He knew some of these things, too, and they called the board together.

Now, I am stating this from memory and I don't know which was which, but Mr. Huston and Mr. Riley, I believe it was, one admitted that he had large stockholdings in a theatrical chain; the other was a trustee for a chain of theaters, or something of that kind. They were asked why they didn't disqualify themselves.

There was a quick meeting held. I also contacted Ellis Patterson, Helen Gabagan Douglas, and I can't think of all the Congressmen and Congresswomen. It seemed there was a calling together of the attorneys, there was a sit-down and a confab. The attorney who attended that meeting has been ducking me. I can't get him. I went to New York to see him and he goes to Washington. I come to Washington and he goes to New York, but this is a fact. They admitted they should have disqualified themselves.

But there was some kind of a deal cooked up there whereby everybody would get a chance to vote. That is all we wanted, because we knew that 100 percent of our people would vote for 1421. We knew the IATSE had no one.

We also knew that a few of the IATSE people themselves would vote for us because they had said they would, and they did.

I think that the record will show that out of about 50 replacement votes, only 45 of them voted for their own jobs. Five of those replacements voted for us.

Consequently we not only won the election 100 percent, we won it by about 110 or 115 percent; in spite of all the conspiring and manipulating of the producers and the IATSE to destroy us, we still won it. That didn't settle the strike.

It is one thing to win a thing legally, it is another thing to actually obtain it. The strike went merrily along.

You first have to win in courts, then you have to win in public opinion, and then Lord knows where else you have to go, but eventually under our present form of government, you get justice.

It has been stated here how the people at Warner Bros. refused to go to work at Warner Bros. any more because of the demonstration we put on there and because of the demonstration of malice and cruelty that the Warner Bros. people used against our people, and they were tied up. They were anxious to get their studios open.

That was what brought on the Cincinnati agreement.

After the Cincinnati agreement was reached, I didn't feel completely satisfied that everything was all right, but I am the kind of a guy who looks at things as they are. I said to everyone I spoke to, "I believe the rest of the differences can be patched up." I soon found that they couldn't be patched up so easily because in the first place the very first move of the producers was to keep the people on the pay roll and advertise that they were keeping the people on the pay roll for a couple of months because Mr. Walsh said they had to.

But why did they insist on keeping people on the pay roll who were not members of Mr. Walsh's union? They kept office workers and people who had never joined the LA union on the pay roll also, not only for the 2 months, but they kept those people on the pay roll until we were forced out on September 23, 1946. They did no work, but they continued to come and get paid.

I was talking to Arthur Unger during this period when our people were working. I said, "Arthur, you haven't given us very good publicity; I haven't had time to see you and ask you about it, but it seems to me that you are letting me down a little bit."

He said, "No, no; I go along with you all I can." He said, "After all, you know I've got a business that I've got to run."

I said, "You didn't think we'd win that, did you?"

He said, "You didn't win anything. You don't know it, but you didn't win anything. That is just a temporary lull."

I talked to Ralph Roddy who was the reporter for Unger, and asked him, "Does Unger put the pressure on you not to give the news exactly straight?"

And he said, "Unger thinks it is only a matter of time until they will destroy your unions anyhow." I would like to get Unger on the stand under oath and ask him some very embarrassing questions, and believe me, it isn't because I want to hurt Arthur Unger, because I like Arthur Unger because of the stand he took against Bioff.

Later, Ralph Roddy had to quit the Variety. If this thing goes further it will be very interesting to have Mr. Roddy on the stand and ask him some questions about what he knows about the conspiracy between the producers and the IATSE.

Mr. LANDIS. Who was he?

Mr. SORRELL. Ralph Roddy was a reporter for the Variety. He is now working for the central labor council putting out this Los Angeles Citizen that Bizzell used to put out.

Now, the next move that was made has been brought out here by the machinists. In spite of the sanctity of the award that was written, the first local to be destroyed was the office workers, which didn't mean so much to us and didn't throw us out, because they had to be transferred anyhow from the painters to the office workers' new international.

The next move was to destroy the machinists.

I called Eric Johnston. I had talked to Eric Johnston before and I had come to like Eric Johnston because he has ideas according to mine, the same as mine, about labor relations.

I think I should drop back and mention that in 1945 just before the Cincinnati agreement, Johnston and I had many hours of talk together. I felt that there was a new era in labor relations coming in when Johnston came in, and I feel that today if any honest man

such as Johnston, such as Pat Casey, such as Eddie Mannix, who cuts my throat, but is honest—if any one of those fellows were given full power, that the labor relations in Hollywood would be completely different.

Mr. LANDIS. You would say Pat Casey didn't have full power?

Mr. SORRELL. I don't think Pat Casey had full power because Pat is a sort of driving personality. When he has the power to make a deal he makes a deal, but I think from 1942 on he was handicapped. He always said it was the lawyers, but I think I know who it was. I don't want to make any allegations here that I can't back up, because I expect to be cross-examined, and I expect to be able to answer everything that I have said here.

I remember Eric and I sat down in the Ambassador Hotel and discussed the situation. He said to me, "I took this job not for the money that it pays, but because I think I can be of more help to other human beings in this job than any other job that I could work at."

He said, "I visited Russia and while in Russia I talked to Russians. They didn't know Tom, Dick, or Harry, they only knew Roosevelt, Franklin D. Roosevelt and every motion-picture star you mentioned they said, 'Ah.'"

"Now," he said, "that is the biggest propaganda in the world. The motion picture can be spread all over the world to spread the American way of life, and in order to make it positive we must have the best labor relations where the pictures are made, or it won't click, and we certainly have the worst now."

Now, in talking to a man like that you would think, "Here comes Utopia." I believe that if Eric Johnston had the power, if they wouldn't handcuff him, he could clean the situation up.

I discussed the threat of the IATSE. I told him the whole story that they would say one word, the producers would fall in with them, and I said, "It is nice to see that somebody has so much power that they will do this or that, but it is not nice when you have to violate the law of the land to abide by decisions that are apparently made and handed to you as threats."

He told me that he was not afraid of the projectionists throughout the country going out, but that he realized he had to get along with the IATSE also, because they could harass him to death and hurt the program which he had outlined himself for decent labor relations by pulling little quickie strikes all over the country, in Timbuctoo, Chicago, Birmingham, and some other place; they could cause him a lot of trouble and he would like to settle it on a friendly basis if possible, and that he was going to make every move to do it that way.

When the machinists were first moved in, I mean, the replacement machinists who were moved out to make room for the legitimate machinists who had worked in the motion-picture industry—and I have heard it testified here there were 40, but they moved in 125—I was tipped off—and I don't want to disclose the person's name, but I will when the time comes, if we ever get to where an indictment is issued against these producers for conspiracy, then I will have to explain a lot of things—that the machinists' union was to be destroyed. Next would be the carpenters' union. They would destroy the carpenters' union by increasing the set erectors to enough men to take over the carpenters' work in case they got out of line, to the effect that

they would like to move in without any strike or demonstration of a stoppage of work.

We noticed that particularly the set erectors who were supposed to erect sets suddenly became stairbuilders, suddenly became this, that and the other thing until the carpenters almost couldn't go on a stage.

This was particularly harassing to the people I represented because they did not like those undesirable people.

The IATSE grips, electricians, and many of the crafts of the IATSE didn't like them either.

It wasn't unusual to go on a set and have some IA member call you over and say, "Don't get over there, that is cloudy," we will stay here, but they didn't like those people either.

But the fact that Hutcheson is supposed to be the big bad wolf is not altogether true, because it was pressure put on him by his people to remove the objectionable people from the jobs that they used to do.

Now, when you get down to the man who does the work—and I am not talking about the officers who run around the country and say, "Well, one union man is as good as another, and we take them all in" and all that, that is all right for them. But the men who work, the men who work shoulder to shoulder, to carry IA cards and carpenter cards, are still good friends.

Sometimes they are brothers. Many times father and son, one will be an IA man and the other will be a carpenter or CSU man. They resent the encroachments that have been brought about by top officials of the IATSE in the settlement.

Now, we get down to this three-man thing.

I have heard a lot about that. You heard that Mr. Lindelof wrote a letter commending the "three wise men", or the three men that made the directive.

I want to tell you that I think they did a good job. I will have to explain it this way:

Those fellows were in the middle. They were in the middle, and I am not just saying they were in the middle. They tried to do an honest job. They gave set erection to the IATSE. I am not so sure but what had I been in their place I would have given set erection to the IATSE also.

For years in the studios it had been the carpenters' job to construct sets. For years in the studio it had been the grips' job that once a set was constructed to take it apart, put it away, bring it back and set it up or erect it. When he set it up again he used his hammer and nails and so forth. He erected the set that had been constructed.

These fellows went through the studios. I was with them. Had they put it in another way that all construction of sets should be done by carpenters and that only the assemblage of sets should be done by the grips, the carpenters could very well have said, "Well, you can bring it here, but I will drive the nails and I'll put it up, and I'll put the braces on."

But that is not what they meant. They meant to assemble them, to bring them, to set them up, to put on the braces, to nail them together and then any trim or millwork the carpenters would do as they had done in the past.

Now, to me, the "three wise men"—as we call them—did a good job, but the producers did a rotten job of interpretation with the help of the IATSE, and I am positive that the committee of three men did not

mean that there should be a new local of set erectors originated out of the one word "erection" that they put in there.

Had the IATSE not brought into being this new classification and had to use the objectionable people to do this work; had they depended on the grips who had always done it before and who had a deal with the carpenters, there would be no trouble today.

But I am positive that the conspiracy between the IATSE and the motion-picture producers existed at that time and exists yet today to destroy the Conference of Studio Unions, to destroy the carpenters, to destroy the machinists, eventually to destroy the painters and put things completely in their own hands.

Mr. LANDIS. Who took over the machinists?

Mr. SORRELL. The machinists work was being done by a federal union chartered by the American Federation of Labor, called Federal Union No. 50 and so.

Now, the IATSE had the machinists, but the directive completely eliminated the IATSE from that field, so the people with the same business agent, the same man who had been the IATSE business agent applied for the federal charter and he applied for a federal charter reading, "Cinema Technicians".

Now, I talked to George Meany. He told me that he would not issue a charter saying that they were cinema technicians, but that it was the policy of the board, wherever a charter was asked for machinists, to issue a federal charter. So the federal charter he issued was federal charter 50 and so for machinists in Los Angeles County.

That is the ruse that they used to put the people back to work in the studios to violate or to make one of the first violations of this agreement that they claim we are in violation of.

I know I am skipping over a lot. I expect Mr. Bodle to read in some more and catch me up here and there, but I am trying to make time.

I don't want to stay in Washington all my life. I have an awful nice place that I come from on the west coast where the weather is better and I would like to get back.

But there are a number of these things I have to tell, then we will back them up with dates and so forth afterward.

Mr. LANDIS. Have you covered all those Government officials now?

Mr. SORRELL. Don't you think that is enough?

Mr. LANDIS. Well, I expected a little more.

Mr. SORRELL. Let me tell you something. I don't want to go too deep in this. I want to go just deep enough to let you know that there is a conspiracy between Richard Walsh, Roy Brewer, and some of the major motion picture producers who have lots of money, who can plant attorneys here and there who can get things done.

A little later I want to show you some more instances of that.

Mr. LANDIS. Was the National Labor Relations Board involved in this with Denham?

Mr. SORRELL. Sure. Denham was a trial examiner with the Board I am just telling you about. I am telling you; you can check for yourself. I have a lot of witnesses. I don't have to call one. I can call several who will tell you that what I have told you here is the truth about them putting it through. And when we finally put the pinchers right down on them, they were biased and prejudiced and did not

disqualify themselves; they called the attorneys together and rewrote the thing.

All we asked was an even break. We got it, but by the hair of your head, almost; we just barely got that.

Now, you will understand that when the machinists were brought in, these strangers—not strangers, but these objectionable people—were brought in and put right with the machinists themselves, and that was done deliberately to cause trouble. For my part, I say if you want trouble meet it now; don't wait.

We called a meeting immediately, and my recommendation was for the people to tell the producers to get those objectionable people out of there and go along with the directive they had agreed to go along with, or we would all walk out.

The machinists themselves, said, "Look, we are out of the A. F. of L. There may be pressure put on you people to desert us; let us see if we can't work it out, let us ask them to take it up to the National Labor Relations Board."

So as long as the machinists were willing to go along the peaceful road, naturally I would be the last one in the world to say that you shouldn't.

So we let it go. I think there were only 25 who went to work the first day just to see how we would take it, but inside of, I will say, a couple of weeks, there were 125.

Then came further pressure by the IATSE representative coming on the stage one day and saying, "The technicolor camera here is being serviced by an IAM member. Unless you put an A. F. of L. federal charter machinist on here we won't turn the cameras."

There was a little stoppage—just a little stoppage. The machinist who had been working there for years was fired. That was too much for me.

You know, blood is a little thicker than water. I couldn't help it because the machinist wasn't in the A. F. of L., but those machinists there have my sympathy and they are the people I am looking to—the people who have worked there.

So I immediately said, "Look, we don't want to paint these technicolor sets if we have to paint them so that an undesirable machinist can work. We just won't paint any more technicolor sets until you put the machinists back."

What happened? We were fired. I knew that. I knew that the tie-up was that close. So painters were fired wherever they wouldn't work.

We called a meeting. I don't take drastic action, only temporarily. We called a meeting and got the voice of the people.

They were fired all over. We couldn't be right. We had to be wrong.

I told Pat Casey, "Look, any time you decide to take this to the Board—and only you can take it and get action—any time you take this to the Board I am ready and willing to send everybody back to work."

Well, eventually they decided to leave it in the hands of the National Labor Relations Board and the minute they did we sent the painters back to work. We still did not have a contract. We couldn't get one.

This was in June 1946. We had not had a raise. We had had 5



percent handed to us with no contractual obligations in 1943, I believe—'43 or '44.

But we had not had a raise for a long time and living costs were going up.

Now, the producers had offered a 10-percent raise and 15 percent for those who worked on a 36-hour week, but the straight hours' pay would be stretched to 40, which would make really, on the week, an 11-percent raise.

Now, it has been testified here that we asked for a 50-percent raise. In one way that is right and in another it is not.

We asked the same pay that we had been receiving during the war for 36 hours, that we had been getting for 48 hours. You understand, we had been paid time and a half after 36 hours, so hours worked meant we would get a reduction of hours at the same rate of pay.

Of course, we were willing to bargain on that basis.

MR. LANDIS. Did that give you 8 hours' pay for 6 hours' work?

MR. SORRELL. No; we were getting 9 hours' pay for 8 hours' work. For instance, if a man made \$100 a week, he worked 48 hours. We now wanted him to go back to the 36 hours and still get the \$100, because we had the veterans coming back and we didn't want people laid off. In other words, we wanted to shorten the hours.

The producers' counterproposal was a 10-percent raise for those working 40 hours and a 15-percent raise for those working 36, but their hours to be stretched to 40, which amounted, I think, to about 11 percent.

We were never able to do anything, because they would holler, "Jurisdiction." So once we got clear of the machinist thing we set a deadline both to the majors and to the independents.

We met with two groups of independent producers one day. We came to an agreement with the first group that we should get a 25-percent raise. That was half of what we were asking for. You understand, when people talk business—you might ask a lot, but if they talk business you are ready to do business with them.

We came to an agreement on 25 percent, and certain conditions. They offered these conditions and we accepted them and considered it was a great improvement on what we had had, because we said, "That is a 25-percent-per-hour raise, but it is a 25-percent cut because now instead of our men working 48 hours a week, we know that you will only work them 36 hours a week, so their take-home pay will be cut, but their hourly rate will be up, and it will put more men to work."

But there was one thing we stalled a little bit on. That was that they would have a habit of calling men in after 6 hours, calling additional men, and it would be hard for us to supply them.

In order to get over that hump we said, "Now, a man must be guaranteed a week's work. If you call a man, you must call him for a week. In other words, if the crew has 2 hours' work to do at the end of the day, you can't send the crew home and call in a couple of men to work 6 hours to do that work, and then lay them off, because the goal that we have always tried to attain in the motion-picture studios is steady work. So if it isn't enough to guarantee a man a week, the men working will do the work at overtime."

So when we concluded with them we had an agreement which called for a 25-percent hourly raise, but a 25-percent weekly cut, but it would put more men to work and give them more stability.

We also guaranteed them that the majors would have to pay as much or more than they.

We then wrote a letter to Pat Casey embodying the whole contract. Rather than write a letter, I believe Vic Clarke, who wrote the minutes, took down verbatim the contract arranged for by the independent studios and submitted it to the lawyers, so to speak. It came back so that you couldn't recognize it.

Instead of saying a 25-percent minimum raise, they had a 25-percent raise with 40-hour people looking toward negotiations, or something. It was the most jumbled mess I ever saw. It didn't mean a thing. That was their counterproposal.

I remember we had a mass meeting called for the Hollywood Legion Stadium. I read it to them and they just booed it all over. That is what started the 1946 2-day strike. It was not jurisdiction.

We had put out a notice to the Central Labor Council that eventually we intended to use strike action to get agreements. The next day in the trade papers there was a list of unions saying that they were satisfied, that we were troublemakers, and this and that. I think we may be able to produce some of those ads stating that they were not behind us.

Now, that was signed by the IATSE and some of the business agents in the IATSE.

It was signed by the culinary workers' international president, and I believe by the actors.

We didn't say when we were going to strike. We didn't give them a deadline. We said, "We would like to have an answer to a letter by a certain date." They took it for granted we were going to strike.

Later, Eddie Mannix said we were going to strike, or something, and they put in another ad. Then we put in an ad saying, "Mannix has got the pames; Mannix creates a strike, but we are the people who've got to do it."

There was a lot of that horseplay around there, with them trying to make us strike all the time.

Now, when we got the interim agreement, it really began to look like we were going to get things settled because, as members of the CSU, when we get an agreement we abide by it. We had that reputation. We bend over to make the agreement work.

I don't know whether I told this as an example before this committee or not, but there was a time when they used to call our boys out at midnight on Sunday night to do work that should have been done during Sunday in the daylight; but they would call them at midnight because from midnight Saturday night to midnight Sunday night was time and a half, and after that they could call them in for straight time.

So a man would fool around all day Sunday, and about the time he would get ready to go to bed he would get a call to work. He would stay up all night Sunday night and work. He would naturally lose Monday. He wouldn't gain anything by it, but he would have his life all upset for the week. It would take him 2 or 3 days to get over having to work all night.

We wanted to remedy that. We made an agreement for the painters. This agreement said that overtime should be paid from 12 o'clock midnight Saturday night to the time of the first starting shift on Monday morning.

It worked beautifully. It cut out all this monkey business of being called out at midnight and losing a night's sleep. The men would go out and work during Sunday, then they could come home and sleep normally, or they would put off the work until Monday morning.

I drew it up, and the way it was written, Pat said, "I'll send it out like that."

I said, "Now, you don't send anything out until I read it over at the meeting."

So I read it at the meeting.

Everything went along all right until along came a holiday. They called out about 100 or 150 of our people. They all went out at midnight thinking they would get time and a half. They worked and when pay day came they only got straight time.

I was prepared for that because some of them called me on the phone and wanted me to get the extra time they had coming.

So at the next meeting they took me on. I said, "Yes, I wrote that agreement. I wrote that and I read it and I think there were either 350 or 375 people here when I read it to you. I asked you if it was all right. I am just a dumb painter and I know I can make mistakes, but I wouldn't let Pat send it out until I read it to you.

"Now, that day all of you dumb painters came here and heard it. You accepted it and I put it in and nobody said anything about a holiday, so I didn't put the holidays in. Now all you smart painters come today; you worked a holiday and got paid. You should have been here instead of staying away that day. You got straight time for the holiday and there isn't anything you can do about it. I refuse to make any move about it. When we write another agreement, I will try to put it in."

Nothing was done, and there was no trouble had. That is the way our unions work. If we have an agreement we work on it, but we could not get an agreement from 1942 until 1946, and then when we got an interim agreement we had the same trouble completing the agreements that we were supposed to complete within the 30 days. They were not sincere.

The issuing of the clarification to the directive simply gave the producers the opportunity to do the thing that they could not force us to do. It gave them the opportunity to have an excuse to fire the people that belonged to our unions and completely cooperate with the IATSE to take the jobs.

I am not stopping because I have a lack of things to tell you. There are so many angles to go into I do not know just which avenue to take. I have an abundance of information I would like to give to you, but I do not know which is the most important, which road to enter right now.

I have been accused of being a Communist. I want to tell you now that the Communists have accused me of everything.

I have been told that the Communists call me an economic syndicalist. Now, I was always going to look that up in the dictionary, but I never did.

Mr. LANDIS. How long ago was that?

Mr. SORRELL. Oh, for years. I was always going to look it up in the dictionary. I have had it explained to me that it is not the thing that they want, but I don't know exactly what it is supposed to be.

The Communists occasionally get on a program which I think is all right.

I was talking to one of the members of local 1421. He had a pamphlet. It was put out by the Morgan Hall section of the Communist Party of Los Angeles, 124 West Sixth Street, Los Angeles.

I looked at the pamphlet and it said, "Motion-picture workers, keep your eye on the ball, the eight-ball; you are behind it."

Then there is a theater marquee which says, "Reissue." Then there is a worker going up and it says, "I wonder why I got laid off."

I read this pamphlet. I asked for it and this member of 1421 said, "I am not a Communist and I don't know where they got my name, but I want to send it to Mr. Kearns." I don't know whether Mr. Kearns got it or not.

So I said, "Well, I want one, so I will call up this Communist Party place if it is in the book—" and it was—"and see if I can get some."

I asked for a couple, and they sent me a couple. They did a lot of double-talking around there when I told them who it was, and I didn't know for sure whether I was going to get one, but they sent me a couple.

Now, I was interviewed by a reporter for the Christian Science Monitor. I was telling him about this. I said, "You know, the Communists occasionally adopt a program which in this case was my program. It is a program I have been hammering on for about 11 years. It is a program I used to dream about when I was working in the studios. It is a very attractive program."

He said, "But you can't go along with that program now. The Communists are in it."

I said, "You know, it's just too bad. If I didn't go along with that program now because the Communists are in it, I couldn't go along with any program because the Communists would find that out and they would get on every good program that I got on."

Now, in this program they give everybody the devil. Everybody has done wrong. They give the IA a black eye; they give us a black eye because they say we are the "irresponsible leadership."

I think this should be read into the record because I think it tells some things that are going to happen. I think there will no doubt be another drive on the IATSE and I wouldn't be surprised if the IA wouldn't holler, "It's a Communist drive." And I wouldn't be surprised if some of it wasn't originated by the Communists.

Mr. LANDIS. Is there a date on that?

Mr. SORRELL. I don't think there is a date on it, but I got it within the last 3 months.

It says in here that this is one of five that will be issued. It says—

This leaflet is the first of a series that will analyze the situation in Hollywood from the worker's viewpoint. Later issues will further explain the program and policies of the American Communists who work beside you in the motion-picture industry.

But very definitely it is telling everybody, everyone of our people to get back to work, throw off the irresponsible leadership, and get good rank-and-file workers to lead them.

I am just trying to make up my mind now whether I should have it read into the record or whether I should just give you this and put it in the record.

Mr. LANDIS. Maybe that is a new line they have, to work on the rank and file instead of the labor leaders.

Mr. SORRELL. Well, I don't know whether the Communists work on the rank and file or whether the Communists try to work on the labor leaders.

In some cases, I think they try to work on the labor leaders to the extent that they can take advantage of them. In most cases I think that is so because as I see it—as I think I told you—everything the Communists do isn't bad, because they had to do a lot of good things on their way by in order to attract attention. This is one of the good things that I think will hit any studio worker. Any studio worker reading this would say, "The Communist line isn't so bad." Even you would say it if you had any ideas of making a living in the studios. You would say, "This isn't bad, this is what we want."

But it seems when you get that things change a little bit and they have a new line which supersedes the other one.

Mr. LANDIS. Then that is a false-front thing?

Mr. SORRELL. Yes, I guess you would call it a false front. I agree with you that it is a false front, as far as the Communists are concerned, but they do come out with stuff that is good.

Mr. KEARNS. There are a number of those copies here, so we will just put it in the record.

Mr. SORRELL. Did you get one?

Mr. KEARNS. Yes, we have one.

Mr. BODLE. We offer this for the record, then.

Mr. KEARNS. No objection; so ordered.

(The document was filed with the committee.)

Mr. LANDIS. You might clear up those front organizations a little better if you want to.

Mr. SORRELL. What front organizations?

Mr. LANDIS. Some of them may be considered front organizations. Did you sponsor any of them, or did you belong to any of them?

Mr. SORRELL. Well, I tell you, I belong to a lot of things I thought were good that have been called Communist-front organizations, and maybe they were, I don't know. They were good. The things I belonged to were good.

Maybe they were Communist-front organizations.

How does a thing become a Communist-front organization? Communists get into it, isn't that it? Or maybe Communists start it.

Mr. LANDIS. They usually start it.

Mr. SORRELL. They didn't come around and say, "We started this," but certain things appeal to me.

If anybody gets picked on I usually help the under dog. If somebody gets thrown in jail for speaking his piece, for expressing himself, his mind, I am sympathetic with him.

I believe that we have to protect the Bill of Rights and that we can't allow minorities to get picked on, because if we do eventually we become a minority of some kind ourselves.

That is what has enticed me to sponsor things that I still think are all right, but maybe they are Communist-front organizations.

I don't know just what harm they could do. That hasn't been explained to me yet.

Mr. LANDIS. They could do a lot of harm. They could get people in there to furnish them funds in order to carry on and improve their conditions, improve their membership.

Mr. SORRELL. Well, you see, Congressman Landis, they never get any funds out of me, because I don't have any money. All they get is my name to use, and I didn't figure that was so much.

The President came out with his liberal views that the southerners don't like too well. I am for him for that. Some people think I as a southerner and I have a little prejudice of my own. I am prejudiced in some ways, but I don't allow that to govern me.

I think Truman was right in coming out and I didn't hear anybody call him a Communist for it.

But if he had sponsored some of these things that called for the same thing, human rights, or something of that kind, he probably would have been sponsoring a Communist-front organization, or somebody would have interpreted it that way.

Of course, it depends on who does the interpreting, too, because some of the things that are called Communist-front organizations to me are just good organizations doing good.

Mr. LANDIS. Of course, they use those things to get the membership and then wait until they get ready to take over, such as what just happened in Czechoslovakia and other places.

Mr. SORRELL. Well, I tell you, that is a rather sickening thing, that Czechoslovakia situation. I think that is one of the worst things that could happen.

I could understand how that could happen over there, but I don't think it could happen here.

It is my opinion it is one thing to take over Czechoslovakia—

Mr. LANDIS. Of course, they are closer to the Soviet Union than we are here.

Mr. SORRELL. They are sitting in the lap of the Soviet Union. I think that is one thing and this is another. However, I think it is too bad, and I thought it was too bad when Hitler took it over. I think it is too bad when Russia takes over.

I think it is too bad when anybody encroaches on somebody else's freedom.

Now, it was very nice that there was no bloodshed when Hitler took over. There don't seem to be any bloodshed when Russia takes over, but before it ends there will be plenty of bloodshed.

You were speaking of these front organizations. Do you have any particular front organizations in mind?

Mr. LANDIS. Well, the Workers Alliance. They might not have started out as a Communist-front organization, but then ended up as one.

Mr. SORRELL. I don't think I ever sponsored the Workers Alliance. The only connection I think you have of me with the Workers Alliance is that I am supposed to have spoken at one of their meetings with LaRue McCormick, who ran on the Communist ticket, and with Emil Fried, who I thought was a newspaperman.

However, there are such a string of things here I am supposed to be connected with I thought perhaps you had the list.

Mr. LANDIS. Well, we have the list here, we can go over the list.

Mr. SORRELL. I thought you had one or more of them in your mind.

Mr. LANDIS. I think one of them is the National Federation of Constitutional Liberties.

Mr. SORRELL. Now, well, look, let's get right down to cases.

Mr. LANDIS. That is considered a Communist-front organization. I don't know whether you belong to that or not.

Mr. SORRELL. I think I sponsored that. And if I am not mistaken, I sponsored that at the request of Abe Isserman. I would like to get Abe Isserman here because there are some things I would like to ask him.

I didn't sponsor it because it was a Communist-front organization, I sponsored it because I thought it was something good. I think I sponsored it at Abe's request. I think if you will look there you will see he is a sponsor or connected with it in some respects.

I respected the fellow for his—he is a very brilliant man. I know that he has the same feelings about minority groups that I have.

We could get into that quite deeply, and I am quite willing to go into it but I don't want to waste too much of your time.

Mr. LANDIS. I think that is a part of the charge made against you and I thought perhaps you would have something to say on that.

Mr. SORRELL. Mr. Bodle is showing me a bunch of the things I am supposed to be connected with, but I don't think you want to go all over that again.

If you do, if there are any particular ones I have missed, I would be glad to elaborate on it or tell you about it, tell you my feelings about it.

Mr. LANDIS. The only Communist-front organizations I meant were the ones declared as Communist-front organizations by the Attorney General.

Mr. SORRELL. Now I have tried to show the continual policy of the IATSE today and the IATSE under Browne and Bioff.

I check over here a list of officers. We know that George Browne went to prison. He was an officer in 1940.

Harland Holman, William Colbert, Richard Walsh, Floyd Billingsley, James J. Brennan and Felix D. Snow were then on the board of the IATSE.

Today I still see Richard F. Walsh, Harland Holman, William Colbert, Floyd Billingsley, James Brennan, and Felix Snow still on the board—same people.

I see that they have added Carl Cooper, now a vice president, who I happened to know at that time was some kind of an international representative.

There have been a few added, but very few dropped.

Louis Crouse, who was general secretary—I understand he retired for physical reasons. I think he was sick or something of that kind.

There was another man put in his place.

I want to read here of some money that was received by Walsh and the dates that it was received.

As I have told you I believe there was a 2-percent assessment put in effect by the IATSE. Everyone who worked in the studios had to dig up 2 percent of their earnings along with their dues. This was to go to Browne and no questions asked.

It seems that this was distributed around among the family.

Walsh received from Al Lannigan the following sums: \$2,392 in 1935; \$8,932 in 1936; \$6,344 in 1937.; \$5,700 in 1938; \$5,200 in 1939.

Walsh also received from John L. Riseley the following amounts: \$3,300 in 1937; \$5,700 in 1938; \$5,200 in 1939; \$2,800 in 1940.

Mr. LANDIS. Could you tell us who Riseley is?

Mr. SORRELL. I don't know, but I could check for you. I would have to go and get the whole transcript.

Mr. LANDIS. Is this the 2-percent money?

Mr. SORRELL. This was 2-percent money given to Browne to do with as he pleased and no questions asked.

Now what Walsh did with it you can ask him.

Mr. LANDIS. You said given to Browne.

Mr. SORRELL. It was supposed to be taken up for Browne but this shows that Walsh cut in on the cake.

Mr. KEARNS. That was turned over to the union. You are just mentioning those names because they are heads of the union, isn't that right?

Mr. SORRELL. Well, the official family of the IATSE met in Washington, D. C., December 28, 1935. \$125,000 was withdrawn from the 2-percent assessment fund and divided among certain vice presidents. Richard Walsh was given a check in the sum of \$4,080, which was cashed in New York City and on which Richard F. Walsh paid income tax.

Mr. KEARNS. Where do you get that information?

Mr. SORRELL. Well, I would not like to divulge my information source right now, because it was given to me and I want to go back for more.

Unless I have to I do not want to divulge the source of my information, but you ask Mr. Walsh.

You understand, I think this is going to go far afield before we get through because this thing was not just started here. You just don't kick people around. You don't put people on the street for months and run it into years. You can't kick principles around; if you dance, you pay the fiddler.

Now, I just give you these. You can ask Mr. Walsh about it and let him explain it.

Riseley swears under oath this money was given to Richard F. Walsh, but he paid income tax on the same.

I hope that you won't press me for the source of my information, but I will give it to you if I have to. I would not read it here if I could not support it.

I only read that to show you that at that time Walsh was one of the family. I don't think he has changed too much.

I am not a policeman. I am not a prosecutor and personally I don't care anything about these people. So far as personalities are concerned they don't mean a thing.

I have a duty to perform for the people I represent who have suffered so much and if I can perform that duty by not telling too much, I am going to keep still.

If I have a duty to perform where I have to tell everything, I am willing to tell it all.

I have been dragged around here in the dirt quite considerably. I have been accused of everything, almost.



I have been asked if there were reasons why anyone would want to forge my name on a Communist Party card. I could give you plenty of reasons.

There have been a number of attacks on my life, which is really a worse felony than getting caught forging a guy's name.

This has been a pretty dirty business. I am not interested in punishing anybody but I am interested in seeing that it is cleaned up.

I think that the minutes of the producers and the testimony in the Los Angeles hearing prove conclusively that you were right on your first summation—that it appeared that this was a lock-out.

There is testimony that says that at the time Mr. Walsh made the following proposition it was agreed to by Mr. Nicholas Schenck and I quote, "We will run the studios, but only on one condition, that you have no contracts whatsoever with any of the people who are on strike." The conspiracy to deprive our members of their jobs failed in 1945, but its purposes were not forgotten.

Much importance has been given in this hearing to the sanctity of contracts. The machinists were brought in, not by the CSU, the undesirable machinists, they were brought in by the producers and the IATSE to complete the conspiracy to break down the sanctities of the directive.

There was no excuse at that time. There was no directive. There was nothing telling the producers that they should hire these undesirable machinists, except the IATSE, directive or no directive.

There is so much of that that has been testified to here that I don't see how you can get out of or get around the fact that there was anything but conspiracy, which caused most of this trouble.

Mr. LANDIS. Was that an open shop there or a closed shop?

Mr. SORRELL. Now you bring it up, at the time there were closed-shop agreements with all these unions. Now we say closed shop. Maybe I am stretching it a little bit because I don't think in any of the agreements in Hollywood it deliberately says "closed shop."

If you ask the producers they will say they have closed-shop relations with the machinists, the painters, and so forth, I am sure. Maybe "closed shop" does not appear.

Mr. LANDIS. The reason I mentioned that is that I think it is in the testimony that there was an open shop there.

Mr. SORRELL. Oh, no; never open shop.

Mr. KEARNS. He means originally.

Mr. SORRELL. Oh, you mean after the undesirable machinists were brought in they made it open shop?

Mr. LANDIS. No; I do not mean that; I mean before that.

Mr. SORRELL. Before that, prior to 1937, yes; there was open shop prior to then. But since 1937 there was no open shop. The men doing that work had to belong to the machinists' organization.

Now the reason I drew a difference between closed shop and a possible union shop was that in all of our contracts I believe it says that the producers should call the union and if we are unable to supply the help he can go outside.

Mr. LANDIS. Of course that would not be an open-shop proposition.

Mr. SORRELL. That would not be an open shop and maybe you would not interpret it as a closed shop.

Now Mr. Kahane said he answered a phone call and returning stated, "Brewer says instructions to man the company means furnish painters, carpenters, et cetera." That is a quotation out of the minutes that Mr. Clarke wrote down at the time that it was happening. I believe that was on September 11, 1946.

These minutes reveal the highest executives in the motion-picture industry played a role in this vicious plot. Thus the minutes of September 12, 1946, of the Producers Labor Committee state, and I will quote:

Mr. Kahane reported the recent conversations with the presidents and Eric Johnston which contain the following recommendations: "Lay off carpenters; if they refuse to perform the services to which they are assigned do not be in any hurry; take as much time as you can before crossing jurisdictional lines; work with the IA to get sufficient number of carpenters, electricians, painters, et cetera."

Now is that conspiracy or is that baby talk?

It is clear from this that as early as September 12 the producers had laid plans for a mass discharge of the painters employed by the studios; that the workers were framed is proved by the following quotation from the minutes of September 12:

It was agreed each studio would assign work to carpenters by Monday to create an incident.

MR. LANDIS. Now let me ask you a question right on that. The part I can't get clear is this: The carpenters said they were going to walk out. That is the picture I have.

MR. SORRELL. No; they didn't say that.

MR. KEARNS. Yes, they gave that ultimatum. The carpenters gave that ultimatum.

MR. SORRELL. The carpenters gave the ultimatum that unless they gave the work described they were not going to work on the sets.

MR. LANDIS. They were going to call them hot sets.

MR. SORRELL. That is right, and they would not work on them.

MR. LANDIS. They said they would not work on them.

MR. SORRELL. Yes; but they were not going to walk out.

MR. LANDIS. Now, if the employees said they were going to walk out why can't he go over to another union and hire other carpenters or other men to take their place?

Now if you get a nonunion man—they used to call them scabs—but if they are going to walk out now, now you called it a conspiracy for them to go over to another union and see if they would furnish men. I cannot see the conspiracy in that angle of it.

MR. SORRELL. Now wait a minute. That is all right.

You know we are supposed to have an agreement and the producers are supposed to do everything legal. They have legal counsel for everything.

MR. LANDIS. That is right.

MR. SORRELL. The carpenters say, "We won't work on this." Did the producers get a restraining order? Did they take any legal steps? Did they say, "All right; if you don't work on it we will lay you off; we will put somebody else on"? I wouldn't call that conspiracy.

MR. LANDIS. But what if they were following the directive or if they thought they were following the directive?

MR. SORRELL. We will grant you if they were honest about that and said, "Well, if they don't do the work we will have to have somebody

else do it; if they don't do the work we will send them home; we will have the IA do it." Still that would not be conspiracy.

Mr. LANDIS. No; I don't think so.

Mr. SORRELL. I don't think so either; we agree on that.

Mr. LANDIS. All right.

Mr. SORRELL. But when they say, "Get rid of all of them," because there are many painters and carpenters that don't work on sets.

There is testimony in the hearings in Los Angeles where I put one of our painters on—Elmer Ruff, an old man. He is probably a man up in his sixties or seventies.

Mr. LANDIS. Now let me interrupt right there. You put the picket line on.

Mr. SORRELL. Oh, no; no picket line. Look, we didn't strike. We said, "We want to carry out the provisions of the clarification, the same as the——"

Mr. LANDIS. You mean when the carpenters walked out?

Mr. SORRELL. The carpenters didn't walk out. Let us get this clear.

Mr. LANDIS. They were paid off, then.

Mr. SORRELL. They were paid off, but not the carpenters on the sets.

Now, you understand, if the producers had been honest about it they would have fired those people that didn't do their bidding. Although we think they would have been wrong, they wouldn't have conspired with anybody. They would have said to the IATSE, "Well, if you want these sets done you do them." And the IATSE would have done them, wouldn't they, and that still would not have been conspiracy.

Mr. LANDIS. Let me get this one point in. Perhaps I am wrong but the carpenter who testified here said he was handed a check.

Mr. SORRELL. That is right.

Mr. LANDIS. He left work.

Mr. SORRELL. That is right.

Mr. LANDIS. They told him, I believe, at the time, that he was not fired but here was his check.

Mr. SORRELL. That is right.

Mr. LANDIS. Now he never returned to take a job. He never returned to ask to be put on again. I think that is what he testified to.

Mr. SORRELL. That is right.

Mr. LANDIS. Now, how could they hire him back if he never went back to get the job? That is the point.

Perhaps one reason was that I understood there was a picket line; he respected the picket line and would not cross the picket line.

The point I am trying to get at, that that is the case—that there was a picket line, how could you expect these fellows to get their jobs back if there was a picket line there and they respected the picket line?

Mr. SORRELL. Now, wait a minute, and I will try to draw this picture as clear as I can.

We will take this carpenter, for instance. He worked in the administration building. He was friendly with many people I know out there. He spoke to Eddie Mannix and people out there like that. He was strictly in the administration building.

Now there was a quarrel about a set on the back lot. The carpenters said, "We won't do it." So they could have sent the carpenters home and the IATSE could have done the job. The painters said, "We won't paint it." All right; the IATSE could have painted it.

But what did that have to do with this man in the administration building?

When they called the man from the administration building, when they called the painters who had never painted a day on sets in years, when they pulled them all in and gave them their checks and said, "Get out," they established a picket line.

What would you do in that case?

Mr. LANDIS. The point that was brought out, as I understood it, is that it looked like there was going to be trouble when they were going to call them hot sets. They did not want to have any trouble in the plant.

Mr. KEARNS. They wanted the trouble on the outside.

Mr. LANDIS. That is right, so they gave all the fellows their checks. They did not say this fellow was fired—I forget exactly what they told him but they did not say he was fired; I know that.

Mr. SORRELL. I think I have it here. That is a part of the conspiracy. Here it says:

It was agreed each studio would assign work to the carpenters by Monday to create an incident.

That is a quote from the minutes of the producers' association.

Look how well planned this is:

Unemployment compensation: Cragen of the Loew office wanted instructions from the comptroller as to what position the producers wanted to take on a statement to be made to the State unemployment fund. It was agreed to say, "The employee left his work on account of a trade dispute," and to ask the department to disqualify him for unemployment compensation.

Mr. LANDIS. Now if this fellow hadn't taken his tools would he have received compensation?

Mr. SORRELL. No. Let me tell you——

Mr. LANDIS. Or if he had returned to work?

Mr. SORRELL. The fellow didn't take his tools. He came back in and got them later. I think he testified here that he came back and got his tools.

Mr. LANDIS. Well, he got them and took them out.

Mr. SORRELL. But when the man went to get his unemployment insurance he was told he had nothing coming; that there was a trade dispute.

It says further, and this is quoting from the minutes of the producers' association:

Put IA men on the sets so carpenters and painters will quit, provided: No. 1, the IA is advised in advance when and where.

2. Put on enough set erectors and painters in a group for self-protection.

3. Keep procedure quiet so the CSU can't gang up at one spot.

Now was that conspiracy or not?

Mr. LANDIS. Well, they were getting ready for trouble.

Mr. SORRELL. Let me tell you that conspiracy is a very hard thing to prove but it can be proved, and I am positive we can prove conspiracy in this case, not only from these minutes but from things that have happened and are still happening.

Mr. LANDIS. You may prove it, I don't know, but I cannot see the conspiracy myself.

Mr. SORRELL. The whole thing hasn't been told here by a great deal yet, and if it is necessary I guess we will have to get it all out.

Mr. LANDIS. Well, I would certainly like to hear it all.

Mr. SORRELL. We will take, for instance, the Eagle-Lion Studios.

Mr. LANDIS. Are they independent?

Mr. SORRELL. Eagle-Lion is an independent studio.

Now at Eagle-Lion Studios, Congressman Kearns went through there and saw how they are working. If you should go through there today, Congressman, you would find that the IATSE has injected more people in there.

I think I named Johnnie Rosselli, who was one of the boys that served time in a Federal penitentiary. He is employed there as a writer.

There is a Dominick—I have forgotten his last name now—who came there to run the set erectors. He is now superintendent of construction, I believe.

The painters who have worked there for years are laid off occasionally when things are slack. When they are hired back they are hired back after a few painters from the IATSE have been hired.

Mr. KEARNS. That was not the testimony we received the other day. We received testimony here that they took them back in order, regardless of what group they worked for.

Mr. SORRELL. Who gave the testimony?

Mr. KEARNS. I don't recall, and I wouldn't mention the name unless I read the record.

Mr. SORRELL. I will tell you the facts because I was there.

I received calls that one of the oldest men in seniority in the studio was not able to work because there were several undesirable painters there.

I went over to see Ray Young. First I went over to the paint shop. I saw the foreman painter and I said, "What is this, are you hiring nonunion painters now?" And he said, "No; they've got IA cards."

Well, I said, "Who's putting the pressure on? Are they good men?"

He said, "They ain't worth a damn, go take a look at them yourself."

I said, "Are you featherbedding them?"

And he said, "Well, we are putting them to stripping plaster or any kind of a laborer's job we can get for them."

I said, "Who demands that you hire them?"

He said, "I can't talk."

I said, "I won't put you on the spot. I will go up to the studio manager and have a talk with him."

I went up to see him. I had a talk with Ray Young and he said, "Look, we got open shop here, open shop for painters."

I said, "Well, Ray, I realize that Eagle-Lion was not a part of the Independent Producers Association that signed the interim agreement on June 28, because at that time PRC owned the studio. But it is my belief that when PRC took over the studios they also took over the obligations of the contract."

"Well," he said, "I am told that we didn't take over the contract and we shouldn't keep open shop; I can't have any trouble with the IATSE."

I said, "You are afraid of the IATSE."

He said, "No, you know I am not afraid of the IATSE, in a knock-down, drag-out struggle we could beat them, but," he said, "we are trying to make pictures here. The IATSE is in a position where if

they stop us for 3 or 4 hours on some day when we have a big pay roll on, they can boost the cost of the picture maybe two or three times because conditions are such that when the sets are ready the electricians are called, the big cast is called, or something like that, and some business agent causes a little stoppage of work; it paralyzes them for that day. It isn't a matter of a few thousand dollars, it may run into a matter of a few hundred thousand dollars, and I will be very plain with you, I am taking no chances."

He said, "All we want is to be left alone. I am going to see that your people don't lose any work."

I said, "They are losing work because you are hiring these bums and we have good men who have seniority here, and regardless of the fact whether it is closed shop, open shop, or whatever you declare it, these people should be working. I have tried to play along with the independents because I know you get hell from the IA; I realize that is a part of the conspiracy to destroy your effectiveness, to make it cost you so much that you can't make pictures, just the same as it is to destroy the C'SU on the other hand."

"I understand that and I go along with you as far as I can, but in this case I see no reason why you should have to featherbed skid-row bums in here when you have men who have a seniority of years in this studio."

I could get no place. They still have them in there.

MR. LANDIS. None of your men work there?

MR. SORRELL. Oh, yes, sure. It is open shop so far as that is concerned. They haven't driven our men out yet but they haven't gotten quite that bold yet.

Now we have Monogram. Monogram Studio is still owned by the Monogram Co. that was a part of the independent producers that signed the interim agreement on June 28, 3 or 4 days before we had the strike and signed the interim agreement between the majors.

We have had contractual relations with Monogram ever since it existed.

I worked there myself when they built the studio. We have had good relations and we like those people.

We like the smaller people. We like to help them along. We never give them any gratuities, we don't work for them any cheaper than we work for the majors, but we don't charge them any more.

Now the IATSE or some of the unions in the IATSE take advantage of these smaller producers and get a larger wage scale. We have never done that. We believe that if a man is going to make pictures he should have the same competition, as far as labor is concerned, big or small.

If he is too small to pay the price he shouldn't make pictures, he should go to work for somebody.

If he is big enough to pay the bill he should pay not more, not less, but the same as the major. That has been our policy.

MR. LANDIS. Are some of your men in that plant working?

MR. SORRELL. They have always been there, yes.

Now Monogram called me and said, "We are on the spot. An IATSE painter came in and asked for a job. We told him we were sorry but we had a contract with local 644 and we could only hire local 644 painters."

"So he said, 'Well, I'll look into this.'

"We get a call from the IATSE and they say, 'You have no contract with local 644, and that is open shop. When we send a man over there you will put him to work.'"

So the manager of the studio contacted Mr. Chadwick and asked him what his opinion was. Chadwick said, "We are in the middle, can't we put some of them to work?"

I said, "No; our contract is just as good as anybody else's. Our men have always worked there. Why should we go out in the street and let you put in some more of those guys? They can't do the work anyway. It takes years to become a studio painter."

Mr. Brewer said the other day that the painters had to cater to the carpenter, that the carpenter was the important man and that the painter wasn't so important.

Now I will have to give you a little example. A painter can make or break a picture. If an outside house painter came into the studio he is like a pig in the park. He has to learn his trade over.

I know that. I considered I was a very good painter. I was maybe a little egotistical, but I didn't think that anybody was much better. When I went to work in the studios I was surprised because the ingredients that go into the paint make the picture what it is.

For instance, I can draw two yellow lines on that wall, and they will look identical to the eye. One will photograph very light and the other will photograph very dark, almost black.

One will be made with a base of rosiana, the other will be made with a base of chrome yellow. They look the same to the eye but they do not photograph the same.

Now when a location goes out—for instance M-G-M sends a location to Florida. They send along a painter, especially if it is technicolor. The painter goes along. He must know. He must match the natural colors with the colors in his box. He must remember what that is and know what it is so that when they get back to match them at the studios he can make them match, because if he doesn't they will have to throw all the stuff out that they took in Florida.

If the picture is worth a million dollars they insure that painter's life for a million dollars. If they are going to spend that much they insure that guy's life for that much. They need that guy, they must have him.

True they send to New York for other motion-picture painters to come down and help, but they do not go to the average house-painters' union unless they just want strong backs and weak heads.

MR. LANDIS. For rough work?

MR. SORRELL. Yes; for rough work. You know you can have somebody spray and wiggle a brush, but it is one thing to be a studio painter and another to be a finished mechanic. Now no producer is going to start any picture that is worth anything now. He has a hard time building it in the first place. He has a hard time getting the mechanics to build what he wants and get it done on time.

Of course, you can put a lot of men on a set and get it built to a certain extent and after a fashion you will get it done, but pictures are not made that way. They want the set, they want it at the time they want it and they want it to be fit to shoot.

One painter can sabotage a thing so that after the company is all called in they go to shoot it and all of a sudden one part of the wall drops out of sight, due to the paint.

As you know, shadows are not put in by lights, they are put in by paint.

If you were to see a shadow of these curtains [indicating] the intense lights of the set eliminate all shadows. You draw those in. Those are put in with colors.

Now it so happens that nobody wants to start to make a picture for a million dollars and have it cost many million.

A good example is this: This will show you the extent of the conspiracy also—

Mr. LANDIS. Before you leave that, no movie producer would hire a hand painter to do the technical work; would he?

Mr. SORRELL. He hires the best he can get. He goes to the IA and says, "Send them in here." That is what I am telling you.

At Monogram they don't want these bums, they want people who know their business. At the smaller studios especially they want all-around people, people who can fill the bill, and we have those kind of people.

But if they are forced to take the others, it just forces the cost of the picture up, it practically forces them out of business, because when they go to bring the people to shoot it is ruined, it is a loss of not just the little painter's salary, it piles up the loss in wages of more expensive people to do the job.

I had quite a discussion at Monogram as to whether we would or would not let them hire an IA painter just to get by. I said, "Absolutely not."

So I was told we would have to post a sign that this was now open shop for painters. Now this was pressure by the IATSE.

I said, "Well, you post the sign, then I'll see whether I shall sue you to see whether our contract is good or not."

Then he said, "Well, you see I am in the middle, I'm not kidding," and he was.

The independents are gradually being forced to close down, close down, just peter out.

Now let me give you the example of *Duel in the Sun*.

*Duel in the Sun* had 6 weeks to go to finish in 1945 when we went on strike. Selznick was making the picture at RKO-Pathe lot, which is over in Culver City and is owned by RKO. He had spent several million dollars making the picture and he wanted to complete it.

Danny O'Shea was his production manager. He called me and I like him very much. He said, "Is there any chance that we can complete this?"

I said, "Well, sure, as long as RKO doesn't butt in and take advantage of the people we have on the lot."

He said, "Well, I hope they won't, but I guess they will."

It was only 2 or 3 days and over moved RKO.

Well, we were forced to put on the picket line at RKO-Pathe.

Danny O'Shea said to me, "It's a shame, but we can't make the picture with the kind of help we get from these people, so we'll shut down."



So he shut down. But he only shut down for a short time. He had to open up again.

Do you know who made him open up? Not the union, but the major motion-picture producers made him open up with this threat, he had hired contract actors from the major motion-picture producers and unless he made a noise like working, as soon as the date ran out for the actors they would take them back and he couldn't finish the picture.

Now you can't change a personality in the middle of a picture, you know that. It is utterly impossible to start with one star and switch him in the middle.

After you have so many millions of dollars in the picture, which was the same picture, to stop it there is disastrous.

It was explained to me and I said, "Well, I'm sorry, but that is just proof of the fact that it is not just an IA move, it is IA and producer."

He worked on that picture the full time we were out, nearly 8 months. At the end of the 8 months he threw out everything he had done and 2 months later he completed the picture, and he completed it with our people.

Then he just got his prints rolling good in 1946 and the lab technicians came out and cut him down on some of his prints and caused him further trouble. In spite of the fact he managed to finish the picture, which he would not have been able to finish had he done what he desired, and what I claim any American employer has a right to do, make a picture without interference from a combination of unscrupulous labor leaders, combined with unscrupulous employers to put the man out of business. These are facts I am telling you.

Mr. LANDIS. In a case of that kind, it looks like whoever they contract with should go through until the picture is finished.

Mr. SORRELL. Yes; and they did, but in order to do it he had to work, he had to appear to be making pictures so that they could say, "There are so many pictures being made now," so that they could tell our people, "Look, the thing is lost, go on, sneak back on your bellies."

Mr. KEARNS. We are going to have to close up tonight, or the National Labor Relations Board will be after us.

We will recess until tomorrow morning at 10 o'clock.

(Whereupon, at 5:30 p. m., the subcommittee recessed until 10 a. m. the following day, Wednesday, March 10, 1948.)



# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

WEDNESDAY, MARCH 10, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met at 10 a. m., pursuant to adjournment, Hon. Carroll D. Kearns (chairman of the special subcommittee) presiding.

Mr. KEARNS. The hearing will come to order, please.

You may proceed, Mr. Sorrell.

TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE—

Continued

Mr. BODLE. Yesterday Mr. Sorrell testified about the dispute related to the machinists which arose after the issuance of the December 26, 1945, directive, and the demand by the IA and the teamsters that the machinists be taken off certain work.

In connection with that a number of machinists were discharged by the studios and a charge was filed with the National Labor Relations Board on which there was a hearing and on which an intermediate report was issued April 30, 1947.

Since the intermediate report throws considerable light upon this whole controversy, I want to read certain portion of it in the record.

The case is:

Case No. 21-C-2735. In the Matter of Association of Motion Picture Producers, Inc., Paramount Pictures, Inc.; Warner Bros. Pictures, Inc.; Loew's Inc.; Universal Pictures Co., Inc.; RKO Radio Pictures, Inc.; Columbia Pictures Corp.; Samuel Goldwyn, doing business as Samuel Goldwyn Studios; Republic Productions, Inc.; Hal Roach Studio, Inc.; and Twentieth Century-Fox Film Corp., and International Association of Machinists, Lodge 1185.

FACTUAL BACKGROUND ANTEDATING ISSUANCE OF COMPLAINT

This is reading from page 13.

On March 12, 1945, screen set designers, local 1421, affiliated with the Brotherhood of Painters, Decorators, and Paperhangers of America, A. F. of L., called a strike in the motion-picture industry. The strike drew the immediate support of the CSU with which local 1421 was affiliated. Members of the CSU such as the painters, carpenters, and machinists left their jobs in support of the strike.

At the start of the strike Richard F. Walsh, international president of the alliance, issued instructions to alliance members that they were to cross jurisdictional lines and fill the jobs vacated by striking employees and not to honor picket lines established about the studios. The alliance had 12 locals under contract with the producers, but at the time of the strike had no one local for em-

ployees engaged in machinists' work. The first week of the strike, President Walsh made an agreement with the producers' representatives thus described by Brewer:

The arrangement was that if this group or any subsequent group went out on strike in the studios in an effort to cripple their operation for the purposes of prosecuting a jurisdictional strike against the IATSE, then the IATSE would, insofar as it was possible, furnish the people necessary to keep those studios in operation. That was the general terms of it. It was not a written instrument. It was an understanding which we had.

Pursuant to this arrangement, the alliance engaged Harry M. Shiffman, a member of the alliance projectionist local to find machinists who had the ability to fill the jobs vacated by the members of the IAM.

About May 1, 1945, Shiffman organized the Alliance of Cinetechnicians, Local 789, which took into membership, not only employees furnished to the studios to fill the jobs of the machinists, but those who likewise filled the jobs of other striking employees. Local 789 never had a contract with the producers but enjoyed some sort of verbal understanding that it represented those members which it had supplied the producers. Also, during the strike, alliance local 44, the propmen's local, furnished some 30 to 40 propmen to the various studios to perform the work of IAM members. All in all, Shiffman recruited about 300 employees during the strike to fill the jobs vacated by IAM members.

The strike was settled and the striking employees returned to work on October 31, 1945, after the executive council of the A. F. of L. had issued a directive terminating the strike. Following the strike, there was no further occasion for local 789 to supply employees to the various studios, and it has admitted no further members.

One of the provisions of the strike settlement provided that the employees who had filled the strikers' jobs were to remain on the producers' pay rolls for a period of 60 days, the first 30 of which were to be used to compose jurisdictional differences, failing which, during the next 30 days, a three-man committee of the A. F. of L. executive council would "investigate and determine \* \* \* all jurisdictional questions still involved." When IAM members returned to work on October 31, 1945, members of the alliance locals who left their own jurisdictions to fill strikers' jobs returned to their accustomed occupations. Members of Shiffman's local 789 remained on the pay rolls for the afore-mentioned 60-day period.

At the October 1945 convention of the International Association of Machinists, its executive council was directed to withhold payment of per capita tax to the A. F. of L. Late in 1945, or early in 1946, the Los Angeles Central Labor Council was directed to disassociate from participation in its councils, representatives of the IAM. In January 1946, Brewer demanded of the producers that alliance members who had been replaced by return of IAM members be reinstated to those positions for the reason that the IAM was no longer affiliated with the A. F. of L. At or about the same time, according to Shiffman, he made an agreement with the producers association, the labor committee, that members of local 789 who had been taken off the producers' pay rolls at the end of the 60-day period would be granted an indefinite leave of absence without pay. He testified that the agreement was that "everybody that received the 60-day pay, they agreed to carry them on leave of absence without pay." Both Brewer and Shiffman on other occasions renewed demands that members of local 789 be employed in machinist jobs instead of IAM members.

On February 12, 1946, Shiffman sent the association a wire asserting that local 789 represented a majority of the employees, employed as machinists in the respondents' studios, and demanding recognition as the bargaining agent. This claim was discussed on various dates in February with the labor committee, Shiffman demanding in addition that his members be given jobs. On March 7, 1946, the A. F. of L. executive council issued a charter to the federal union. Upon issuance of the charter, local 789 turned over most of its members to the newly chartered union. Shiffman remained on as business representative and financial secretary of the federal union.

Following this and on March 18, 1946, Shiffman sent the association this telegram:

"This is to formally notify you that a federal labor union charter No. 23968 has been issued by the American Federation of Labor covering the jurisdiction formerly held by the International Association of Machinists.

"We, the undersigned charter members of this local union hereby demand an end to the discrimination being practiced by the producers association in

denying work to any but members of the IAM, and demand an immediate reinstatement of those men who were replaced by reason of the Cincinnati directive. The issuance of this charter is conclusive proof of the fact that the IAM is no longer entitled to any recognition as an A. F. of L. union and we must insist that no further recognition be given it as such."

According to Brewer, when the charter was issued the producers were "convinced" that they were under no further obligation to the IAM and agreed to engage members of the federal union. This brought a strike threat from the CSU which was settled, according to Brewer's testimony, by an agreement worked out between Eric Johnston, then president of the Motion Picture Producers and Distributors Association, and \* \* \* Harvey Brown, international president of the IAM, that henceforth only machinists would be hired who had been on the producers' pay rolls. On March 25, 1946, the producers engaged about 35 members of the federal union for work as precision and journeymen machinists. There is no record evidence that any IAM member was displaced by this hiring.

On April 25, 1946, Shiffman posted a notice, containing the following, on the bulletin boards in the respondent producers' machine shops:

*"To Whom It May Concern:*

"By precedent, the motion picture industry has always been recognized as an American Federation of Labor industry.

"Federal Labor Union No. 23968 has been granted a charter by the American Federation of Labor covering the machine work formerly done by lodge 1185 of the IAM, which has withdrawn from the American Federation of Labor.

\* \* \* \* \*

"Therefore, we are offering the opportunity to any machinists now working in this jurisdiction to join Federal Labor Union No. 23968 by contacting our office at 6636 Hollywood Boulevard, room 216, or our stewards on the lots, and make application for membership in the new American Federation of Labor local."

In this same period of time, the federal union continued its demands of the producers that in view of the IAM's suspension, they cease discrimination against A. F. of L. men and hire members of the federal union who had been taken off their jobs as a result of the Cincinnati directive. The federal union also applied to central labor council for assistance. Accordingly about May 22, 1946, Brewer, representing the alliance; Joseph Tuohy, the teamsters; and W. J. Bassett, secretary of the central labor council, met with the labor committee at the association. The labor committee was told that since the IAM was no longer affiliated with the A. F. of L., members of A. F. of L. unions, including the alliance and teamsters, would not handle any equipment worked on by the IAM.

Concerning this meeting, Kahane testified as follows:

"At that time \* \* \* they made the demand that they cease having this work done with the IAM machinists involved or else they would declare the sets hot and their members wouldn't handle them. We protested very vigorously against any such demand and said that it was very unfair, putting us in a very bad position. We pleaded with them not to ask us to take any such action and asked them not to characterize sets as hot, and again said that this was a jurisdictional situation that we weren't concerned with, and "Why can't it be handled by the National Labor Relations Board? \* \* \*"

"And they said they had given the matter their thought and this was their studied and deliberate decision and it was up to put this into effect, and we said, 'When?' and they said 'As of now.' And we said, 'Well, now, that is too quick for us to make any decision. At least give us a chance to think this thing out'; and he said, 'All right; we will give you 24 hours; we will send you a wire and tell you as of 24 hours that it must be put into effect.'

"The producers then met among themselves—the meeting adjourned and the producers met among themselves; and the first time that it happened, we had our choice of doing the same thing, laying off the teamster who refuses to handle the automotive truck equipment and lay off the cameraman who refuses to work on the set, but we were well aware of the fact that to do that would paralyze the entire industry. In the one case it meant that the IATSE in control of projectionists throughout the theaters and exchange employees throughout our exchanges would mean that we would have to close our studios, close our exchanges, close our theaters—"

and so forth.

"As against taking that course or taking the——"

Mr. KEARNS. Just a minute.

Mr. ZORN. Are you purporting to read all of this this? I just want to be clear.

Mr. BODLE. No, sir.

Mr. ZORN. I noticed you were skipping some of it.

Mr. BODLE. Yes; I thought I had made that clear when I started.

Mr. KEARNS. He stated that in his opening statement.

Mr. BODLE (continuing) :

"As against taking that course or taking the—or letting the machinists go, the few machinists that were involved go, we decided on operating our studios, on keeping our studios and theaters open."

Following the meeting, Bassett sent each of the respondent producers the letter confirming the demands, and then a telegram.

After the central labor council took its action, members of the carpenters and painters union in retaliation about June 13, 1946, refused to work on technicolor sets where the technicolor camera had been or was being serviced by members of the federal union. Alliance members refused to work on cameras unless serviced by members of the federal union and teamsters refused to handle automotive equipment that had been serviced by IAM members. About June 22, 1946, representatives of the producers conferred with Brewer and informed him that they were going to file a petition for certification of bargaining representatives to resolve the conflict. The producers wanted Brewer's assurance that the alliance would accept the Board's determination as to who represented the machinists. Brewer agreed to withdraw the order on hot sets provided the producers agreed not to discriminate against members of the federal union. Shortly thereafter, the "hot sets orders" were revoked.

In this connection, before passing to a consideration of the individual discharge cases, it should be pointed out that no member of the alliance or teamsters was discharged, or otherwise disciplined because of refusal to work on equipment served by the IAM. Likewise, as is clear from Kahane's testimony, set forth above, and as will appear more fully hereafter, employees were discharged or otherwise discriminated against because of their IAM membership. Finally, Brewer testified, contrary to Kahane's testimony, that he knew of no specific threat to take out alliance projectionists and distribution employees throughout the country over the "machinists issue" or over any other issue in dispute between the unions and the producers in the spring of 1946. Thus it may be that Kahane's testimony more accurately reflects, not an actual threatened course of conduct, but rather the producers' fears of ultimate retribution unless they acceded to the alliance demands.

### C. THE DISCHARGE CASES

#### 1. RESPONDENT UNIVERSAL

The complaint alleges the discriminatory discharge of John M. Mobley and Reginald G. Hill on May 29, 1946, and a refusal to reinstate until June 26, 1946, and July 5, 1946, respectively, for the reason that both Mobley and Hill were members of the IAM.

Mobley and Hill are automotive mechanics employed in the garage of respondent Universal. Both are members of the IAM. Their superior is George Smith, superintendent of transportation, who supervises the work of the teamsters who drive automotive equipment and IAM members who repair it. Day-to-day assignments on the job are given by Foreman Lon Price.

On May 29, 1946, on reporting for work, Price asked Hill if he had seen the bulletin board. There Hill read a teamsters' notice that effective as of that date, the teamsters "were not going to handle any work coming to or from the machinists." That evening Hill and Mobley were assigned to work on a bus. While the two men were at work, Hill was called to the shop telephone to speak to Lewis B. Shank, assistant business agent of the teamsters. Shank told Hill that the "heat" was on; both men would have to take out cards in the teamsters to retain their jobs; but that they would be permitted to retain their IAM membership. Some time between 10 and 11 p. m. Smith returned to the garage and

according to Mobley's uncontradicted testimony addressed the two mechanics as follows:

"If I had known you fellows was going to be laid off and if I had known this was going to happen I would not have had you do the work. \* \* \* You will have to report to the personnel office, Mr. McCausland, on Friday morning."

Mobley and Hill reported to McCausland on May 31, 1946. Hill testified that McCausland told the men they were laid off "due to the teamsters refusing to move the bus." The men were told to take home their tools. The undersigned finds based upon the above testimony of Hill and that of Kahane quoted heretofore that Hill and Mobley were in fact laid off because of their IAM membership and the teamsters' refusal to drive equipment repaired or served by them.

\* \* \* \* \*

## 2. RESPONDENT LOEW

The complaint alleges that respondent Loew discharged W. E. Zimmerman on May 29, 1946, and refused to reinstate him until June 26, 1946, because Zimmerman was a member of the IAM.

Zimmerman was employed as an auto mechanic in respondent Loew's garage \* \* \*

On May 29, 1946, Zimmerman read the teamsters' notice, similar to the one referred to in the cases above, posted on the garage bulletin board, that the teamsters would not handle any equipment "worked on" by IAM members. Sometime during the day, Small told Zimmerman that he was fired. When asked for an explanation, Small answered that all he could say was that the orders to that effect had been issued by William R. Walsh, director of labor relations for respondent Loew. Zimmerman then saw Walsh and asked why he had been discharged. Walsh replied there was no explanation; that Zimmerman's work had been satisfactory but that orders had "come from higher-ups." \* \* \*

The respondent introduced in evidence a pay-roll notice showing Zimmerman's "lay-off" on May 29, 1946. Zimmerman denied ever receiving a copy of the notice and vigorously asserted that Small told him he was fired. His testimony is credited and the undersigned finds Zimmerman was discharged on May 29, 1946, because of his IAM membership.

\* \* \* \* \*

## 3. RESPONDENT RKO

The complaint alleges that respondent RKO discriminatorily discharged William J. Pickering on June 13, 1946 and refused to reinstate him until June 26, 1946; discharged Robert Skager on June 13, 1946, and thereafter refused to reinstate him; and on June 18, 1946, transferred Carl H. Homuth to a less desirable position and refused thereafter to reinstate him because all of the foregoing employees were IAM members.

Pickering and Skager are the two automotive mechanics employed by respondent RKO in its garage. Skager has been employed since 1920 and during the last 10 years of his employment acted as a working foreman. In this capacity he picked up work orders and divided tasks with Pickering.

There is no record evidence that Pickering was an IAM member except as may be inferred from the provisions of the IAM's last contract, since expired, which provided that the producers would employ only workers who are members in good standing of the IAM. Skager was a member of the IAM as well as the IBEW. On two occasions prior to June 13, 1946, Shank, the teamsters' agent, on visits to the garage asked Skager to join the teamsters. Some time early in June Harvey Leavitt, superintendent of transportation, instructed both Pickering and Skager not to work on any automotive equipment without his express authorization. Between the time of this instruction and June 13 Skager spent most of his time idling about the garage.

About 2 p. m. on June 13, Shank asked Skager by telephone to join the teamsters, stating that they were "about to take over the auto mechanics, and it would be best \* \* \* to join their local." At about 3 p. m. Pickering and Skager were called to Leavitt's office, where they were laid off. When asked to give a reason for the lay-off Leavitt stated, according to Skager: "\* \* \* You have been around here every day, like I have, and you ought to know \* \* \* the teamster or driver refused to drive the equipment you worked on today."

\* \* \* \* \*

Carl H. Homuth is a precision machinist, employed by respondent RKO since January 1946. He has been a member of the IAM since 1937.

Prior to June 18, 1946, the date of the alleged discrimination against Homuth, he worked in a small machine shop adjoining the electrical machine shop, at the then precision-machinist rate of \$1.97 an hour. On June 18 Homuth was instructed to adjust an optical printer, which he accomplished by fashioning a special shaft for the printer. Shortly thereafter Glen Farr, superintendent of the electrical department, called Homuth to the office of Earl Miller, chief electrician. Homuth testified credibly and without contradiction as to the following incident with Miller:

"\* \* \* Mr. Miller held up the shaft \* \* \* and he says, 'Do you know this shaft?' I says, 'Yes: I know.' He says, 'It is declared hot and so I have orders to fire you.' I asked him, 'What do you mean "hot"?' and he says: 'You know the members of the scab local or scab union, or whatever we call them, called their business agent in and he declared it 'hot' because I was a member of 1185; so they made another shaft and they used the machine after that.'"

\* \* \* \* \*

#### 4. RESPONDENT WARNER

The complaint alleges the discriminatory discharge, transfer, and demotion and refusal to reinstate six named employees. The answer pleads a general denial.

Edward J. Lorenz has been employed by respondent Warner since 1939 as an auto mechanic and machinist. He is a member of the IAM. There are about 12 auto mechanics in the crew working under Foreman Ira Roland and department head, A. H. Klein.

Some time in March 1946 Roland called Lorenz to his office and there introduced him to Shiffman and Herman R. Lentz, president of the federal union. According to Lorenz' credible and uncontradicted testimony, Shiffman stated to him, "We are taking over here and we are giving you a chance to join our union," showed him a copy of the federal union's charter, and gave him an application card. Lorenz asked if it was not necessary to hold an election to determine this. Shiffman answered that he would not argue the matter; the federal union was "taking over" and if Lorenz wanted to join this was his opportunity. Lorenz stated the teamsters also claimed auto mechanics and he doubted whether the federal union had a majority of employees. Following the conversation with Lorenz other mechanics were called in "one at a time" to speak to Shiffman.

On May 29, 1946, the notice of the teamsters that they would not handle any equipment worked on by IAM members appeared on the bulletin board. On May 31 Klein told Lorenz to collect his tools and he was laid off. When Lorenz asked the reason for the lay-off Klein answered that there was no point in discussing the matter because Lorenz knew the reason. Shortly thereafter Klein told Lorenz he was laid off because "The teamsters refuse to drive that car you were working on, the Buick. That is why you were laid off."

And the other discriminatory charges at Warner Bros. follow generally the same line.

#### 6. CONCLUSIONS RESPECTING THE DISCHARGE AND/OR LAY-OFFS

From the foregoing it appears that on various dates following May 29, 1946, certain respondent producers discharged, laid off, or transferred machinists who were members of the IAM. This action coincided with that of the Central Labor Council, the Alliance and Teamsters in declaring work performed by IAM members "hot" and not to be handled by A. F. of L. members. As set forth above, in retaliation, conference unions notably the carpenters and painters, declared "hot" certain work performed by members of the federal union. Thereupon, certain respondent producers laid off the carpenters and painters. Kahane testified:

"By Mr. Rissman:

"Q. Now, let's get to this July 1, 1946, strike. I think you testified that members of the teamsters union at some time in the spring of 1946 refused to handle equipment that had been worked on by members of lodge 1185. Is that correct?—A. That is right.

"Q. And likewise, members of certain locals of the IATSE refused to work with or handle equipment that had been worked on by members of lodge 1185.—A. That is right.

"Q. They declared certain equipment hot because it had been worked on by 1185 people, is that correct?—A. That is the expression that was used.



"Q. Do you know that when the work of members of lodge 1185 was declared hot by the IATSE and by the teamsters union the members of 1185, who had worked on that equipment and machinery, were discharged from the studios? Isn't that correct?—A. Laid off is probably a better expression.

"Q. Then you said, I think the words you used were, 'thereafter the carpenters and painters refused to work on sets where IATSE members or federal local machinists had worked'; is that correct?—A. That is correct.

"Q. In that case the sets were declared 'hot' by the painters and carpenters; is that correct?—A. That is right.

"Q. In that case, who was laid off, the painters and carpenters who had declared the sets 'hot' and refused to work on them, or the members of the federal local who had performed work on the camera which resulted in declaration of 'hot' sets?—A. The painters and carpenters refused to work.

"Q. Were any IATSE men or any teamsters laid off, fired, disciplined, discharged, taken out of work because they refused to handle or work with equipment that had been worked on or serviced by members of lodge 1185?—A. They were not. None of them, to my knowledge.

"Q. Do you know of any explanation for the difference in treatment in one case and the other?—A. Yes.

"Q. There was a difference?—A. Oh, sure."

Later Kahane testified, as set forth fully in his testimony at the beginning of this section, that the difference in treatment was due to the "economic pressure on the producers."

Mr. McCANN. As I understand it, that is the report of the trial examiner?

Mr. BODLE. That is the report of the trial examiner and the quotation I just read is from the testimony of Kahane at the NLRB hearings before the trial examiner.

Mr. McCANN. On what date was that report gotten out?

Mr. BODLE. The date of the report itself is April 30, 1947, although this hearing was held some time prior to that. The hearings concluded October 28, 1946.

Mr. McCANN. In other words, your object in reading this is to establish the fact that there was a difference in the treatment of the machinists and the members of the IATSE. The machinists were laid off when the IA declared sets "hot," while the IA members were not laid off when they refused to work on sets that the carpenters and painters declared "hot," but the painters and carpenters were laid off. Is that the distinction?

Mr. BODLE. That is correct. I think actually this pretty well speaks for itself, but I do intend to comment on it.

Mr. McCANN. Are you establishing that through Kahane's testimony?

Mr. BODLE. Through Kahane's testimony.

Mr. McCANN. And on the basis of the economic pressure applied by the IA?

Mr. BODLE. That is correct. [Continuing:]

The decision to submit to Alliance threats was made by the labor committee, of which Kahane, of respondent Columbia, was chairman. Respondent Columbia did not follow up the decision by discharging IAM members. But other respondents did carry out the undertaking of the labor committee. The close interlocking relationship between the labor committee and the association has been shown. It has been found that the association is an employer within the meaning of the act. And it has been found that the labor committee acts for the association. In this instance the labor committee acts for the association and bound it and all respondent producers who took the action which the labor committee approved.

I want to point out right there that this situation is very similar to the situation which preceded the 1946 lock-out. You had the asso-

ciation acting through the producers' labor committee, making certain decision which, in that case as in this case, were binding upon all the members of the association, and you had concerted action taken to carry out those decisions.

The undersigned is satisfied that respondents' association, Warner, Loew, RKO and Universal submitted to the threats of the alliance, teamsters and Central Labor Council and with full knowledge of the meaning of their acts, determined to discharge, lay off or transfer the IAM members. There is absent here any persuasive proof that the action taken was mandatory in order to avoid immediate financial loss or cessation of operations. It is true that such might have been a future result in view of the dominant position of the alliance in the industry; and the costly strike of 1945 which had caused us so much confusion over a period of 9 months was no doubt uppermost in mind. Yet it is significant, that at the time the respondents took the aforesaid action, no harm or loss had actually resulted and Brewer, according to his testimony knew of no specific threat to take out Alliance projectionists or distribution employees throughout the country, over the "machinists' issue."

The undersigned thinks it is clear that the acts related above constituted discrimination in regard to hire and tenure of employment on the part of respondents' association, Warner, Loew, RKO, and Universal and that they necessarily discouraged membership in the IAM.

\* \* \* \* \*

Threats of economic pressure arising out of jurisdictional conflicts, have never been held to justify a violation of the act by the Board—

This is with regard to the contentions on unit.

Commencing in January 1946 the teamsters demanded of the labor committee representation for the automotive mechanics. Its last contract, however, executed in September 1946, did not include auto mechanics. Furthermore, despite their claim, Shiffman, representing the federal union, sought recognition for auto mechanics, as well as machinists, welders, and molders.

The conflicting claims of the federal union, the Alliance, and teamsters represent one aspect of this jurisdictional controversy. On the other hand, the IAM's demands as opposed to those of the other unions rested upon formal agreement of prior years. Hence, where a prior contract does define an inherently appropriate unit, the bargaining history should be accorded controlling weight. \* \* \*

Before the strike of March 12—

that is 1945—

the contractual unit functioned. After the strike, the unit became subject to attack not so much because of inappropriateness, but because competing unions were resolved not to relinquish the advantage the strike gave them of filling the IAM jobs in the unit classifications. Thus basically the problem became and remained as to what union or unions could claim to represent the employees in the contractual unit. The unions opposing the IAM and seeking to upset the unit did not feel sufficiently strong to test this question by petition.

The undersigned sees no reason to depart from time-tested achievements and disturb, because of unsettled claims to job rights, a unit established by the parties.

Now, on page 37:

The question of the IAM's majority was not seriously questioned at any time during the protracted negotiations between the parties, during the hearing, or in briefs submitted to the undersigned.

At the conclusion of the hearing the trial examiner ordered the reinstatement of the employees about whom I have read earlier, and the matter is now before the National Labor Relations Board.

Mr. McCANN. Mr. Chairman, I ask that that document be received for reference exhibit purposes.

Mr. KEARNS. Yes, sir; so ordered.

(The document was filed with the committee.)

Mr. BODLE. I went to such lengths in reading this because I think this is a most important document.

There has been a great deal of emphasis in this hearing placed upon the desirability of maintaining contractual relations and observing contractual obligations.

The directive of the A. F. of L. executive council provided that the workers would be reinstated in their jobs. The IAM members were reinstated in their jobs and mention of their jurisdiction was made in the directive.

Nevertheless in violation of the original orders of the A. F. of L. executive council, and of the directive, in early 1946 attempts were made to oust the IAM from the jurisdiction which for many years they had had and here again we find the familiar pattern that the men who were attempting, the craft workers who were attempting to protect their job rights, are the ones who are penalized by the employers, the producers, and it is the IA which is making the demands, which receives the full help and cooperation of the employers.

We have the testimony here of Mr. Kahane that when the carpenters and painters refused to work on the cameras which had been processed by members of the Federal unions, it was the carpenters and painters who were fired.

However, when the teamsters and the IA men refused to work on machinery on which members of the IAM had worked, it was the members of the IAM who were fired.

The situation parallels to a great extent the situation that arose in September of 1946.

There is one other important point here. Not much is made of it in the intermediate report, but that is that the agreement between Harry Shiffman, who at that time represented an IATSE local, and the producers, with regard to the replacements, was that they should not be discharged or taken off the pay roll after the expiration of the 60-day period following the termination of the 1945 strike, but that they should be carried on pay roll.

There has been testimony introduced here already by Mr. Sorrell that the purpose of that was to have these men available for the contemplated further raids upon the jurisdiction of the craft unions in the studios.

I want to make one more reference to the machinists' dispute. At page 2226, volume 15 of the transcript, taken in Los Angeles, among a list of jurisdictional disputes at Warner Bros. which were supplied by Carroll Sax, the labor-relations director at Warner Bros., to Boren for the use of the committee, we find the following:

During the filming of *Life With Father*, there was an actual stoppage of shooting just prior to the lunch hour, June 6, 1946. This was caused by Mr. Cooper, international representative of the IATSE who protested the servicing of technicolor cameras by non-AFL technicians in line with the letter published by the CLC. Shooting was resumed shortly after lunch. There was a total loss of approximately one-half hour.

Mr. SORRELL. I will take over now.

I told you in my testimony that dates and names don't come to my memory quickly. Faces I remember and facts I remember, but it is sometimes hard for me to connect them with the dates.

I find reference here in a copy of the *Hollywood Sun* to telegrams sent to all the studio unions requesting their cooperation and their attendance at a mass meeting to force the producers to sign contracts.

This telegram was sent by Western Union at 1:10 p. m. on March 25, 1946. The wire was sent to the Society of Motion Picture Art Directors, the International Photographers Local 659, Joint Executive Board Culinary Workers, Motion Picture Film Editors, Motion Picture Electricians, Motion Picture Studio Grips, Film Technicians, Local 683, Motion Picture Labor and Utility Workers, Studio Utility Employees, Motion Picture Makeup Artists and Hair Stylists, Musicians Mutual Protective Association, Ornamental Plasterers, Motion Picture Studio Projectionists, Affiliated Property Craftsmen Local 44; Script Supervisors Guild, International Sound Technicians, Studio Transportation Drivers, Motion Picture Costumers, Screen Writers Guild, Screen Actors Guild, and Screen Extras Guild.

The message is as follows:

The undersigned unions invite you to participate with us in an industry-wide mass meeting on wages and hours at Hollywood Legion Stadium, 8 p. m., Wednesday, March 27. We know that every union in Hollywood is being subjected to inexcusable delays in negotiations. The producers will still refuse to negotiate fair and proper adjustments of studio wages. This matter is vital to the welfare of every studio worker in Hollywood. The problem can be quickly solved by unified action by all unions. We hope that you can join us in this effort.

It is signed by the members of the Conference of Studio Unions, Building Service Employees Local 728, Cinema Lodge Local 1185, Moving Picture Painters Local 644, Screen Cartoonists Local 852, Screen Office Employees Guild Local 1391, Screen Publicists Guild Local 1489, Screen Set Designers, Illustrators, and Decorators Local 1421; Screen Story Analysts Local 1488, Special Officers and Guards Local 193, Studio Carpenters Local 946, and Studio Electricians Local 40.

Variety reported on March 28:

It was indicated last night that the majority of IA locals are not interested in attending the meeting. The March 27 meeting was flat. Hardly any but CSU members showed up.

The CSU decided it had to fight the wage and hour contract battle by itself and advised locals to hold special membership meetings and give their negotiators or boards strike power if necessary.

Now that meeting was held. The IATSE and the teamsters were warned not to come to the meeting. Some came anyhow but they were warned on the lots not to attend that meeting.

Mr. KEARNS. Who warned them?

Mr. SORRELL. I don't know. They got their warnings on the lots. I don't remember whether it was by written letter or whether it was by posting on the lot, one or the other.

Mr. KEARNS. From whom, from the producers?

Mr. SORRELL. No, from the unions themselves, the IA and the teamsters unions.

We sat down to try to make a deal for the screen story analysts. They had a had a union shop, not a closed shop. They had enjoyed union-shop conditions. We were told by B. B. Kahane that from now on they would only sign an open-shop agreement with the story analysts.

I got up at that meeting and said, "An open-shop agreement for one means an open-shop agreement for all. We haven't had an agreement since 1942 so we are through," and we walked out.

As you know, when we got the machinists' jurisdictional issue clear by the producer agreeing to go to the Board, the National Labor Relations Board, we then submitted an ultimatum, after making a deal with the independent motion picture producers. I described how we eventually went on strike on July 1.

On July 1 I drove my car past Paramount to see the picket lines. A teamster there told me that the teamsters were calling a meeting, that they knew what the meeting was being called for, that it was to force them to go through the picket lines.

I asked him if he thought they would go through and he said, "You know how it is, if we don't we lose our card and if we do we do because we have to. Why don't you go up to the teamsters' meeting?"

I said I didn't like to horn in on another local union. With that an IATSE pug, who strung along pretty well with the top officers of the IATSE, said, "You don't dare go up there."

When anybody dares me I go, so I went to the teamsters' union meeting.

When I got there the teamsters were all coming from other places and among them were a lot of IATSE people, so I joined the crowd and went up.

When I got to the door Joe Tuohy was blocking the door. Naturally he didn't want me to go in; it held up everybody.

I said, "I came up here to speak to your boys."

He says, "Why did you bring all your painters?"

I said, "These are not painters, I don't know a single one. They are all your people. Speak to them."

The people within the hall and the people out of the hall began to holler at Tuohy and said, "We want to hear him," so I went in.

At that meeting Tuohy started to talk and they started to boo him. I think he testified to that some place. He had to get down and I talked.

I talked there from a quarter to 9 until nearly 11. I tried to explain everything to those teamsters.

I requested that they allow Tuohy to talk.

Then in came Cappy DuVal, 2 percent DuVal, who was imported by Bioff and is maintained by Walsh and Brewer, and other business agents, and finally Brewer himself came in.

Brewer said to me, "If this is wages and hours as you claim it is, why don't we immediately go over and see the producers? They are meeting over in Beverly Hills bungalow. They are meeting at the present time with some group and this afternoon they are meeting with the grips. We can go horn in on the meeting."

I told him, "We don't do business that way. I will be glad to go with you." I think I shook hands with him at that time and said, "That is the first decent thing you have said for a long time, and I will be glad to go with you but first I must notify my people because I don't go and make any deals unless I have representatives of unions who can go back and tell each of the unions what it is all about."

He called up and made the appointment for 2 o'clock. That was what started or that is where the treaty of Beverly Hills was concluded.

I showed up with a business representative or a committee from each of the Conference of Studio Unions locals.

Mr. Brewer came with Mr. Tuohy.

At that meeting there was the grips negotiating committee, a Mr. William Barrett, who I testified was defeated for business agent after he had been elected vice president of the IATSE because he insisted on supporting the policy of the international.

There are some things I said yesterday that should probably be made more clear.

I stated I was told that Mr. Denham was in the producers' pockets. I didn't say who stated that. I will tell you now that notes I have made show that Mr. Benjamin stated at the producers' meeting—and this was in October—

Mr. KEARNS. What year?

Mr. SORRELL. October 1945, after he had returned from Washington—that Reilly was responsible for the appointment of Denham as trial examiner and that he had seen to it that the fix was in.

This was said in the producers' meeting. I don't want to tell you who told me, but if you desire—

Mr. KEARNS. It doesn't mean much unless you tell us.

Mr. SORRELL. Well, I can have the fellows subpoenaed if you want them. If you are willing to subpoena them I will tell you now.

I do not like to tell the source of my information if it is not going to do any good because I mean to use this man and use his testimony.

Mr. KEARNS. Well, you are using a man of national prominence here.

Mr. SORRELL. All right, maybe we can go a little further.

The same man who I got this from told Stewart Meacham the same thing. Stewart Meacham can testify under oath and will testify under oath that this was told to him by the same man that told it to me.

Mr. McCANN. Who is Stewart Meacham?

Mr. SORRELL. Stewart Meacham was the regional director of the Los Angeles NLRB district, or whatever you call it.

Mr. McCANN. Where is he at this time?

Mr. SORRELL. Stewart Meacham I think right at this time is in Los Angeles. He was over in Korea as adviser to General MacArthur or something. I don't know what it is, but I know he can be reached in Los Angeles.

If I have to tell the man's name I can tell it. I am testifying under oath and I am not testifying to things I think, I am testifying to things that I can prove.

Now it has been testified here that the painters have open shop. I testified yesterday that at the independent studios where we have people working we find that the IATSE is trying to push the people out who have been in there, push other people in, and are being successful to a certain degree at one place.

At another place they succeeded in having a sign posted for 1 day that "This is an open shop for painters." The sign was taken down.

I do know that if we sue the company the people who signed the contracts will still say they think it is a good contract. I rather welcome the chance to test this because I think that contract has a bearing on the other interim agreement that was signed with the majors.

As has been testified here before we have always been willing to arbitrate any matter. It has almost been a slogan with us that we would never strike over any dispute that we could not win by honest arbitration.

We have advocated arbitration of jurisdictional matters for years.

The producers promised us in 1944 that they would not sign any agreements without a clause in those agreements for arbitration of jurisdictional issues. In spite of that fact they signed agreements with the teamsters, the IATSE and some of the other unions. They did not request or did not insist on the clause being inserted in the agreement.

In that respect we feel it just furthers the proof that a conspiracy existed to drive out the Conference of Studio Unions.

It has been testified here by Mr. Brewer, I think, that when the actors got us together to try to arrange some machinery for the ironing out of jurisdictional disputes, that we took the program that was laid down back to our lawyers and the CSU brought back a distorted affair which sidestepped the international officers and made it possible for the local unions to put it into effect when 75 percent of them had signed.

That is true. We took it back to our lawyers to look at. They said, "This is an agreement to be signed by the internationals only. You know that neither Walsh nor Hutcheson will sign it for possibly 2 or 3 years. It will be held up there. Let's see if we can't get it put to work by two-thirds or three-fourths of the local unions signing it. At least it won't do any harm to try."

We brought it back as an amendment or added thought. Immediately the IA threw up their hands and said they walked out.

We told them, "These are only proposals. We don't want you to walk out. If they cannot be accepted we will go ahead on the other basis."

And there was a question of an impartial arbitrator. Brewer and Joe Tuohy submitted a list of six men. We submitted a list of maybe a dozen. The actors put in some names.

We took a list, they took a list and we went back to our people and explained that we should pick not one, but several that we could agree on as impartial arbitrators.

We naturally agreed on anyone we had submitted, and we also decided to agree on anyone they had submitted, if we had to. We wouldn't let an arbiter hold it up because even that arbiter in our opinion would be better than no arbiter at all.

We preferred John Keenan, who Mr. Brewer or Mr. Tuohy had submitted.

We went back to the meeting and found that they had simmered down to four men out of the six they had put on the list, one of whom was Joe Keenan.

As soon as we heard the name Joe Keenan we said, "We'll accept Joe Keenan." We weren't going to let a thing like that hold up a matter of this importance.

At that meeting where there were many other union representatives the only thing Brewer and I had in common was that that man should not be a complete dictator; that if he said the work should go to one union that should be the law at the time. But if the other union thought they had been deprived of something and they were willing to pay for the arbitration, they could go over the man's head to arbitration, with the impartial arbiter sitting in, and we would be obliged to abide by the decision of the arbiters, one step over the paid arbiter.

On account of that we were willing so that it didn't matter who was in there, we thought it could be kept straight.

Mr. McCANN. In other words, there was an appeal board of arbiters above the single arbiter?

Mr. SORRELL. That is right, as long as there was one appeal above the single arbiter we didn't care who got in there. We wanted something to start immediately to eliminate the jurisdictional issues.

Now as was expected we had to get Hutcheson in. He sent Morris Hutcheson, the first vice president, his son. As a last resort Morris Hutcheson sat down with Walsh, and Walsh told Morris—at least Morris told me that Walsh told him, "Well, No. 1, you must withdraw from the Conference of Studio Unions: No. 2, you must accept the directive as of December 26, 1945," which was not acceptable to Bill Hutcheson, but on account of a confused telephone call which we had to two of the three wise men, we thought we would accept.

However, he would not take the signature of the first vice president of the carpenters for that, he had to have a personal letter from William Hutcheson that he accepted the directive as of December 26 without any clarification and so forth.

That was impossible to obtain under the circumstances. That is what broke up the meeting the actors had sponsored for settlement of jurisdiction.

Mr. BODLE. Now with reference to the arbitration aspect, in 1946, on April 24, the Conference of Studio Unions submitted to Mr. Pat Casey a proposed jurisdictional dispute settlement plan, which provided:

That when a jurisdictional dispute arises between any unions or guilds in the motion-picture industry the unions or guilds making the complaint shall immediately notify a designated member of the producers' association asking for a meeting, and that then an attempt would be made between the business agents to work out an adjustment of the dispute.

In the case that no settlement was arrived at within 4 hours, then the dispute would be submitted to an impartial arbiter to be selected by the parties involved.

This is the final paragraph of the proposed plan for the settlement of jurisdictional disputes:

The Conference of Studio Unions agrees to abide by all the terms of the above-specified jurisdictional dispute settlement plan, provided the IATSE, the basic agreement group and all the independent guilds within the motion-picture industry likewise agree and sign to that effect.

Mr. McCANN. I ask that it be received in evidence as a reference exhibit.

Mr. KEARNS. So ordered.

(The document is filed with the committee.)

Mr. BODLE. I will introduce also the covering letter from Mr. Pat Casey to me.

Mr. McCANN. I think that can be received as a reference exhibit.

Mr. KEARNS. No objection.

(The document is filed with the committee.)

Mr. BODLE. This indicates the concern of the conference to find some basis upon which to settle jurisdictional disputes.

After the lock-out of September 23, 1946, a number of different organizations and parties intervened in the dispute in an effort to bring about some settlement.



The Inner Faith Council of Los Angeles, composed of ministers of the leading churches of all faiths in the community, made a proposal for arbitration of the dispute which the conference accepted, the producers rejected and so far as any evidence I have the IA did not reply to.

Mr. McCANN. I ask that it be received as a reference exhibit.

Mr. KEARNS. No objection.

(The document is filed with the committee.)

Mr. BODLE. Subsequently Father Dunne made a proposal for settlement of the strike through arbitration, which again the conference accepted. So far as I know neither the IA nor the producers replied to it.

Mr. McCANN. May that be received as a reference exhibit?

Mr. KEARNS. No objection.

(The document is filed with the committee.)

Mr. BODLE. At a later date a proposal was made by the committee appointed by the archbishop. That was again accepted by the conference and so far as I know was not accepted by either the IA or the producers. I do not have a copy of that with me.

Mr. McCANN. Give us a copy of what you do have, and if you can furnish a copy of the other, please do so, and it will be received as a reference exhibit.

Mr. BODLE. The important thing about this is that there apparently was no desire on the part of the producers or on the part of the IATSE, at any time after September 23, 1946, to find some basis for a solution of this dispute which had put around 5,000 people out of work.

Now I want to return for a moment to the 1945 directive and the 1946 clarification.

Here again the impression has been conveyed—and I think improperly—that the clarification which was issued was beyond the powers of the three-man committee: that the committee in the words of Mr. Levy was *funtus officio*: that when the carpenters insisted upon the producers conforming to the clarification, they were in fact breaching the 1945 original directive and hence were in the position of parties who had breached a binding arbitration award.

Now I say I think this is an improper interpretation that has been placed upon the directive. I think it is important that this be pointed out because there has been so much emphasis placed in these hearings upon alleged breaches of faith and contract by the carpenters and other members of the conference unions.

I do not think a reading of the directive or of the clarification will give any basis for a finding that either constituted an arbitration award.

The powers of the three-man committee derive not from an agreement between the unions who were parties to the dispute, but from authority which was conferred upon the three-man committee by the executive council of the AFL.

The fact that the parties agreed to abide by the terms of the directive which the three-man committee might issue, is irrelevant in my opinion, insofar as the source of the committee's power is concerned.

This is certainly apparent from a reading of the directive issued by the executive council to the three-man committee and to the unions which were parties to the dispute.

The directive which was issued by the executive council reads :

1. The council directs that the Hollywood studio strike be terminated immediately; that all employees return to work immediately; that for a period of 30 days the international unions attempt to settle their jurisdictional disputes—

I am paraphrasing some of this—

that at the expiration of 30 days a committee of three members of the executive council of the AFL investigate and determine within 30 days all jurisdictional questions still involved; that all parties concerned accept as final and binding such decisions and determinations as the executive committee of three may finally render.

The important words here are "The council directs."

I think it is clear, as I say, from a reading of the directive it states that the power of the committee stemmed not, as in the case of arbitrations, from the agreement of the parties involved, but from the authority which was conferred upon the committee by the AFL executive council.

I do not have to rely fortunately upon any interpretation of the original executive council directive to the three-man committee and the other unions for this interpretation.

In the Los Angeles hearings, volume 13, page 1720, Mr. Doherty testified. Mr. Doherty, as you recall, was the secretary of the three-man committee. This initial reference was directed to Mr. McCann. Mr. Doherty said:

Counsel repeatedly refers to this committee as an arbitration board. We were not an arbitration board. We were a committee representing the executive council, instructed to conduct an investigation and to make a decision. It was not an arbitration board. I would like the record to be clear on that.

Now if we assume—and I think that is the only conclusion we can arrive at—that this was not an arbitration board; that this three-man committee derived its powers exclusively and solely from the executive council of the AFL, then it is certainly clear that the executive council having once instructed the committee to bring in certain findings and decisions, could instruct it at a later date to clarify those, change them, or do anything it wanted to.

Again I say this is important because so much has been made here as to the sanctity of contracts. The finger has been pointed at the carpenters and the painters because of an alleged breach of the arbitration award. There was no arbitration award here. There never was at any time.

At a later date in discussion the clarification Doherty, Birthright, and Knight made this clear again. They are asked where their power derived from to make the clarification and they say, "From the same place that our original authority came from, not from the agreement of the parties but from the direction of the executive council of the AFL."

Mr. LANDIS. What was this board? If it was not an arbitration board what was it?

Mr. BODLE. It was a board appointed by the executive council of the AFL, directed and authorized to inquire into the Hollywood jurisdictional questions and render a decision.

Mr. LANDIS. And both parties to abide by the decision, is that correct?

Mr. BODLE. The parties were directed by the executive council to abide by the decision, just as the board was directed by the council to investigate the situation and make certain findings.

Mr. LANDIS. Did the parties agree to accept the directive or not?

Mr. BODLE. I don't know. The testimony of Doherty, Birthright, and Knight is not clear on that. They say that so far as they know there was nothing ever signed by the unions which were parties to the dispute, and if there were, it must be in the offices of the AFL. You will find that in the testimony. Whether there was any oral agreement to abide, I don't know.

The point I want to make is that inasmuch as the original authority of the committee derived from the executive council and not from the agreement of the parties, the executive council at any time could instruct them to do this, to do that, or do the other thing.

Mr. LANDIS. Yes; but the main point is, if they agreed to accept their decision, that is the whole thing. If they did not agree to accept the decision of course they didn't have to. I think the main point is whether they agreed to accept.

The way I understood it Doherty said they agreed to accept, is that correct? I do not have the testimony of Birthright on that and I think we ought to have that.

Mr. KEARNS. The testimony on the coast was confusing because they did not get together themselves. They say they didn't mean things they said there.

Mr. BODLE. I think it is probably correct that they agreed to accept the decision. I don't know. The testimony is confusing.

But the point I want to make is that in the normal arbitration situation the power of the arbitrator derives from the agreement of the parties. The power of the three-man committee did not derive from the agreement of the parties. The parties were directed by the executive council to make an agreement.

Mr. LANDIS. I get that.

Mr. BODLE. The power of the three-man committee derived from the executive council and it was a continuing power on the part of the executive council to instruct them at any time what to do.

Mr. KEARNS. Yes; but the parties agreed to leave it in the council's hand to set up the mechanics for investigation; did they not?

Mr. BODLE. I don't know and I don't think it is relevant, because the council acted without relation to the parties, sir, obviously. It said, "We direct that," and then it sets forth four things. I don't know whether the parties agreed to it or not. I don't think it is important so far as the council is actually concerned.

Now I want to make the further point that if this was an arbitration agreement—and I do not think by any stretch of the imagination it could be considered as such—then why did not either the IA or the producers take steps to enforce the terms of the arbitration agreement through the courts? Why did they, on the other hand, secretly plot and conspire to force these men out on the street?

I mean it is not a small thing we are dealing with here. It is 5,000 people. People do not normally force 5,000 other people out on the street if there is some other remedy.

If there was some other remedy then I say that the failure of the producers and the IA to use that other remedy is strong proof of the

fact that they did not want a settlement of this dispute, that they did want to force these crafts out on the street.

Mr. LANDIS. Wasn't there some doubt as to the interpretation of the directive?

Mr. BODLE. Not from their testimony.

Mr. LANDIS. How about the producers? I thought there was something in the testimony to that effect.

Mr. BODLE. No; the testimony is that the term "set erection"—and I believe Mr. Levy read into the record definitions from Webster's Dictionary—that the term "set erection" is clear, unequivocal, and not ambiguous in any sense.

Mr. McCANN. On the other hand, Mr. Bodle, if I may make the statement, I think Mr. Landis is correct in that the producers stated there was so much doubt in their own minds as to what the meaning of the directive was, that they insisted on going to Miami to check with the council. I think there is evidence to that effect in the record.

Mr. BODLE. I think you are right with reference to that; yes.

Mr. McCANN. There is, on the other hand, much conflicting testimony in the record, Mr. Landis, as to what the three men meant to do. That was testified in every possible way before us in Hollywood.

One moment they would say they meant to do this, the next moment they would say they meant to do just the opposite. That testimony is in the Los Angeles record. It is replete with contradictory statements by the three men themselves.

Mr. BODLE. Now there is just one other phase of this I want to touch upon. There were a number of letters read into the record from Mr. Levy to Mr. Walsh accusing Mr. Hutcheson of pressuring the executive council and the three-man committee into issuing the clarification. I just want to point out that there is specific and direct testimony on the part of the members of the three-man committee denying this in toto.

The only other matter I want to mention in this connection is with regard to the work which the carpenters had done prior to the time that the December 26, 1945, directive came out.

There is a very interesting and important letter from Roy M. Brewer, international representative, to Mr. Dan Flanagan, western director, American Federation of Labor, dated August 1946, in reference to this point, which was introduced into the Los Angeles proceedings.

I am just going to read the portion of that letter that relates to this problem:

Previous to the strike the set erection work had been done by the United Brotherhood of Carpenters and Joiners and so far as I know there had never been any argument between local 80 and the carpenters local on this particular work.

Mr. SORRELL. Are you through now?

Mr. BODLE. I am through.

Mr. SORRELL. Congressman Kearns, I have been sitting here thinking. I do not want to miss out on this. I think I better divulge the source of my information so you can go right to the bottom of it.

This information was given to both myself and Stewart Meacham by Bart P. Guild. He was sitting in with the producers at the time,

and I think he was a representative of Republic Studios at that time.

My notes were made a long time ago. In referring to them I see that Meacham wrote to Herzog about this. I don't know who Herzog is.

Mr. LANDIS. Chairman of the board.

Mr. SORRELL. When he received the news he called Reilly in and in the presence of a number of people he said to Reilly, "Did you and Denham talk to this guy Benjamin?"

And he said, "Yes." It was Reilly who selected Denham to act as trial examiner for the case in California.

I do not like to expose the source of all my information but I do not think this is going to hurt. I know these men will testify under oath that this is the truth.

Mr. KEARNS. Do you know where Guild is now?

Mr. SORRELL. Yes; I think you can find him in Hollywood. I will be glad to try to find him for you if you like.

Mr. KEARNS. You say his first name is Bart, B-a-r-t?

Mr. SORRELL. Bart P. Guild.

The reason I changed my mind and submitted his name is because he is not now connected with the motion picture producers association. I think he is an honest guy and I know that he will tell the truth under oath.

Now, it has been testified here that we have had very good relations with the independent producers. We have given no favors but we do not feel that they are a part of this conspiracy. We feel the conspiracy that exists not only is against the Conference of Studio Unions, but also takes advantage of the independent producers.

I want to read a wire to Mr. William Green, dated October 1, 1946, from Donald M. Nelson, president, Society of Motion Picture Producers, 6233 Hollywood Boulevard, Hollywood, Calif. Copies went to a number of people. There is quite a list down here, and I don't think that matters:

The members of the Society of Independent Motion Picture Producers have continuously fostered a policy of good labor relations with all their employees. The society since its inception has done everything within its power to cure and prevent the basic causes of the spasmodic outbreaks of disastrous strikes in this industry. Although not involved in the original strike—

Departing from the telegram for a moment, this was written on October 1. No picket lines were around any of the studios. They had not been forced to fire a man yet.

Going back to the telegram:

it now finds itself helpless to prevent a shut-down on production of our independent pictures. We are told by the nonstriking side that they will not work with members of the striking unions. The present strike, as we see it, is purely jurisdictional. Both the striking and nonstriking groups are members of the AFL. No question of wages is involved. One group of employees say that certain work in the studios belong to them. The other group say that the work belongs to them. The conflict in basic jurisdiction appears to have been caused by conflicting interpretations of recent directives issued by the AFL in attempting to clear up the jurisdiction in these categories. It is becoming increasingly clear that unless leadership asserts itself with proper vigor, directness, and clarity to resolve these points of jurisdictional combat, there is every likelihood that this strike will grow in proportion and mount in physical violence and destruction of property.

After the strike rages perhaps for months, to physical exhaustion to everyone concerned, with great economic loss, both to the workers themselves and the

independent studios, somebody has to sit around the table and eventually settle the issues.

Why can't this be done now instead of later? As believers and exponents of sound trade-unionism, we fear that the cause will be dealt a severe blow unless the strike is settled immediately. The situation for the independent producers has now become so desperate that we are asking you to invoke your good offices for the purpose of swift clarification and resolution of jurisdictional lines involved in this dispute.

I have a copy of a wire dated October 1 sent to Mr. Donald Nelson, Society of Independent Motion Picture Producers, Pantages Theater Building, Hollywood, Calif.:

DEAR SIR: You have informed us that the International Alliance of Theatrical and Stage Employees has demanded that the independent producers of your organization discharge all members of unions affiliated with the Conference of Studio Unions. The IATSE accompanied this demand with the threat of closing down the current productions of your independent producers by strike action and of refusing to project the films of the independent producers in the theaters.

This action of the IATSE is a part of that campaign in the major studios which has precipitated the lock-out of thousands of our members.

The major producers have cooperated fully with the IATSE and we charge that these parties have conspired to destroy the unions of the CSU, force all workers into the IATSE, and then to place all motion-picture workers, as well as the independent producers, at the mercy of the major film companies.

We hope you will not accede to the IATSE's demands, but will instead continue to operate and to employ according to your contractual relations those workers for whom we are the legal bargaining representatives.

For you to do otherwise would compel us to defend our members with all the legal and economic means at our command.

Please know that we shall be glad to discuss with you further this difficult situation in which your local unions and your body of independent producers have been driven by the ruthless and law-defying tactics of the IATSE and major producers.

Signed by the Conference of Studio Unions.

October 2, 2 p. m., a wire to myself, Conference of Studio Unions, 4157 West Fifth Street, Los Angeles:

Answering your wire of October 1 in a preliminary talk with Roy Brewer, he informed us that the IA had decided that no member of the IA would work with any member of the CSU unions who were on strike against them. Mr. Brewer made no threats nor did we discuss with him what we would do. We intend to have further discussions with Mr. Brewer. The society had not determined a course of action but will certainly discuss with you or your representatives any action we plan to take, this to correct the apparent misunderstanding of what our conversation with Mr. Brewer was.

He told me over the phone—and you can see by my letter—that I understood Brewer was taking direct action. By his wire he shows Brewer had told him these things, but he had not told him he was going to take any direct action, or what action he had decided to take at that time.

Now, the independent studios are still being pushed around pretty strongly. The independent producers who work at the major studios naturally do not have the benefit of our people because they hire their help through the studio and we all been fired at the studios.

There are just a couple of things I want to bring up, and then I am going to be quiet.

I want to bring to your attention that the lock-out is not over. It is very much in evidence.

I have a telegram here sent to me at the Hamilton Hotel, Washington, D. C.

Lawsuit filed here only last Friday—

this is dated February 23—

Lawsuit filed here only last Friday exposes the absurdity of Zorn's testimony studios normal. Also the problem facing venture capital in Hollywood. Suit asking \$1,000,000 damages was filed in superior court by Bernie Byrons Productions against John Steinbeck, the author, and others. Complaint charges Steinbeck in July 1945 assigned company screen rights to his best selling novel, Cannery Row. Contract provided picture was to be made within 2 years. Steinbeck recently withdrew the rights because provision not carried out. Company claims it was prevented primarily by chaotic labor conditions, and it seeks compensatory damages. Company claims over 2½ years period it approached Paramount, RKO, United Artists, and Republic, among other studios, but arrangements could never jell due to bad labor conditions.

LEWIS B. PRESTON.

Now I told you the independents were forced to hire men, put men on the pay roll who didn't work, and were forced to put men in superintendents' jobs at the IATSE's request.

I could not think of Dominic Bruno's name, who is working at Eagle Lion as one of these men who are put in to run things.

It has been said here that Bioff has no connection with this or with the IATSE affairs.

I have stated that just prior to the bombing of the homes of Norman Pottle and others Bioff was seen in the company of the torpedoes at the Roosevelt Hotel.

This Dominic Bruno has bragged to some of our people that he sees Willie Bioff occasionally and thinks he is a very nice guy.

There are a lot of things I would like to put in here, but I am skipping everything except where I have direct contact. I am trying to avoid any hearsay because I realize the record is full of hearsay anyhow, but it has not been put in by us.

What I tell you I will have facts or people to back it up under oath.

I also drew to your attention that Johnny Rosselli, the only other former associate of Willie Bioff, that I happen to know in Hollywood, is now working at the Eagle-Lion Studio as a writer.

You go ahead.

Mr. BODLE. There are just a few things I want to clean up. Do you want me to go ahead?

Mr. KEARNS. We will adjourn until 2 o'clock.

(Whereupon, at 11:55 a. m., a recess was taken until 2 p. m.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m., at the expiration of the recess.)

Mr. KEARNS. The hearing will be in order, please.

Mr. McCANN. Mr. Chairman, by your direction, I will read a telegram you have presented to me. It is dated March 7, 1948, addressed to Ted Ellsworth, Costumers Local No. 705, IATSE, 2760 Cahuenga Freeway, Hollywood, Calif.

Reference your telegram just received. My testimony was neither malicious nor unfounded. It was, rather, a recitation of facts, plus my sincere conclusion regarding Communist infiltration and influence in Hollywood labor. Your affiliation or nonaffiliation with the Communist Party is something about which I have no knowledge at this time and on which I gave no testimony. However, your support of those causes identified with Communist motives and objectives, even to supporting the opposition to your own international union, is well known in Hollywood. I have no knowledge of your intentions of filing non-Communist

affidavits, and my testimony with regard to such was in response to questions by members of the congressional committee. I sincerely hope that your future actions will substantiate the statements made in your telegram.

ROY M. BREWER,  
*International Representative, IATSE.*

The other message I believe has been read it.  
Mr. KEARNS. Yes; it is already in the record.  
All right, Mr. Sorrell, you may continue.

**TESTIMONY OF HERBERT K. SORRELL AND GEORGE E. BODLE—**  
Continued

Mr. SORRELL. Mr. Bodle has something to read into the record.

Mr. BODLE. Previously we brought Mr. Bioff's record up to the time of his incarceration for a period of 10 years on extortion charges. Since that time I have had an excerpt made or an examination made of the clerk's docket in the Bioff-Browne cases.

I find out that subsequent to the conviction and sentence of Brown and Bioff a notice of appeal was filed. This was on November 12, 1941.

On November 24, 1941, an election to enter upon service of sentence was filed. The appeal was never completed, but by stipulation of the Government and the attorneys for Bioff and Browne time in which to perfect the appeal was extended from time to time.

Finally, on December 22, 1941, the appeal was withdrawn and the present term which originally had been 10 and 8 years for Bioff and Browne, respectively, was reduced to the period already served, 3 years and 5 months.

It is impossible to tell from the clerk's docket the actual arrangement which was effected which resulted in the reduction of the sentence to the time served.

However, it appears that something most unusual, I think, in criminal angles was accomplished here. Apparently a deal was made for the withdrawal of the appeal in consideration of the reduction and commutation of sentence to the time served.

Inasmuch as this committee is investigating the whole of the Hollywood situation I think this reduction of sentence is certainly something which deserves very close and careful scrutiny of this committee.

Mr. McCANN. Who was the judge that gave the sentence?

Mr. BODLE. It was Judge Knox in the district court.

Mr. McCANN. Did he commute the sentence?

Mr. BODLE. He commuted the sentence. As the excerpt from the clerk's docket shows, defendants withdrew appeal and obtained an order from Judge Knox who sentenced defendants, reducing sentence from 10 and 8 years to time already served, 3 years and 5 and 8 months.

I would like to introduce into the record excerpts from clerk's docket.

Mr. McCANN. Mr. Chairman, I ask that they be received as a reference exhibit.

Mr. BODLE. That is to substantiate the statement I have made.

Mr. KEARNS. No objection.

(The document is filed with the committee.)

Mr. BODLE. Since that time there have been repeated references in the newspapers to the reentrance of Willie Bioff into the Hollywood scene.



For example, in the Chicago Tribune of July 28, 1943, in an article by Marchia Wynn we find this statement:

The shadow of Willie Bioff still hangs heavily over Hollywood.

In the Chicago Daily News of May 29, 1946, in a signed article by Edwin A. Leahy we have further reference to a continuation of the Bioff influence in the IATSE.

In the Los Angeles Herald Express of January 23, 1947, a signed article by Walter Winchell, we find the following statement:

Don't look now, but isn't that Willie Bioff back in Hollywood. Allegedly having secret meetings with movie producers in connection with the strike.

And in the Daily News of November 14, 1947, in a signed article by Dennis Sprague under the following headline: "Bioff, Milker of Film Chiefs, Faded Here," we find the following:

Hollywood entertained a distinguished visitor last week. He was a blue jowled gorilla viewed anthropoid who should have been as welcome in the movie colony capital as bubonic plague. Welcome he was, however, and with open arms.

His host, who was the general manager of one of the great movie studios, called him Willie and took him around to meet the Beverly Hills elite and say hello to old friends, chiefly big wheels in the cultural art of making motion pictures.

Mr. McCANN. I ask that be received as a reference exhibit.

The CHAIRMAN. No objection.

(The document is filed with the committee.)

Mr. LEVY. May we see those reference exhibits, please?

Mr. McCANN. Certainly.

Mr. BODLE. Yesterday in connection with Mr. Sorrell's claim of a continuing conspiracy between the IATSE and the producers to drive the craft unions out of the industry, Mr. Landis expressed some dissent.

Mr. LANDIS. No, that wasn't dissent, I wanted it explained.

Mr. BODLE. I want to say whether or not there has been a conspiracy in connection with the 1946 strike, a conspiracy to force out on the streets the members of the craft unions who have been walking the streets these past 18 months, there has certainly been a conspiracy of silence on the part of the producers and the IATSE.

The minutes of the producers labor committee meetings occurring between September 11 and September 24, 1946, clearly establish that the plans for the mass discharge of the carpenters and painters were formulated by the IATSE and the producers in concert.

Yet at the time certain of the producer representatives and certain of the IATSE representatives took the stand before this committee in Los Angeles, there was a complete denial of any such conspiracy of any such concerted action of any such plot.

I want to bring to the attention of the committee at this time the testimony of certain of the people who appeared before the committee in Hollywood at the time the hearings were held there last year, because I think this will indicate that not only was there a conspiracy here, but that the producers and the IA were conscious of it and did their very best to keep it from being disclosed. And the fact that they were so concerned about keeping it a secret, I think, points up the nature of the conspiracy.

Fred Meyer testified during the Los Angeles hearings on August 26, 1947, as the labor-relations director of Twentieth Century-Fox Pictures. His testimony was generally to the effect that in effectuating

the mass discharge of the members of locals 946 and 644, the painters, from the studio on September 23, 1946, he acted on his own individual initiative in formulating the studio policy, consulting only Alfred Wright, the studio legal counsel, and Joseph Schenck, and no one else. Now I want to read briefly from his testimony:

Mr. Meyer first testified that Cambiano presented an ultimatum to the studios at the conference attended by him and other studio representatives. Meyer thereafter instructed his subordinates to discharge any men who failed to do work assigned to them.

Now the interrogation of Mr. Meyer:

Mr. KEARNS. Then you never had to take the ultimatum up directly to any man in your company higher than yourself?

Mr. MEYER. No, sir.

Mr. KEARNS. You acted on your own initiative after you had that ultimatum?

Mr. MEYER. Well, that is—

Mr. KEARNS. You didn't call up the other studios?

Mr. MEYER. I relayed my discussion with Mr. Wright to Mr. Joseph Schenck, I believe.

Mr. KEARNS. That is when you turned on the hook-up then to find out what was going on all the way around?

Mr. MEYER. I don't understand what you mean.

Mr. KEARNS. I mean you got in touch with all the other studios to find out what they were doing?

Mr. MEYER. No; I didn't.

Mr. KEARNS. You acted as an individual?

Mr. MEYER. That is right.

Mr. KEARNS. That is what I wanted to establish.

Mr. MEYER. That is right. I didn't consult any other studio. I was guided entirely by the violation of any—of the Wagner Act and Mr. Wright's instructions as to how to proceed. \* \* \*

Mr. MEYER. Mr. McCann, I can only speak for myself. There was no trip, no consultation, no telephone conversation, no communication by myself with anyone other than Mr. Joseph Schenck.

Mr. McCANN. In the conference that followed Mr. Cambiano's ultimatum the studios discussed what do we do from now on?

Mr. MEYER. That is right.

Mr. McCANN. Yet at that conference it was not decided to lay off all the carpenters at one time?

Mr. MEYER. No; definitely not.

Mr. McCANN. Was there a subsequent conference with these men between that time and the 23d?

Mr. MEYER. Which men do you mean?

Mr. McCANN. With the men of the bargaining committee.

Mr. MEYER. You mean the Producers Labor Committee?

Mr. McCANN. Yes.

Mr. MEYER. Oh, yes, we had many meetings after that.

Mr. McCANN. Was it discussed what they should do, was that discussed at all of those meetings between that time and the 23d?

Mr. MEYER. I don't know that the 23d ever came into the picture. As a matter of fact, I can't recall how the interlapse between what Mr. Price stated was the 11th and the 23d. The only thing we discussed was that in order to keep operations going we had no alternative but to operate as best we could.

Mr. McCANN. As an individual and were not influenced by the other companies, you said you had not consulted them at that time?

Mr. MEYER. That is right. I had not consulted them.

Now subsequently at hearings of the subcommittee, specifically on September 2, 1947, minutes of the Producers Labor Committee were introduced which clearly contradict the testimony of Mr. Meyer. The minutes show that the producers labor representatives were in constant conference from September 11, 1946, through September 24, 1946, consulting each other and agreeing upon a policy of uniform action and that Meyer attended each one of these conferences.

The minutes further reveal that Roy Brewer, the IATSE, was called in and present at most of these meetings, and that arrangements were made to have the carpenters ordered to work on "hot sets" and upon their refusal to "terminate their employment"; that the IATSE was to provide replacements for the studios; that the policy was decided after advice from the New York executives to attempt to keep open, call on IA to do the struck work. And that Alfred Wright drew up a set of instructions outlining the procedure to be followed which was distributed to each studio representative and that in general there was to be unanimity of action, even though this fact was not to be made known.

I point this out because there must have been something wrong here or people wouldn't have gone to such great pains to keep it a secret.

I next want to refer to the testimony of Roy Brewer.

Mr. LANDIS. Before you go ahead on that, that was the time when the carpenters said they were not going to work on the "hot sets," was it?

Mr. BODLE. Yes.

Mr. LANDIS. This is a fair question: What would you have done if your boss had told you to keep open, to keep the studio going? That is the point I can't see. You are the fellow out there running the studio and your boss says to keep the studio open. If the carpenters are not going to work, what are you going to do then? You are going to get union men first, aren't you? If you can't get union men then you have to get nonunion men. That is the position I would find myself in.

The first thing I would do if I got orders to keep the studio open would be to get other union men to take the job. If they gave me the orders to keep it open and I could not get the other union men, then I would have to go get nonunion men. That is the point I cannot understand.

Mr. BODLE. I would like to answer that.

That is not what happened here.

Mr. LANDIS. That is the way it seems to me. There might be something else there.

Mr. BODLE. The carpenters came in and gave the producers an ultimatum on September 11, 1946, that they would not work on the sets erected by the set erectors.

Mr. LANDIS. That is right.

Mr. BODLE. The producers had two alternatives they immediately saw, one they could close down, the other they could keep open and use other workers.

Mr. LANDIS. That's right, and they decided to keep open?

Mr. BODLE. That is right. I think there were a number of other alternatives that were possible also. If this were an arbitration award as has been argued by Mr. Levy and by Mr. Zorn, they could have gone into the State courts, gotten an injunction to prevent the violation of the award by the carpenters, assuming there was a violation.

Mr. LANDIS. How long was the ultimatum; do you know?

Mr. BODLE. It was not until the 23d, 12 days later, that the men were discharged in the studios, and it doesn't take any time at all to get a temporary restraining order in California. It is issued ex parte. They could have had it in 24 hours.

Or they could have brought the parties together. There was no attempt to do that.

Mr. LANDIS. I mean if I had been the carpenters and I said, "I will give you a week to work this thing out; we are not going to work on these 'hot sets' in a week from now."

Mr. BODLE. The testimony clearly indicates this condition could have continued for a period of 10 days, 2 weeks, or 3 weeks after the 23d.

On the 23d, I think that at one of the studios—I have forgotten which one now—170 carpenters were discharged en masse. At Fox, as I recall, over 200 were discharged.

Now if the men had continued to be discharged as they were put on hot sets it is conceivable that the studios could have continued for 2 or 3 weeks beyond September 23d. But they didn't do that; they didn't want to do that.

I think anybody who reads these minutes must come to the conclusion that the producers didn't want to settle this, that they wanted to force the construction building-trades crafts out on strike.

Mr. LANDIS. Of course, that is not what they say. They say they didn't want any trouble on the sets.

Mr. BODLE. They say two different things. They have one story now and they have another story that you gather from the minutes. The minutes are pretty clear.

The minutes say, for example, that the studios were instructed to create an incident on Monday, an incident. What kind of an incident? An incident which would place more carpenters in a position to be discharged. The minutes show that all the men are to be ordered on the hot sets on the 23d.

The testimony is clear on this. Men who had not worked on a set in 15 years, as at Fox, two old pensioners who had been injured in the company's service and by agreement with the union had not filed industrial accident commission claims, and in turn had been guaranteed jobs for the rest of their lives, but who were to stay in the paint shop and work on flat work, were on this date, on the 23d, called out and ordered on hot sets.

At Paramount and M-G-M, as the testimony of Borin and Walsh establishes, the checks were actually prepared a day in advance of the discharge.

Mr. LANDIS. They claim they were going to have trouble and they wanted to be ready.

Mr. BODLE. That I agree with. They created trouble. I do not see how anybody can get by those minutes.

When you ask "What would you do in that situation?" would you contrive with a rival union to create incidents which would bring about a discharge of some 5,000 men who had spent their lives in your service? Wouldn't you have more consideration for your employees?

Mr. LANDIS. Now, if I have orders to keep open and I find the carpenters are not going to work, then I am going to try to get more union carpenters. If I cannot get union carpenters then I have to go outside to get nonunion carpenters.

Mr. BODLE. It wasn't a question of the carpenters not working, it was a question of the carpenters refusing to work on hot sets.

Mr. LANDIS. Well, you have got to have the men for the sets, haven't you?

Mr. BODLE. No; lots of men do not work on sets. At Universal the testimony was clear that there was no work on hot sets on the 23d. There was no work which had been erected by the so-called set erectors. There just wasn't any.

Apparently Universal could have continued to work with a full crew of painters and carpenters for I don't know how long, but at least beyond the 23d.

On the 23d at Universal—and again I am only referring to the testimony in the record—they called the set erectors onto a set and had them build a set. Then the foremen of the paint and carpenters departments, in the reverse order, because the instructions from the producers said first the carpenters and then the painters, called the men in, divided them up into gangs, and ordered them to work on the hot set.

The testimony again at Universal is clear because I remember this: They took the so-called lay-out men who had not touched a hammer in 15 years.

This isn't a question of keeping open, this is a question of contriving, conspiring to bring about the mass discharge of 5,000 men, on an excuse.

There is absolutely no contradictory testimony in this record that the maintenance men, the lay-out men, and so forth were not working on sets; that in the normal course of work they never would have been ordered to work on sets.

As a matter of fact, there you do not have to turn to me for this, you can turn to Mr. Alfred Wright, the counsel for Twentieth Century-Fox. In the minutes you will find that Alfred Wright says he does not believe it was either morally or legally right to order these maintenance men and so forth upon the hot sets. He says morally and legally.

Mr. LANDIS. Of course, they claim they were hired to work any place. That is their testimony before the committee.

Mr. BODLE. Well, if you have employed people you know, if you have employed a stenographer in your office you do not expect them to go down and shovel coal.

Mr. LANDIS. I don't mean that: I am talking about taking carpenters off a building job here and putting them on a hot set.

Mr. BODLE. Why didn't they do it in the normal course? Why did they plot with the IA to have it all on the 23d? It could have gone on for I don't know how long. I mean I just don't know. Obviously it could have gone on for months beyond the 23d.

Why didn't they make some effort to settle this? Why didn't they get the injunction? They are quick enough with injunctions on other matters.

I understand there are going to be a lot of injunctions that the producers have obtained read into the record here. Now why didn't they get an injunction there? It is a common procedure. It is not unusual.

I tell you there was no desire to do it.

Now this is a very significant thing. As of November 11, according to the minutes, they had not yet decided what to do, whether they were going to close down or what, but they had already made contact with the IA.

Mr. LANDIS. After they got the ultimatum?

Mr. BODLE. But before they had come to any conclusion as to what course of action they would follow they had already made contact with the IA.

I think you can find as consistent a program here as can be built up in a record. You have 1937. I read it into the record. Bioff said:

The painters will deal with the producers only through me, and if they deal with anybody else I will strike.

In 1941 you had Bioff saying, "The cartoonists will deal only with Disney through me." And when the cartoonists didn't he sent the other AFL unions back.

In 1945 when the producers were under a clear legal obligation to recognize local 1421 as the successor to the Society of Motion Picture Decorators, you find them refusing to do so because the IA didn't want them to do it.

In 1946 when you have the clarification coming down from the executive council, you have them following right along with the IA again.

I think you have as consistent a record here as you can find.

Mr. LANDIS. The part that I cannot see is that after they did not know whether they were going to keep open or not, then they decided if they could get the men to do the work they were going to keep open. They went to the IA to get men. They said they could get them a sufficient amount of men to carry on, so they began hiring their men.

Mr. BODLE. I agree with you if they decided to keep open they are going to get the men to keep open, but I don't think that is the point.

Mr. LANDIS. I mean if the IA or anybody else has a union that has carpenters or painters, and they say they cannot furnish enough men to keep open, then they have to shut down.

Mr. BODLE. I asked the producers this question: "Do you want to keep open? Now, if you want to keep open don't you want to keep as many men on the job as you can? The painters and carpenters are highly skilled people. If you want to keep open don't you keep your people working?" That isn't what they did.

Mr. LANDIS. I don't suppose the carpenters would agree to let the other fellows work on the "hot" sets and then work in the other places.

Mr. BODLE. Well, it is good speculation. There was no strike here until, I believe, 3 days after the lock-out.

Mr. LANDIS. The ultimatum is what seemed a little different to me. Just to say you are not going to work on them and that means tomorrow, to me that would be pretty short notice.

Mr. BODLE. The ultimatum said simply, "We won't work on the 'hot' sets."

Now, I want to point out about the ultimatums. There have been a lot of ultimatums and they are all on short notice, I suppose.

There is testimony in the record that around August 23, 1946, I think it is, the IA gave the producers an ultimatum that "If you vary from the terms of the December directive, we are going to strike, or we are going to take action to protect our interests" I don't know just how it was worded, but the 24-hour ultimatum actually did not mean too much, because there could not have been so many carpenters and painters to be fired 11 or 12 days later if a lot of carpenters and painters had been ordered to work on "hot" sets prior to that time.

So actually it was not a 12-hour ultimatum. The producers had plenty of time to work this out.

I think the fact that beginning with the 12th they planned a mass discharge indicates that they had no intention or desire to work it out.

Mr. LANDIS. But there were no "hot" sets between the 11th and the 23d?

Mr. BODLE. Yes; there were.

Mr. LANDIS. Oh, there were?

Mr. BODLE. Yes; there were discharges at least of carpenters, according to the testimony. I don't know.

Mr. LANDIS. The discharge was on the 23d?

Mr. BODLE. Yes; the mass discharge. They were all cleared out on the 23d.

Mr. LANDIS. Did any carpenters work on the "hot" sets between the 11th and the 23d?

Mr. BODLE. I would like to refer that to Mr. Sorrell.

Mr. McCANN. The record shows, Mr. Landis, if you will permit me to interject there, that prior to the 23d I think it was M-G-M who reported they had let out so many carpenters for refusing to work on "hot" sets. There were reports that came into the producers labor committee before the 23d showing how many had been let out.

Mr. LANDIS. Is that in the record?

Mr. McCANN. That is in the record, sir.

Mr. LANDIS. How were they going to carry on business if they won't work on the "hot" sets, that is the point I am trying to get at?

Mr. McCANN. I don't want to answer any question that is up to the witness. I am simply saying to you there were people discharged prior to the 23d for not working on "hot" sets. That was the question you asked.

Mr. LANDIS. The point I am trying to make is if there were carpenters who refused to work on the "hot" sets between the 11th and the 23d, then in order to carry on the business they would have to hire somebody else to run those sets. Maybe Mr. Sorrell can answer that.

Mr. SORRELL. You see, the producers got this letter from William Green nearly a month before the ultimatum was given. We got no answer.

I contacted Eric Johnston to be sure he got the letter, so I know he got the letter. They had the notice for nearly a month. In that month it was circulated around through all of our unions.

We have democratic unions, as I have spoken about before. It was taken up and voted on. They cheered; everybody was pleased. Everybody said, "We will go down the line in support of the carpenters. When are they going to put it in force?"

The letter was read from Hutcheson to the carpenters not to get overjubilant, not to step out, to give the producers time to put it in effect.

The producers knew it was coming. You only got the minutes from the 11th on. I wish you had the minutes before that, because this had been talked of in the producers meeting prior to that.

Now, they got the ultimatum they were expecting on the 11th. The IATSE was expecting it. That was not the start of the conspiracy, that was the start of the time when you received the minutes that are in the record.

Mr. KEARNS. Mr. Counsel, what is the date of the first minutes?

Mr. McCANN. Well, we had minutes from August 22 when the ultimatum of Mr. Walsh was received.

Mr. **SORRELL**. I am wrong on that.

Mr. **McCANN**. We did have the minutes from Mr. Walsh's appearance.

Mr. **SORRELL**. I am wrong on that, but I am speaking from information I got.

Mr. **LANDIS**. What was it Green said in his telegram?

Mr. **SORRELL**. That is in the record. Green said here was the—

Mr. **McCANN**. Clarification.

Mr. **SORRELL**. Clarification and he hoped everyone would join in to put it into effect. Green has always maintained that everyone should join in to put it into effect.

Now, here is the effect on me. When I get a letter from Green, who is president of the A. F. of L. and chairman of the executive council, stating that this is a fact and everyone should get together to put it in effect, I don't expect any Communist to upset the situation, or I don't expect even Brewer or anybody else to kick over the traces.

I think since Mr. Brewer is an international representative, and Mr. Walsh is a president of the international and connected with the A. F. of L., and since they say that A. F. of L. is so holy, that they should kick out the machinists and things like that. That is the attitude they had carried on before. I expected maybe they might quibble a little bit, but they would still go along with the American Federation of Labor.

Mr. **LANDIS**. Of course, that goes down to the big question of whether they were to accept the ratification or not.

Mr. **SORRELL**. Yes; only that I knew the producers did not wish that.

Mr. **LANDIS**. The producers did not wish to accept the ratification?

Mr. **SORRELL**. The producers did not wish to comply or do anything for the Conference of Studio Unions.

Mr. **LANDIS**. Were they at Miami when the ratification was decided on?

Mr. **SORRELL**. They came to Miami, yes. Mr. Walsh hitchhiked a ride with them—I think he hitch-hiked a ride with them to Miami at that time. I went to Miami and got there ahead of them. I was there at the time.

But had the carpenters, painters, and others, had it laid before them and said, "This means strike," I don't think they would have voted to strike.

As a matter of fact, we would have influenced them not to, because we knew that we were being attacked and we were not going to be stuck out on a strike. The producers sat back from the 11th to the 21st, or something like that, waiting for us to strike, and they were disappointed because we didn't strike.

Then they decided to fire us all.

Mr. **KEARNS**. Supposing the shoe had been on the other foot, and you had had a chance to stay in and go to work, wouldn't you have kept the studios open?

Mr. **SORRELL**. You mean supposing the IA would have shut down? No; I don't think so, because our people would not have worked on their jobs. They said, "This is something that has to be settled." Our unions are democratic. They are not run by one man. They would have said, "We won't do the other fellow's work; get together and get it settled," and it would have been settled.



Mr. KEARNS. Isn't it true that they are in a different spot because they testified here that they felt every job in the studio belonged to them? This was a good opportunity to take them over, as long as they felt that way?

Mr. SORRELL. Who testified they felt that way, that every job belonged to them?

Mr. KEARNS. Well, the IA would like to claim that jurisdiction.

Mr. SORRELL. Yes, the IA, but not the IA men. The IA workmen do not run the IA union. That is the trouble.

It has been testified here—I testified, and you can get the minutes, if you want to subpoena the minutes from local 44, the lab technicians, the cameramen, the costumers and the sound men—you will see that the men working in those studios would not take the jobs of the carpenters and it would have been settled.

But in one case the charter was lifted or taken over by the international of the propmen. The others did not take the charter because they didn't need to draw on them, they did not pressure them. They did not take our jobs.

Our people would have acted the same.

You understand there are two ways of looking at this thing. There is a democratically run union where the workers who work run the union. They are not anxious to hurt the other worker.

Then there is the organization with somebody way up at the top who doesn't know John, Joe, and Jack who says, "We will do this and we will do that." The workers have to do it or get kicked out of the union and out of the studios, too.

Mr. LANDIS. Do they elect their officials, or do they appoint them?

Mr. SORRELL. Well, Mr. Walsh is elected at the convention. The studios have a few men there. The delegates that go to the convention are elected from the workers in some of the unions, and in the case of Cappy DuVal and others, it is easy enough to pack enough people in, when he is not elected by his own union, when he is defeated by his own union he goes as a delegate for another stooge union.

Mr. LANDIS. But I mean the locals—

Mr. SORRELL. Now, Mr. Walsh is elected, and there are other vice presidents elected. I do not understand the way it works because in the painters organization a vice president sits in on the board. The vice president must be considered when decisions are made by the executive board. But although there are two vice presidents of the alliance in Los Angeles, they appoint a guy from out of State and bring him in to run the business.

You see, when you put it all together, workingmen will work together for each other's good.

Mr. LANDIS. But don't they have presidents of locals like everybody else?

Mr. SORRELL. Yes, each of the locals have a president and a business agent. As long as they do what the international tells them to do they stay in business. If they don't they go out of business.

Now, of course, Mr. Brewer will tell you that was a Communist-dominated organization because they didn't agree with him. They quit and came out on the picket line, a couple of thousand of them.

There was an instance there where they with the help of the producers practically wrecked that, took it over, and the other IA unions

take a lesson from that. They don't try it because they say, "Look what happened to 683."

Now, the workers get along all right in Hollywood, but being directed by someone at the top—do you think Mr. Brewer could be elected in Hollywood for anything? He couldn't be a street sweeper. He is the most hated man among all of the workers, both in the IA and out of the IA. Why? Because he says, "You must do this."

He sent out a communication that said, the IA people shouldn't speak to the Conference of Studio Unions people.

I had people come and tell me, "Gee, I can't talk to my father now, he belongs to the IA; he got an order not to speak to us."

Do you think that kind of a fellow is popular among the workers?

He is only popular among, and kept there by, the producers.

Mr. LANDIS. He is not a producer's man, is he?

Mr. SORRELL. Oh, not much; go ahead.

Mr. KEARNS. All right, sir.

MARCH 8, 1948.

Hon. CARROLL D. KEARNS,

*House Office Building, Washington, D. C.*

DEAR SIR: I wired you on even date herewith as follows:

"I am forwarding today copy of statement issued to press by me as vice president and general counsel of Walt Disney productions re Herbert Sorrell's testimony before your subcommittee. I would thank you to insert it in your record."

Enclosed herewith you will find press release issued by our publicity department at my request. This release was intended to deny categorically all of Herbert Sorrell's testimony before your committee with respect to the strike against Walt Disney Productions led by Herbert Sorrell as the same appeared in the press.

I would thank you to spread this or the pertinent parts thereof on the record.

We wired Madam Perkins, then Secretary of Labor, long before the strike, requesting her to intervene in our behalf with respect to an election.

I thank you in advance for giving this your attention.

Respectfully,

WALT DISNEY PRODUCTIONS,  
GUNTHER R. LESSING,  
*Vice President and General Counsel.*

Herb Sorrell's charges against the Walt Disney Studio before the House Labor Subcommittee in Washington were categorically denied today by Gunther H. Lessing, vice president and general counsel for Disney's who conducted the negotiations with the labor representatives. The charges were branded by Lessing as absolutely without any foundation in fact or truth.

Lessing castigated Sorrell's assertions that "torpedoes or dynamiters" had been imported from Chicago and that several houses of nonstrikers had been dynamited and the blame placed on the strikers.

"The truth of the matter is that except for minor flare-ups on the picket line, the strike was very peaceful," Lessing said.

"Our only contact with Bioff," Lessing asserted, "was to be reassured by him that the projectionists in the theaters throughout the country would continue to run Disney pictures. Sorrell was endeavoring to bring about a secondary boycott of Disney films by the projectionists."

As to Sorrell's assertion that Disney never would agree to an election or meet with the Labor Board representatives, Lessing refuted this charge with a series of telegrams which began with one to Dr. William Leiserson, Chairman of the National Labor Relations Board, sent on April 30, 1941, nearly a month before the strike was called, urging him to hold an immediate hearing and election to determine the legitimate representative of the cartoonists. No hearing ever was ordered, nor was an election ever held. Lessing pointed out, despite repeated requests to the heads of the labor board,

Lessing asserted he urged Sorrell to agree to an election. This suggestion was forcibly rejected by Sorrell who replied: "I once lost an election and I know I can win my way. Unless you make a contract with us, I'll turn this studio into a dust bowl." Lessing asserted he met with Sorrell every morning for days and informed him from the start that Disney would sign a contract with any organization which prevailed in an election. Lessing pointed again that this election was never held despite continued pleas.

Lessing continued: "A very few of our personnel were suspected of being Communists. However, most of them were planted and never returned to work after the strike or resigned soon thereafter.

"The wages paid by our studio at all times were the highest and are still the highest within the cartoon industry. The record will prove that."

Mr. SORRELL. Could I say a word?

Mr. KEARNS. You may say anything you want. I just read it into the record as requested.

Mr. SORRELL. As was explained here the other day, someone made a misquotation when they said, I said there was violence in the Disney strike, which there was not.

Mr. LANDIS. You said it was a peaceful strike.

Mr. SORRELL. That is right, it was a most peaceful strike.

That is due to the difference in the press.

The record will show how many company unions Mr. Disney established and how many were thrown out by the Labor Board.

Mr. KEARNS. I recall you claimed low wages there, is that correct?

Mr. SORRELL. The wages were the lowest in the industry at that time. That was in 1941. That was not for everyone. There were a few high-paid animators and artists, but the wages in general, I believe, were the lowest in southern California, in any place, until the settlement of the strike by James Dewey from Mr. Steelman's office.

Then Disney agreed to meet the highest wages in each category that was paid in southern California.

Since then I have not been interest in it. He may still pay the highest wages, I don't know.

Mr. LANDIS. Did you say you were going to make a "dust bowl out of that place?"

Mr. SORRELL. No; Mr. Disney said I said that to him; I didn't.

However, I did say to Gunther Lessing one time, "You know, this place was built with FHA money, I understand, and could be turned into a hospital, and if you don't make a union place out of it, I think we should make a good hospital for Burbank."

Now, dust bowls, if I remember, didn't enter my mind at that time. I am sure I never said that. However, I know I did not say anything like that to Disney because I only talked to Disney once.

Gunther Lessing and I used to kid each other considerably. It might be that something like that was said, or he might have interpreted it like that. I do not think Gunther Lessing would lie about it deliberately, but a lot of that was in kidding. He would say he was the legal counsel for Pancho Villa and I'd say, "Pancho Villa never won anything legal in his life." and there was a lot of horseplay like that on talk. Something like that could have been said, but I don't remember it.

You understand, there was a mistake in the publicity put out.

Mr. LANDIS. I understood you to say there was no violence in the Disney strike.

Mr. SORRELL. That is right.

Mr. KEARNS. Well, the record will show that.

Mr. BODLE. I want to read from these minutes of August 22, 1946, the Producers Labor Committee, with reference to the ultimatum from the IA. It reads:

Discussed new A. F. of L. directive as to its effect on existing conditions and what it may lead to later. Walsh advises that any company that makes one single change in the administration of the A. F. of L. directive in compliance with the new interpretation will have all work stopped in the studios, exchanges, and theaters.

Now, I want to get back to the manner in which the fact that the mass discharge had been planned and plotted by the IATSE and the producers was concealed from the committee in Los Angeles, until finally the minutes of those meetings were presented.

I want to refer now to the testimony of Roy Brewer.

Mr. Brewer's oral testimony is found in volume 22 of the transcript at pages 3291-3302. In substance, Brewer testified that although he had several meetings with the Producers Labor Committee between August 22 and September 23, inclusive, he did not aid, advise, or participate in the plan to discharge the carpenters and other employees whose unions were affiliated with the Conference of Studio Unions.

Verbatim extracts of Mr. Brewer's testimony are as follows:

"Mr. McCANN. Did you consult with the Producers Labor Committee prior to the action which they took on September 23, 1946?

"Mr. BREWER. I consulted with them, but I did not consult with them about that.

"Mr. McCANN. You did not consult with them about that?

"Mr. BREWER. I did not.

"Mr. McCANN. Let us not discuss the negotiations. How often did you confer with them after the directive or the clarification of the directive came down with respect to that clarification and the program of the producers?

"Mr. BREWER. To the best of my recollection I discussed it once with them in a meeting and once with Mr. Freeman over the phone.

"Mr. McCANN. You did not confer with them with respect to making the sets 'hot'; did you?

"Mr. BREWER. No, sir.

"Mr. McCANN. And did not confer with them and propose any program to them; did you?

"Mr. BREWER. No, sir.

"Mr. McCANN. You did not advise them how you would cooperate with them in the event they did make the sets 'hot'?

"Mr. BREWER. The only thing I said, if these men refused to do the work which was in their jurisdiction because of the fact that our men had erected the sets, then our men would do what was necessary in order to complete the sets in order that pictures could be shot.

"Mr. McCANN. I am asking you whether you met with the producers in between the time that you and Mr. Walsh were there on the 22d of August 1946, and on September 23d when they laid off these men, to plan for the lay-off of the men?

"Mr. BREWER. We did not meet with them to plan further lay-off of the men.

"Mr. McCANN. You certainly did not propose that they should lay off these men or make any program for that time?

"Mr. BREWER. I did not; no, sir.

"Mr. McCANN. And you did not join with them in making the plans which were to be put into effect on September 23, 1946?

"Mr. BREWER. No, sir; outside of the manner in which I have outlined.

"Mr. McCANN. Were you the one who suggested the producers put IA men on sets so that the carpenters and painters would quit?

"Mr. BREWER. No, sir."

Immediately after Mr. Brewer's testimony the minutes of the Producers Labor Committee were introduced. The minutes contradict Mr. Brewer's testimony in that they reveal he was present at most of the meetings held by the Producers Labor Committee between August 22 and September 24, 1946, inclusive. Specifically, in addition to the August 22 meeting which he admitted attending, his presence was noted at meetings held on September 3, September 12, September 17, September 20, probably, and September 24, 1946.

Contrary to his testimony that he was not consulted about it and that he did not aid in the formulation of the plan that led to the mass discharge at the studios, starting on September 23, the minutes show that he in fact did participate in the discussions, that he was consulted about procedure before a particular phase of policy was to be adopted, and that he suggested the procedure of handling Conference of Studio Unions men on "hot" sets.

Thus the minutes of September 23, 1946, reveal that Brewer was told by the producers that their decision depended on Brewer's position as to furnishing men and Brewer replied that they would do everything to keep the studios open, and that "we will use the full power of the IATSE to force laboratory technicians to pass picket lines" (transcript, p. 3318).

On September 17, Brewer desired to correct an erroneous opinion that independents were not being forced to use erectors. Grips are buttoning up old sets (transcript, p. 3321).

And at the same meeting "Brewer said to put IA men on sets, so carpenters and painters will quit, provided (1) IA is advised in advance when and where; (2) put on enough set erectors and painters in a group for self-protection; (3) to keep procedure quiet so CSU can't gang up at one spot."

Mr. LANDIS. I do not get the contradiction there. Didn't you say there was a contradiction between the two testimonies?

Mr. BODLE. Between the minutes and his testimony.

Mr. LANDIS. That is what I mean.

Mr. BODLE. You do not get the contradiction?

Mr. LANDIS. No, I do not. What is it? I understand he was in the meetings—don't get me wrong there—he was in the meetings with the producers.

Mr. BODLE (reading):

Mr. MCCANN. Did you consult with the Producers Labor Committee prior to the action which they took on September 23?

Mr. BREWER. I consulted with them, but I did not consult with them about that.

The minutes reveal that at the September 17 meeting—

Brewer said to put IA men on sets so carpenters and painters will quit, provided IA is advised in advance; put on enough set erectors and painters in the group for self-protection; keep procedure quiet so CSU can't gang up in one spot.

Mr. LANDIS. I understood in both testimonies he promised to furnish some men; is that correct?

Mr. BODLE (reading):

Mr. MCCANN. You did not confer with them with respect to making the sets "hot"; did you?

Mr. BREWER. No, sir.

Mr. MCCANN. And you did not confer with them or propose any program to them; did you?

Mr. BREWER. No, sir.

Again, Mr. Brewer said:

Put IA men on sets so carpenters and painters will quit.

I don't know. It seems obvious to me. I am not going to labor the point.

There was something here which the producers wanted to conceal, and they wanted to conceal it because it showed that instead of trying to bring about some solution to the problem, they took this opportunity to force these men out on the streets. That was a part of the long-delayed plan on the part of the IA to gain control over all jurisdiction in the studios and destroy the building trades unions.

In this instance, as in all other instances, they had the complete cooperation of the producers.

Now, I want to refer briefly to Mr. Brewer's testimony. I think we have already covered Mr. Levy's testimony.

Mr. Brewer has stated he got his first notion of what was happening in the studios from reading the Kibre letters—that the plan outlined there was one of industrial organization of the union. I think the record is clear that the only body who ever talked about industrial union or ever taking over all jurisdiction in the studios was the IA.

He also said that he got from Kibre some notion of communism in the studios.

Mr. Brewer's testimony on the subject of communism is very revealing. It really should be entitled, "An exposé of communism in the IATSE," because that is what he deals with primarily. I want to just run through it briefly.

At page 1790 of his testimony he tells about how he went into the Central Labor Council and found a representative of his own union, the IATSE, who was on the side of the Conference of Studio Unions. The implication is clear, and later he makes the definite assertion that this man, an IATSE member, was a Communist or subject to Communist domination.

On the same page he makes reference to local 44 and how in the 1945 strike a group of the men at Warner Bros., in local 44, had declined to go through the picket line. Again he makes the assertion that these men were Communists or Communist-dominated or Communist-directed.

On the same page he makes reference to Irving Henschel, again an IA member.

At page 1792 he says:

The key to the problem lay in the controversy that took place in 1939—referring to the USTG, and that this controversy hinged around one Jeff Kibre, again an IATSE member.

At page 1809 he refers to a member of local 306 of the IATSE in New York as a Communist, Morris Eushowitz, or something like that.

At page 1814 he has another reference to a Communist who was an IATSE member, and whom he refers to as Communist Andre of the Cleveland local.

At page 1814-A, he refers to the party faction at the 1938 convention of the IATSE.

At page 1815 he states that there were about 10 party members at the IATSE convention in 1938.

At page 1823 he again refers to local 44 and its resolution not to work out of their jurisdiction during the 1945 strike, and again makes the direct inference that this was a Communist-inspired move.

At page 1826 he discusses the trial of Irving Hentschel, an IATSE member, being nominated by him as a Communist.

And he says that in his file, Mr. Hentschel, an IA member, had the support of four IA locals—683, 705, the cameramen's local, and the soundmen's local.

Again there is a direct allegation that two of these are led by Communists and an indication that two of the others wouldn't have gone along with this program if they hadn't been subject to Communist domination, too. That makes five IA locals we have now that are Communist-led.

At page 1835 he refers to Sam Goldblatt, also an IATSE member, as a Communist-dominated person.

The whole of Mr. Brewer's testimony the first day he was on the stand was devoted to the story of Communist activity, not in the CSU, not in the painters, not in the carpenters, but in the IATSE.

Now, when he comes down to the painters, Mr. Brewer makes a very interesting statement.

At page 1891 he says, and I quote:

The history of local 684 would indicate that the number of men in the painters' union who were Communists was sufficiently large to keep that union under control.

A little later he is questioned by Mr. Owens with regard to this. I think this is important, because it indicates the entirely unfounded and unbiased allegations of Mr. Brewer.

Mr. Brewer testified that about 150 painters have left the painters' union during the strike and have gone back to work in the studios and had joined the IATSE.

Mr. OWENS. Have they joined because they felt it was more favorable to them—that is, to get work out there—or have they left it because of the so-called Communist leadership?

Mr. BREWER. As a practical thing, workingmen are not idealists. They left it because they have been consistently dragged through the strike situations with no apparent regard for their economic welfare.

Mr. OWENS. They might not be idealists, but out of 1,000 men the percentage would seem to indicate that you should have a few that would be rising up and fighting if the things you say were true.

Mr. BREWER. As a matter of fact, I think the history of local 644 would indicate that those few who will fight have not stayed in that union.

Mr. OWENS. Have you anything in proof of that kind? That would be very interesting to me.

Mr. BREWER. Yes; there is a man by the name of Ralph Peckham who attempted to circulate a petition to the international to come in and intervene.

So we get the name of one man and no allegation that he left because of Communist domination or anything.

Then I pass on to page 1895:

Mr. OWENS. You mean out of all the 150 that are now with you, you do not have one who could say that he was approached with respect to joining the Communist Party by someone who was at the head of the group?

Mr. BREWER. I cannot answer that. I have not asked them that question, Mr. Owens.

This is Mr. Brewer who has apparently, with great assiduity, collected data on Communist activities in the motion-picture studios ever

since his arrival there, and cannot point to one man who ever said that he was approached and asked to become a Communist member in the moving-picture painters' local 644.

I submit the other evidence on this score is of the same character as Mr. Brewer's evidence in this case.

Mr. LANDIS. I wonder if Mr. Sorrell would want to make a comment on Ralph Peckham?

Mr. SORRELL. Yes, sir; as soon as he gets through. I want to try to finish up if we can.

Mr. LANDIS. I have a question here I want to ask on the Peckham thing.

Mr. BODLE. I am almost through now, sir.

I think—or I will state positively, the record indicates at this point that the charge of communism that has been raised here is a false issue. The only communism we have had any proof of is communism in the IATSE.

The Communist issue was first raised by Browne and Bioff in order to divert attention from their racketeering efforts or activities in the motion-picture industry. It has been used for the purpose of diverting attention from the real cause of the trouble in the motion-picture industry, ever since then.

The only testimony that we have had here with reference to Mr. Sorrell's alleged Communist activities, has been, first, the report of his association with certain allegedly Communist-front organizations.

I just want to say that with respect to those Mr. Sorrell testified that he did not know they were Communist-front organizations; that if he had known he would not have joined them.

There is evidence in the record, in many cases submitted by Mr. Levy himself, which proves that many people of the most estimable character belong to these organizations.

Mr. Sorrell has testified as to the reasons he joined them, and I think in every case we can say that upon the basis of his testimony he joined them because he thought that they were carrying out a program that was pro-labor, in favor of the rights of minorities or in favor of civil liberties. A man who believes in those fundamental principles certainly cannot be considered a Communist in this day and age.

Now with regard to the Communist Party card:

As I pointed out earlier there has been no foundation, of course, laid for its submission. We don't know whether it is a Communist Party card. We don't know where it came from, who got it, when, under what circumstances it was obtained, and so forth.

On purely external evidence—and I have not had a chance to look at the card for more than 1 second, but I have studied the photostats—I think it is obvious that the cards are subject to all kinds of objection.

I just want to point out one thing. The name "Stewart," for example, is spelled two different ways, although the two cards are supposed to have been written by the same man. Now assuming that it was Mr. Sorrell and it was his mother's name that he was signing, Heaven knows he ought to have known how to spell it; he ought to have had some consistent way of spelling it.

But a most cursory examination of the cards will indicate that the



name "Stewart" is spelled in one case S-t-u and in the other it is spelled S-t-e-w.

The cards on their face are so open to objection as to be ridiculous as the basis for any sort of charges.

Mr. Sorrell, as he told you, has been subjected to this attack, this name calling, this mudslinging, ever since Willie Bioff appeared in the motion-picture industry and Sorrell refused to "kow-tow" to him. This is the first chance he has had to clear his name. I think it is the duty of this committee, in the course of its hearings, to clear Mr. Sorrell of the false, the damnable charges that have been leveled against a man who has done nothing more than give the best years of his life to drive racketeering out of Hollywood and to make it a decent working place for men and women. That is Mr. Sorrell's crime and that is the only crime he has committed.

To have his name dragged through the mud in this fashion is an intolerable thing. I think it is the clear duty of this committee to clear Mr. Sorrell of these charges.

Mr. SORRELL. Are you through?

Mr. BODLE. Yes.

Mr. SORRELL. Mr. Landis, I would like to get the drift of that.

Mr. LANDIS. I will read this:

Mr. Ralph Peckham, Clarence Thompson, and Al Holst were expelled from local 644 after being tried by the Communist Party of Hollywood under the guise of union trial committee January 3, 1947, for circulating petitions to our brother members requesting our international president, Al P. Lindelof, to take over local 644 and remove Herb Sorrell and his officers. Sixteen members signed the request that we be brought to trial. Among those signers was Frank Spector, who last week testified before the State Senate Un-American Activities Committee that he, Spector, as a member of the Communist Party since 1919, and who Herb Sorrell, now that the heat is on, has asked that Spector be expelled from local 644 at its next meeting.

Now he wants to ask one more question here:

Therefore, Mr. Landis, we are appealing to you to send the subcommittee to Los Angeles to take testimony not of the big shots who caused the trouble, but of the little fellow who has been hurt for we are entitled to know who got the package of Camel cigarettes full of thousand dollar bills at Miami in 1944, that Herb Sorrell reported to us had been handed to Al P. Lindelof, and why Bill Hutcheson put over \$60,000 into the Conference of Studio Unions, a known subversive organization under Communist domination. What became of the more than half a million dollars that passed through the hands of the officials of local 644 and who were the wealthy people in Hollywood who contributed to the Hollywood Welfare Association for strike purposes, so that the money they contributed could be deducted from their Federal income tax?

Those are just a few of the quotes.

Mr. SORRELL. Mr. Landis, I don't want to take too much time, but I will try to tell you as much as I can remember.

I had something on this, but my attorney isn't a secretary, he is an attorney, so I don't know what has become of it.

When Ralph Peckham's name was mentioned I vaguely knew there was something wrong there and I should get the record from the office. I glanced over it quickly. He may be able to find it, I don't know.

But I am telling you from memory what happened.

Al Holst weaved his way into our union through clearance from another union, from another painters union. We tabbed him immediately as a labor spy. I think we could prove that. The first thing he did was start to prefer charges against his foreman at Columbia.

Studio. In our union if anybody prefers charges against anyone they are tried. The foreman was cleared.

He moved to another studio and preferred charges against five other men. They were cleared.

When a man does that in a union pretty soon he becomes discredited.

We looked into his record. He had been on the pay roll of a private detective agency while he was working in another union, and he had been in a fist altercation with the business agent of another outside painters union. So we tabbed him as a disruptionist and former labor spy.

Mr. Thompson has been in our union longer. He has a squeaky voice like this and is very repulsive to a man, you know. He became so repulsive to me in 1945 I would be ashamed to hit him so I slapped his face.

There immediately appeared in the papers big items that I had slapped a man down, and so forth. I didn't slap him down, I slapped his face and told him if he was a man he wouldn't take an insult like that, but being a woman probably he deserved to be slapped. He wasn't hurt.

Now I'll give you the background on these fellows:

Mr. Peckham is the boy who is the son of my friend who went to jail with me in 1937 and who collected from Warner Bros. The father is dead. The boy got mixed up with these people.

They circulated a petition on the picket line to try to get the international to come in and take over the union. I am quoting this from memory.

There was great consternation among the people. One or two of the boys got in a fist fight over it.

There was immediately called a meeting and there was a resolution signed by 16 members that the charges should be preferred against these men, not only for circulating a petition to request the international to take over but for a pamphlet they were also circulating stating that over a half million dollars had been paid into the coffers of local 644 and that its officers—practically accusing them of stealing.

Now I was not accused because I don't handle the money, I don't handle the money affairs of my union. We have a bonded secretary that does that.

Also they wrote a letter to District Council 36 of Los Angeles stating that money that was going from the district council was being spent illegally, or something or other. I in my usual way said, "Look, if there is any money being spent illegally, we want to find it out, and if there is anything wrong here financially this union can't stand it."

I was in favor of calling in the auditor because we have an auditor who comes in once a month and checks the books, and if necessary call another one.

The resolution that was signed by the 16 men—and evidently Frank Spector was one of them—requested the president to file charges against these three men, according to certain sections of the constitution.

They didn't ask me to file the charges, because in some way they had mentioned that I was not handling things right either, and they know that I don't like to throw people out of the union. My belief in free speech goes so far that it lets people take advantage of me at times.

However, I disqualified myself from sitting on the executive board where they were tried. They were tried and expelled.

I think they all joined the IATSE.

They appealed to the brotherhood and I think that the general executive board of the brotherhood upheld their expulsion. Now there were no personalities. Now as to money and a cigarette paper, I never heard of such a thing. Money at Miami, half a million dollars or 60 cents, this is all Greek to me.

MR. LANDIS. It talks about thousand dollar bills in a Camel cigarette package.

MR. SORRELL. That is the first time I ever heard of it.

MR. LANDIS. It says you mentioned it to them or to one of them.

MR. SORRELL. I mentioned it?

MR. LANDIS. That is the way I understood it.

MR. SORRELL. Well, it is funny what queer people will say.

MR. LANDIS. They say here you might say something about that. If they testify before the committee they might mention that or they will be asked about it, of course.

MR. SORRELL. I never heard of a thousand-dollar bill in a cigarette package.

MR. LANDIS. "Who got the package of Camel cigarettes full of thousand-dollar bills at Miami in 1944, that Herb Sorrell reported to us had been handed to L. P. Lindelof?" it says.

MR. SORRELL. We have present in the audience here a vice president of the brotherhood and an organizer, Mr. Gallagher, who will take great pleasure in telling the boss that he is getting thousand-dollar bills handed to him.

MR. LANDIS. You didn't tell him that?

MR. SORRELL. I never heard of such a thing. This is all news to me. I am astounded they would come through with something like that when they could say they maybe seen my party card or maybe I invited them to join the Communist Party. It seems that would have been more popular.

However, from memory that is the best I can give you. But I will send you the excerpts of the minutes from that meeting if you wish.

If I am here tomorrow I may have that stuff.

MR. LANDIS. Do you think that appeal case is finished, or do you know?

MR. SORRELL. I am not positive.

MR. LANDIS. I think they mention something about that here. It says:

An appeal of our expulsion has been before the general executive board of the painters brotherhood for 15 months, President Lindelof having assumed original jurisdiction of our appeal. We three men filed countercharges against Herb Sorrell and the officers of local 644, charging them with subversive activity and using the local's funds for illegal political purposes and for other charges, and again President Lindelof assumed original jurisdiction of the trial of these officers of local 644, but the president has done nothing in 15 months to bring these men to trial.

That is something else again.

MR. SORRELL. That is right. They filed charges against the entire executive board and all the officers. They filed charges so broad that nobody could try them except the international president.

I do not know what he has done, either, but he is in town.

MR. LANDIS. I think that is a question somebody asked him when he was on the stand. Do you remember, Mr. Chairman, if they ever settled that appeal case?

Mr. KEARNS. No; I do not.

Mr. SORRELL. I don't particularly remember. I can't give you the information. This I am giving you is from memory but I got a chance to glance over the minutes, because I knew something had happened, but I did not look at them thoroughly. I will get them for you. They may be at the hotel, and if they are I will bring them in and give them over to you personally. You look them over and if you want to put them in evidence all right, and if you don't that is up to you; that is a personal thing for you.

Now, Mr. Brewer entered a violence pamphlet as an exhibit to show the violence that was happening, and I commented on it.

I have in my hand a copy of Flashes. That is a violence exhibit gotten up by local 683 of the IATSE. It has pictures of things that happened on the picket line. I can testify to some of these things.

I saw this boy beaten in front of Warner Bros. He was arrested for being within the zone that the police had cleared. He was tried with us in Burbank and I think paid a \$25 fine.

Mr. LANDIS. Who beat him?

Mr. SORRELL. This policeman that is wielding the club. They were pretty vicious at the time. We were on trial there for quite awhile. When it ended up we paid very small fines. I don't know what it was.

I meant to mention that because it says here I have a criminal record. My criminal record is not for stealing or anything that I am ashamed of. My criminal record consists of having been on or near the picket lines when there was a court order that said we shouldn't be there.

In the September 1946 lock-out we couldn't have a sound wagon. A man came to my place with a box and a big horn, you could throw your voice for half a mile. I bought it from him. It weighed about 10 pounds less than a sound wagon. I carried it around and I talked to people and there was no law against it.

Then they got court orders to keep you away from the studios so I got in my airplane and rode around the studios a thousand feet high and I talked down very successfully with this, because at a thousand feet it was legal. When I was at a thousand feet the noise from my motor didn't interfere with my voice and I talked to the boys.

Then they chased me with airplanes, the sheriff chased me with airplanes and in order to duck him I would have to fly way out in the ocean until I got clear out to where he thought I was going to China, then I would come back and land at a different airport. I didn't want my plane sabotaged.

Eventually, as you know, somebody did fix it up.

I don't want to go into it, but I landed in a berry patch, due to the fact that somebody fixed the plane on me. There were pieces in the papers about it. The plane is still wrecked. It is not fixed up yet. That is very painful to me. I like it very much.

That is one of the things I like to do. That is one of my ways of relaxing and I hate to pay ten or fifteen dollars an hour to get to fly somebody else's old crate.

I would like to put this in evidence and give Mr. Brewer an opportunity to take it apart just as I took his apart.

I think there are some very interesting pictures in here. Some of these people you probably will find were in the pay of the IATSE and are also in the rogue's galleries. If there is no objection I would like to enter it at this time.

Mr. McCANN. I move it be entered as a reference exhibit, Mr. Chairman.

Mr. KEARNS. No objection.

(The document is filed with the committee.)

Mr. SORRELL. There is a pamphlet inside that pertains to the same thing.

Now it has been said here that this Communist Party card—I don't want you to relax on that. I want you to dig into that. You know that I asked you, Congressman Landis, to go ahead and open it up, let them open it up. I want that. I have never had an opportunity to have it opened up before.

I have been told about that since 1941. I had never seen it until I seen it at this hearing. You know it is nice to talk about something off up in the air, but it tells the people all over the country that you are a Communist and I am not, and my record will show it.

My attorney and other people have worried about your handling that card and they will frame you and so forth. I am not afraid of being framed. I don't think this committee is out to frame anybody.

I live at the Hamilton Hotel. I stay there because that is a 100-percent union hotel. I am told that is the only closed-shop union hotel in Washington, D. C. I am a union man and my clothes are union. Everything I buy is union because I think only by paying union can you expect to collect from unions.

Many union people stay there. I was accosted by a union representative from California yesterday and he said, "I see you're sleeping with Kearns." I said, "No, I'm not sleeping with anybody, I'm sleeping alone right now, but I am cooperating with Kearns, I'm cooperating with anyone that is elected to Congress. I can't cooperate with the people that are defeated; they can't do me any good. If that's against the law its too damned bad."

Now you understand I will cooperate with you because you were elected by a majority of the people from your districts and you are the representatives here. You are on this committee and if you can't do anything I don't know who the hell can.

I know that there are a lot of personalities here. I know the CSU is supposed to be a lot of Communists, but the only Communist I hear of is me. Of course, I have a clear conscience, I know that is all right.

I know the actors. They are supposed to be neutral. They are not supposed to be biased. They're not neutral. They're very much biased.

Pat Somerset worked for the actors. Years ago we had an argument. Pat and I. He has been biased against me, and I don't like him, ever since. It was a small matter.

It was a matter of when I was trying to organize the office workers—Pat said, "What do you want to monkey with those people for?"

I said, "Because they are the people that need something. You don't have to help the rich guy, he's got all the help he needs, and if he don't have it he can buy it, but those people need something and I am interested in them."

"Well," he says, "I don't know. I got a girl; she takes 140 words a minute. She cleans up the desk and she does this and that and I go out with her twice a week and I pay her \$25."

Since that day I can hardly look at the guy. I don't like him. We have different views of things.

We came over here to the AFL building where we had a meeting. Mr. Dullzell reported about that. Didn't Paul Dullzell testify here?

Mr. KEARNS. Yes.

Mr. SORRELL. Yes; I think he testified about that meeting.

That meeting was called at the request of the actors for settling jurisdictional differences within the American Federation of Labor.

Well, I came out here from California, Lindelof was here, but Hutcheson didn't come. It seemed it was more or less deadlocked.

As I say, I am not holding anything back from this committee. If anybody is going to be criticized they are going to be criticized, no matter if it is my best friend, and I criticize the way that worked.

Finally after some talk, Mr. Walsh was appointed as chairman, I think; Mr. Tracy was appointed as secretary. On the committee was Mr. Lindelof, Mr. Dullzell, and Tobin, who also was not there. His son was there representing him. They were to clean up this mess, they were to clean up this jurisdictional issue.

Time and again it was mentioned, when we were not getting any place, "Well, they are sitting over there on the Hill passing laws against us." Understand, I think you either ought to pass a hell of a lot of laws or you ought to go back to the old times and let us knock it out, one way or the other.

I think you are holding these hearings for information and if we don't give it to you, you have to go to the merchants and manufacturers to get it. I know the merchants and manufacturers will cooperate with you, they will give you their side, and I think we should give you our side.

I don't care if they criticize me for doing this.

However, at the end of the day I went to the hotel. I think I played cards with some of the boys or something. The next day I came back and something had been put in the papers. I think it was a very truthful statement. It practically said nothing had been done.

So immediately Pat Somerset picked me, and he said, "You gave it to the papers." I am always being accused of doing something that I didn't do.

I got mad at Pat Somerset. I cussed him out. Well, just like a building tradesman. I forget that I was—well, Mr. Green said, "Go outside and do it." Mr. Somerset didn't want to go outside and I couldn't get to him in there, but that is personalities.

I realize there are a lot of personalities in this, too. And because I realize there are a lot of personalities I have said all along, and am saying now, anytime that this can be settled and these thousands of people who are suffering can be put back where they belong, this personality will not stand in the way.

I can be the easiest guy in the world to remove. If they think the CSU is Communist-dominated and I am a Communist, believe me, let them do a job out there and this is one Communist they won't have to bother with any more because I have never seen the day

that I couldn't make my living—and bread and butter don't worry me at all.

I think I showed by the way I testified in here that I inherited this damned job. I don't want it. There are other things I can do better.

Now, the Communist Party card I want you to investigate in every way possible. If you can pin it on me, or anybody can pin it on me, pin it on me and let me go to jail. I will still know I'm innocent, but I know it can't be done. I know eventually we will find out who got that thing out. I know they can be got out.

I had a call from San Francisco by a fellow who said, "I can get that thing duplicated for you for \$500. Who has got \$500 to spend on a thing like that?"

I know Mr. Kearns had a telegram, or something, from somebody by the name of Robinson. He said he saw my Communist card in 1937, and I have been digging in my brain ever since to find out who John R. Robinson is, and I can't remember.

Mr. Brewer says he has 150 of our people who have joined the IATSE. If he has, he has 50 more than I know about, because we only preferred charges against about 100.

There are still 850 paid-up members. That is pretty good out of a thousand, when you keep them out of work 2 years out of 3. That's better than he can do.

Now, out of that 150, there must be some good friends of mine, people I have known, people who know whether I am a Communist. Why, I should think he could get plenty of people who said they saw my card, people who knew me, and I want him to do it. I want it cleaned up one way or the other.

I am not four-flushing on this thing. I have been accused of this thing long enough.

Now, I think I have made it clear that if we can straighten up things in Hollywood—I am not a prosecutor, I do not intend to go any further. I think I have to be straightened up. I think this committee would like to see it straightened up in Hollywood.

I am positive that people who have had the patience you have would like to see that straightened up. I think it would be a great credit to you.

Mr. LANDIS. Don't you think, though, if the unions won't straighten up a jurisdictional dispute when they have had so long a time to straighten it up, that we ought to pass some kind of a law to straighten it up?

Mr. SORRELL. Now, look, I want to tell you something else. You passed a law that said jurisdictional disputes are out the window. You made it possible by that law to settle our jurisdictional dispute. You didn't settle it, did you?

Mr. LANDIS. Well, if they had used the law——

Mr. SORRELL. But wait a minute; who can use the law? Let's examine it for a minute.

I think that law needs correcting.

Mr. LANDIS. That may be right.

Mr. SORRELL. That is what I want to talk to you about.

Mr. LANDIS. But we have settled several of them just like it.

Mr. SORRELL. I can understand that law is written so that you can go in and settle a jurisdictional dispute if it is an honest jurisdictional dispute with the employer actually in the middle.

But in this case has the employer come and asked you for any help to settle this jurisdictional issue? No.

But I happen to know—and I am not approving of this—I happen to know that some of the undesirable workers in the studios, and some of our unions—I am not sure whether it is our union men—but some union carpenters, some union set designers, and so forth, went to a man by the name of Cameron. He filed with the board. He said, “If the employer can do it you can do it. You are being hurt.”

He filed with the board and Denham threw him out. I know. Just the other day he threw the whole thing out.

Now, if you are going to legislate, let’s legislate for both top and bottom. Let’s not legislate just to take care of the employer, let’s legislate to take care of the employee. Let’s don’t legislate so that the employer can take one union to his bosom and ruin the other one.

Mr. LANDIS. We meant to take care of the unions.

Mr. SORRELL. Because there you have a one-party system the same as they have in Russia.

Now you understand I don’t think I would live very long in Russia. Over here you raise a lot of hell if I don’t think the way you do; you have that right, and I will defend that right.

But over there I understand they take you out and shoot you, so I am sure I would disagree with somebody and I am sure they wouldn’t do like they do in Hollywood, drag you out in the desert and leave you out there; they’d actually shoot you.

Now, when it comes down to the Communist Party cards, whoever perpetrated that thing—why, if we find him, nothing much will happen to him. He’ll get a few years, maybe. But what do you think about a guy who would pick me up and kidnap me?

I think I should tell you about that.

I got a call on the telephone by an unknown person. He said, “Look, I am your friend——”

Mr. LANDIS. What year was this, now?

Mr. SORRELL. It was in the fall of ’46. It was after September the 23d. It was in the fall or the winter, because it was dark by 7 o’clock.

Mr. KEARNS. Were the picket lines on?

Mr. SORRELL. Yes.

I got a telephone call and he says, “Look, you are going to be taken for a ride and I’ve got to see you.” I laughed because I get a lot of calls like that from a lot of crackpots. They do all kinds of things to intimidate me and my wife.

I laughed it off. I got a call later and they said, “Look, will you be home at 5 o’clock Sunday?” I said, “Yes.”

“Well, I want to see you because they are figuring on taking you for a ride.”

I said, “O. K., come up to the house, I’ll be there.”

On Sunday I went to a house warming of an attorney. When I got ready to come home I had lost the keys. Somebody had picked them up and hidden them on me. I didn’t find them until it was late, so I got home a little after six.



My wife had been to church. She came home and we had something to eat. Then I took her over to a church in Burbank.

I let her out and drove down San Fernando Road in Glendale, towards Los Angeles. I crossed the tracks and a policeman picked me up. He drove up alongside of me and waved his flashlight. I stopped. He said, "Come on, you gotta go with us."

Now, I'm used to being taken in. Since I got mixed up in this union thing they let me out of one jail, they put handcuffs on me and take me to another jail.

I go over there and the attorneys get me out on a writ of habeas corpus, or something like that. I don't inquire what it is all about. Then pretty soon I have to go back again. But putting the handcuffs on me is nothing new. He said, "Come on, you gotta go with us," so he put the handcuffs on me.

Then he says, "Get in," and when he opened the back door of the car I went to get in, and "boom," he hit me on the back of the head and I didn't know nothing for a while.

When I woke up I had my hands tied behind me and my feet tied up to my hands. If I ever felt like a pig that is just what I felt like then. I couldn't move.

I turned around and I tried to look up to see who was there and all I got to see was a fellow with his hand over the front of the back seat. He had a gun in it. He switched the gun to the other hand and "bing," he hit me on the head again. Now, that didn't knock me out because I ducked, but I couldn't duck far enough, and I got hit. The fellow in the back seat says, "Don't hit him with that, you'll only get blood all over the car. Hit him with this," and "boom" then I didn't know nothing again.

Now, that is the first time I ever knew that you could get hit so hard on the back of the head that it makes your eyes black, because I wasn't hit in front; I was hit in the back, but I had black eyes.

I heard them talking; sure, they were telling what they were going to do. But in that talk I heard a familiar voice, and I think it was the voice that had talked to me over the telephone. Probably the guy was going to tip me off that night. I don't know. I think that that guy saved my life, because they were talking about going to Reno, where they were going to dump me and I had to be found so that they could get the pay-off.

I bring this in because when I say when people go that far a little Communist Party card isn't anything. You know, I think that is really quite an offense in California; kidnaping.

Finally, they thought somebody was following them. I laid very quiet. I wasn't scared because I think I am living on borrowed time anyhow. But I was so mad to think that I didn't give them a fight in town where something could happen, that I was kicking myself.

They thought somebody was following them, so they turned and chased back and forth. They would go one way for awhile then turn and go the other way. Finally they stopped out in the desert. They dragged me up over a little hill. Well, when they dragged me my clothes all come up over me, the sand sandpapered the skin all off the front of me here, all off my chest and stomach. Then they fired a couple of shots. I will always think that it was the

fellow who was going to tip me off that fired the couple of shots, because I felt all around and I didn't feel them.

When they were gone I rolled or kind of somersaulted over that little hill and slid down. The police can tell you more about it. They checked it. They found some money I had lost while tumbling. They can tell you how far it was from the road.

A fellow came along and picked me up. Well, he was afraid to pick me up at first. I said, "Look, Brother, I don't blame you for being scared out here, but just tell somebody I'm here."

Well, he put his headlights on me. Then he got out and cut me loose. He took the rope and me and turned me over to the police at Inyokern. I think that is about 150 miles from where they picked me up.

They took me to the hospital, sewed my head up. The police took my clothes. I had to stay there 4 days because I couldn't get any clothes.

They put a little nightshirt on me and it only came halfway down, so I couldn't walk out in it, I was ashamed.

I stayed there for about 4 days until my wife finally got me some clothes, and then I came home.

I don't think I have any bad effects from it. I wore a patch on my head for awhile, and I was pretty sore and pretty scabby for awhile, but it is all healed up.

Of course, my wife says it is her prayers that did it, but I think it is my luck, and maybe my prayers, too.

My mother says it is her prayers and my wife's prayers. Anyhow, if they all keep praying enough maybe I will just keep on living a little longer.

But it really doesn't matter, because I made up my mind that after 40 it doesn't matter whether a man lives or not; I think it is borrowed time anyhow.

Now, I tell you this. It is a little embarrassing. I didn't think I would tell you. I tell you this because I want you to look into this Communist Party card. Don't think that there aren't people who will plant it on me. Don't think there aren't people who are anxious to do me bad, because if there weren't that kind of people, you understand, they wouldn't take the chance they have to take to take me for a ride; they wouldn't have the chance they have to take to come up and fill your car full of bullets. They take chances when they do that and that is worth somebody's money.

Don't think that this was gotten for nothing.

Now, in conclusion, I hope that this investigating committee can do something about settling it for the people out there.

As far as personalities are concerned, I want it thoroughly understood that any time they get a deal I will look out for myself, but I absolutely will not desert them as long as they are outside and the "skid row bums" are in.

I feel that you should do everything in your power. I am willing to cooperate with you and I will do anything I can, come here any time, I will do anything within reason, anything that is possible to clean this situation up.

You know how I feel toward the opposing union. But I would still shake hands with them and go along with them, provided they

would treat the people just, and if they don't, I'll fight them till hell freezes.

I think that's about all I've got to tell you.

Mr. LANDIS. I was just wondering if you think you have had a fair deal before the committee, a chance to give a fair explanation?

Mr. SORRELL. I think that I have had a square deal. Mr. Kearns gave us an honest, square hearing, and I wrote a letter to that effect and I didn't tell them not to use that letter. Anything I say I say on top of the table. I have no secrets. But when Mr. Green says something I don't like, I write him a sassy telegram back.

If you cross me I'll cross you. If I think I'll get a square deal, I'll not only tell you, but I'll tell everybody else.

I think that the committee is trying to do a job and I think they will eventually, if not pretty soon.

Believe me, this is a blot on me. The Hollywood situation has been classed by some people as a fishbowl. Little things look big when they come from Hollywood. They get undue advertising.

Just like Eric Johnston told me, it is important that we have good relations in Hollywood and if we don't have good labor relations in Hollywood, we won't have any work and there is no work there, and the motion-picture business will go to hell if we don't have some good labor relations.

That is the worst thing they have right now.

If we can't straighten it out—and believe me, I don't seem to be able to do much about it—and if the A. F. of L. can't straighten it up, more power to you, go ahead and do a job.

Mr. KEARNS. Do you have any questions?

Mr. LANDIS. That is all.

Mr. KEARNS. In behalf of the committee, Mr. Sorrell, we thank you for coming in here and giving your testimony.

Mr. LEVY. I have a question—

Mr. KEARNS. Just a minute, please. I will let you know when you can talk.

You have been accused of some serious conditions pertaining to labor. You have had ample opportunity, I feel, to clear everything as you would want to clear them, with the advice of your attorney. You, in turn, have mentioned names, the same as those who made the accusations against you. I feel it is only fair for counsel of the various groups that are here to have some time for any rebuttal that they would like to make.

Other than that, I think so far as your end of the case is concerned that you have probably given all the evidence that you care to give.

Mr. SORRELL. That is right.

Mr. KEARNS. We excuse you at this time. You may stay the rest of the time. So far as the committee is concerned, your services are all finished, but you are welcome to stay while any rebuttal is being made.

Mr. SORRELL. Mr. Kearns, naturally I want to answer any questions that anyone wants to ask me. I will stay here as long as they keep me on the stand and ask me questions. I want to cooperate in every way.

Mr. KEARNS. Mr. Counsel, do you have any questions?

Mr. MCCANN. I have no questions, personally.

Mr. LEVY. I have one question.

Mr. KEARNS. Submit it to the counsel.

Mr. LEVY. All right, sir.

Mr. SORRELL. I want to stay here and complete the job.

Mr. KEARNS. If there are any questions counsel have to put to Mr. Sorrell before he leaves, we would be very pleased to have them.

Mr. SORRELL. I understand Mr. Zorn is going to read in 15 pounds of restraining orders, and so forth. I don't want to listen to those. I have read them. I don't want to sit around here and waste time, but I will be glad to answer any question or do anything I can to cooperate with the committee.

Mr. McCANN. I wish you would look that over before I read it. I think it is a repetition of what you have said, sir. [Handing document to the chairman.]

Mr. LANDIS. Let him go ahead and answer it.

Mr. McCANN. I want him to see the question which is on the next page.

Mr. KEARNS. I think it is a fair question.

Mr. McCANN. All right, sir.

Question from Mr. Levy:

Mr. Sorrell, you have personally testified before this committee in Los Angeles on the following days, August 14, August 20, August 22, August 28, and August 29, 1947. You have also personally testified before this committee in Washington on the following days, February 19, March 3, March 4, March 5, March 9, and March 10, 1948.

Now, have you stated your full side of your case?

Mr. SORRELL. I have stated all that I care to state at this point.

Mr. McCANN. If your answer is "No," will you please continue so that you will be sure you have been given every opportunity to tell your complete story?

Mr. SORRELL. I thank the committee for the privilege of telling all that I have stated to this point.

Mr. KEARNS. I had asked Mr. Sorrell that question, of course, but as long as there is any doubt in anyone else's mind, I wanted him to have a chance to say it again, if he so pleased to do.

That will be all, then, Mr. Sorrell.

Mr. BODLE. Mr. Chairman, may I express my appreciation to the committee for its fairness and courtesy, and also to counsel representing other parties.

Mr. KEARNS. All right, Mr. Bodle.

Mr. McCANN. Mr. Chairman, there are certain things that have not been furnished to the committee yet.

Are we holding hearings in the morning?

Mr. KEARNS. Oh, yes.

Any outstanding material that you are going to send in here, such as exhibits, we will expect them to come in.

You are excused for the time being.

Mr. Doherty will come to the stand next.

First we will take a 5-minute recess.

(A short recess.)

Mr. KEARNS. The hearing will please come to order.

There has been some testimony here and some statements made pertaining to the three-man committee, appointed by the AFL, after Mr. Doherty was on the stand. Mr. Doherty asked permission to clear up a few points and offer some evidence which he felt should be in the hands of the committee; is that correct, Mr. Doherty?

Mr. DOHERTY. That is correct, Mr. Chairman.

Mr. KEARNS. You may proceed, sir.

**TESTIMONY OF WILLIAM C. DOHERTY, VICE PRESIDENT,  
AMERICAN FEDERATION OF LABOR—Recalled**

Mr. DOHERTY. Mr. Chairman and members of the committee, at the outset I want to express my profound thanks for having this opportunity to return to the witness stand after having been before you on several other occasions.

Likewise at the beginning I want to make the record clear that I am not a Communist, I am not a Communist sympathizer. I look upon the Communist Party in the United States of America as a low, slimy, despicable group of people, hell bent on overthrowing the Government of the United States.

Mr. KEARNS. That would make a good platform for President.

Mr. DOHERTY. Thank you, sir. I look upon the Communist International, Joe Stalin and company, as the same despicable group of people on the face of the earth except that they are trying to dominate the entire world.

I make that statement deliberately, Mr. Chairman, because there have been at least some inferences here relative to the American Federation of Labor. Since I am a member of the executive council of the American Federation of Labor, I feel it is incumbent upon me to make the record clear on that score.

As you know, there are 15 members on the Executive council. I can say to you very definitely that none of those men are Communists or Communist sympathizers.

I look upon the American Federation of labor as being akin to the very popular advertisement that when it comes to communism we are 99 $\frac{4}{100}$  percent pure.

I do confess that probably out of 7,000,000 members there are a few Communists in our midst.

I would like to mention one other thing before I make these insertions in the record, Mr. Chairman, because the world Federation of Trade Unions has been mentioned here and I am very familiar with that particular phase of the world trade-union movement.

For years on end the American Federation of Labor was identified with the International Federation of Trade Unions. We are proud of our membership therein.

With the outbreak of war, Russia going into the conflict as one of our allies, a certain group decided to dissolve the International Federation of Trade Unions. That group was headed by Sir Walter Sittrene, now Lord Walter Sittrene of Great Britain, then a leader in the British Trade Union Congress, and a Belgian by the name of Skevenelas.

They dissolved the International Federation of Trade Unions without convention and illegally disbanded the International Federation of Trade Unions.

They then started the World Federation of Trade Unions; invited the American Federation of Labor and all other trade-union movements throughout the world to join the WFTU.

I am very happy to say, sir, that I was one of the members of the executive council that voted against joining the World Federation of Trade Unions. I am very happy about that vote.

I am particularly pleased that the American Federation of Labor did not join the WFTU because it is unquestionably a Communist-dominated world trade-union movement.

I read a report the other day saying that the WFTU was directly responsible for the fall of Czechoslovakia. At any rate, the American Federation of Labor has never joined the World Federation of Trade Unions, and according to my reports and the reports we receive from other countries in the A. F. of L., I think the WFTU is on the way out.

Joseph Keenan's name was mentioned before your committee.

Mr. LANDIS. May I interrupt at this point?

Mr. DOHERTY. Certainly, Congressman Landis.

Mr. LANDIS. Is that the same outfit where we had an international labor movement among all nations at Philadelphia about 4 years ago?

Mr. DOHERTY. I think, Congressman Landis, you are thinking of the International Labor Organization, which was a government set-up.

Mr. LANDIS. The ILO. They are all right, aren't they?

Mr. DOHERTY. Very definitely so, and the American Federation of Labor has had representation in the ILO over a long period of years.

Our representation has from time to time been challenged here in the United States of America, but as the dominant labor movement in this country we continue to have representation on the ILO.

Mr. LANDIS. I wanted to have that distinction made between the two.

Mr. DOHERTY. There is no connection whatsoever between the ILO and the World Federation of Trade Unions, thank God.

The name of Joseph Keenan was mentioned here the other day. I should say for the record that Mr. Keenan was in Germany as a special aide to Lt. Gen. Lucius D. Clay. He recently returned from Germany after several years' experience abroad.

I can say positively that on the occasion of my visit to Germany in 1946 Mr. Keenan was looked upon in the same light as Mr. George Meany, the secretary-treasurer of the AFL, and myself, in that we were not permitted to peer behind the iron curtain. We were not permitted by the Soviet authorities to visit the Russian zone of occupation in Germany.

I make those statements so that we might clear up the record here relative to the AFL.

I might also say, Mr. Chairman and members of the committee, that in 1945 it was my pleasure, along with Mr. Meany, to visit England as delegates from the AFL to the British Trade Union Congress, which was being held in the fall of 1945 at Blackpool, England.

While Mr. Meany and myself were condemning the Communist-controlled World Federation of Trade Unions and were being censored by the British press for having made the statements we did at Blackpool, strange as it may seem we met at the American Embassy in London, Mr. Lee Pressman, the former general counsel of the CIO, and Mr. James B. Carey, the secretary-treasurer of the CIO, who were then heading for Paris, for the purpose of putting the finishing touches on this new instrument known as the World Federation of Trade Unions.

I understand later they went to Moscow, and I see according to recent papers they were in Moscow just a short while ago.

They are now in London, I understand, trying to start some kind of an additional world trade-union movement. So much for that.

I do say, though, very definitely that Mr. Keenan is an absolute American, he is not a Communist.

I think after the revealing testimony, Mr. Chairman, that has come out here during the past 2 weeks or more, that what I said before you some 2 weeks ago here in Washington is self-evident. There is great need to look into the efficiency experts in Hollywood, or the industrial relations experts to see what makes them tick.

I suspected at that time that perhaps they might be behind this whole thing by pitting one organization against the other or one group of men against the other, but as this narration is revealed here and each side tells his story I am convinced more than ever that there is great need for investigation of that particular point.

I recall that Mr. Pat Casey appeared before your committee while you were in hearing at Los Angeles last August.

If my memory serves me correctly, he made some statement to the effect that the AFL's three vice presidents and its directive should be thrown into the Pacific Ocean. At least that is what I read in the newspapers. If he did say that, then I return the compliment today.

I want to compliment you, Congressman Kearns, as chairman of this subcommittee, and particularly Congressman Landis and Congressman Owens, for the fine orderly manner in which you have conducted the Washington phase of these hearings. I think you are doing a magnificent job and you are entitled to the highest kind of praise.

Now, Congressman Landis and I believe Congressman Owens also asked me specific questions on the occasion that I appeared before you the last time, relative to the carpenters not having representation before our three-man committee when we met in Hollywood in the fall of 1945.

At that time I did not have before me two highly important telegrams. I did, however, answer the questions which were put to me, I think in a satisfactory way.

I now have before me the wire which was sent to my distinguished colleague, the amiable president of the United Brotherhood of Carpenters, Mr. William L. Hutcheson. This telegram was sent under date of December 3, 1945, from Hollywood, and it reads, as follows:

MR. WILLIAM HUTCHESON,  
*Indianapolis, Ind.:*

Committee requests you have representative hearing 2 o'clock Thursday afternoon December 6 Roosevelt.

FELIX H. KNIGHT,  
*Chairman of Committee.*

This is a carbon copy of the original in Mr. Knight's handwriting and I submit that into evidence, if I may.

Here is the reply which was received from Mr. Hutcheson. It is dated Indianapolis, Ind., December 4, 10:39 a. m., to Felix H. Knight, Roosevelt Hotel, Hollywood:

Re your wire our general representative Cambiano will contact your committee and give you every help and assistance possible.

Regards,

WM. L. HUTCHESON.

I would like to submit that reply into evidence because that seems to be one of the important points that will be deliberated before your committee.

Now, Mr. Chairman, our good friend Mr. Hutcheson read into the record the complete digest of the minutes of the executive council meeting held in Miami, Fla., in January of 1946. He was correct in his

statement when he said that the American Federation of Labor executive council does not keep a verbatim report of the minutes of those meetings. It is merely a digest and mimeographed copies of that digest are sent to each member of the executive council.

When we met in Los Angeles last August I did not have the digest of those minutes and as a result I could not place them into the record at that time.

I have them now since my headquarters are here at Washington. And since Mr. Hutcheson has already inserted the minutes of the January 1946 executive council meeting, and some excerpts from other meetings, and apparently through inadvertence he left out some references to this Hollywood dispute, I am sure that he would not want this record to stand incomplete.

So in his interest and in the interest of the work being done by the committee I now request that pages 71 to 75, inclusive, from the executive council digest of the minutes for the meeting held in Washington, D. C., May 15 to 22, 1946, be submitted in evidence.

I have other submissions to make. I will read them all, if you wish, or I will place them all in, anyway you want it, Mr. Chairman.

Mr. KEARNS. We will place them in as you go along, then. It is so ordered to have this placed in the record.

Mr. DOHERTY. Do you want them read, sir?

Mr. KEARNS. No; unless you care to read it.

Mr. DOHERTY. It isn't necessary but I will be glad to read them if the committee wants them read.

Mr. KEARNS. It is not necessary.

(The minutes referred to are as follows:)

The council considered the protest of the United Brotherhood of Carpenters and Joiners of America against the acceptance of the decision of the executive council committee on the Hollywood jurisdictional dispute.

The following memorandum on the case was read: Under date of May 9, 1946, Secretary Frank Duffey of the United Brotherhood of Carpenters and Joiners of America, transmitted copy of a resolution which was unanimously adopted by the twenty-fifth general convention of the United Brotherhood of Carpenters and Joiners of America. He stated:

"In conformity with the action of the twenty-fifth general convention, unanimously concurring in the resolution presented by studio carpenters local union 946, the general executive board directed me, as general secretary, to send to the executive council of the American Federation of Labor a copy of the resolution (known as resolution No. 60) as presented to the twenty-fifth general convention, and demand immediate restoration to the United Brotherhood of Carpenters and Joiners of America jurisdiction over work that rightfully belongs to members of our organization."

The resolution referred to reads as follows:

"Whereas the studio carpenters local union 946, Hollywood, Calif., having been on strike 35 weeks over jurisdiction of work rightfully belonging to the carpenters; and

"Whereas the executive council of the American Federation of Labor ordered the termination of the strike, and a committee of three, comprised of vice presidents of the American Federation of Labor were appointed to review the studio situation; and

"Whereas they handed down a directive which would give work that rightfully belongs to the carpenters to the IATSE: Now, therefore be it

*Resolved*, That this convention go on record protesting the action of the executive council of the American Federation of Labor in accepting the report of the subcommittee and ignoring the fact that the general president of the United Brotherhood of Carpenters and Joiners of America was not given an opportunity by the subcommittee of the American Federation of Labor to present claims of jurisdiction for the work in question; therefore be it further



*Resolved*, That this convention instruct the general executive board of the United Brotherhood of Carpenters and Joiners of America to protest to the executive council of the American Federation of Labor against the action of the executive council in accepting the report of the subcommittee in issuing the directive which they did, and ask immediate restoration to the United Brotherhood of Carpenters and Joiners of America jurisdiction over the work that rightfully belongs to them."

Vice President Hutcheson stated that this is the unanimous action of the convention of the brotherhood and the situation is worse now than it has ever been, and is getting worse. He stated the question arises whether the council wants to deal with it now or whether the council wants to wait until it gets worse and then do something about it.

Vice President Hutcheson contended that the way things are going now eventually the carpenters won't have any men in that work at all and then the brotherhood will demand that the federation do something. He stated they are asking it now.

President Green stated that a strong feeling apparently exists out there among the local representatives of the brotherhood which was expressed by one of their delegates to the Lakeland convention.

President Green stated that one of these delegates called on him while he was there at Lakeland and stated that it is a very serious situation, that the membership were deeply moved and he did not think that they ever would acquiesce in the decision, because they claimed the decision had taken work away from them that they had performed for a long period of time.

President Green stated he asked him if there had not been an agreement in effect between the IATSE and the carpenters at one time, but he said the situation is different now altogether and he was apparently very much disturbed about it.

Vice President Hutcheson stated that he has received protests from hundreds of members of the brotherhood, protesting the situation as it is at the present time.

The council discussed the matter at length.

Vice President Hutcheson stated that the council has this problem before it and must either give this situation consideration now or have it worse later. He stated that the carpenters are being replaced steadily in the work the committee said should be done by the IATSE but which is regularly the work of the carpenters.

Vice President Hutcheson stated the carpenters cannot sit idly by and let some other organization get their work.

Vice President Doherty of the executive committee stated that the committee did give the jurisdiction over the erection of sets on stages to the IATSE and nothing else. He stated the committee banded down a decision as honestly and conscientiously as they knew how. He stated the committee did not want to hurt anyone, that Chairman Knight asked each of the participants to the dispute if they could not come to some agreement or understanding, so that the committee would not have to hand down a decision. They failed to do so and the committee did hand down its decision.

Vice President Doherty contended that the committee handed down a decision which was definite, final, and binding on all parties. He contended it was not a matter of accepting or rejecting the committee's actions.

Vice President Bugniazet suggested that President Green call up Eric Johnston and advise him that there is a protest from the carpenters that they are being moved off the work in violation of the settlement and ask him to have it corrected.

Vice President Knight reviewed the case from the time the committee was appointed and went to Hollywood, held the hearings with representatives of each of the organizations named in the directive of the executive council and the final decision of the committee.

Vice President Hutcheson protested that he was not given opportunity as general president of the United Brotherhood to appear before the committee. The members of the executive council committee contended that the carpenters did have a representative there who presented information in support of the position of the carpenters.

The council discussed the matter.

It was regularly moved that the chairman convey to Eric Johnston the charges made by the carpenters that the personnel and directors of the studios are displacing the carpenters and giving the carpenters' work to the members of the IATSE, contrary to the decision made by the committee that was appointed to

settle this dispute, and that he had agreed to see that the decision of the committee was carried out by the studios, and request him to investigate the matter and carry out the decision and see that it is done.

During the discussion that followed Vice President Hutcheson stated that he would like to call attention to the council members that he had not said anything about the decision being violated; that the action of the convention of the brotherhood is that the carpenters have restored to them that jurisdiction that belongs to them and that it not be infringed upon.

The council discussed the matter.

It was regularly moved that this council recognize the jurisdiction of the carpenters as set forth in their constitution and recognized by the American Federation of Labor and do everything we can to get them their jurisdiction.

During the discussion Vice President Birthright pointed out that the committee stated at the Miami meeting that the decision would not affect the jurisdiction of anyone outside of these studios.

It was decided to let the matter rest until tomorrow morning, and then take it up for reconsideration.

**Mr. DOHERTY.** Then, sir, I would also like to include the digest of the executive council minutes, May 15 to May 22, 1946, pages 76 to 78, inclusive.

**Mr. KEARNS.** So ordered.

(The minutes referred to are as follows:)

The council resumed consideration of the protest of the United Brotherhood of Carpenters against acceptance of the decision of the executive council committee on the Hollywood jurisdiction dispute.

Vice President Hutcheson offered a motion that the council comply with the request of the United Brotherhood of Carpenters and Joiners of America by declaring that they recognize the jurisdiction of the United Brotherhood of Carpenters and Joiners of America as set forth in the constitution of the brotherhood, and the proceedings of various conventions of the American Federation of Labor.

Vice President Knight, of the Hollywood committee, stated this directive and the decision made by the committee applied only to Hollywood. He contended that if this action is taken here others will want the same treatment.

Vice President Bugnizet made a statement in which he pointed out that all parties agreed to abide by the decision. He stated he was asked why he agreed to such a procedure and that he had been criticized for agreeing to it.

Vice President Hutcheson contended that this is just a case of whether the council wants to recognize the jurisdiction of the United Brotherhood or not.

After some further discussion, an amendment was offered to the motion to provide, further, that this action does not interfere with the decision handed down by the Hollywood jurisdictional committee.

Secretary-Treasurer Meany contended that if the IATSE is going beyond the decision and going into the carpenters' field, that would present an entirely new case, and if that is the case he would favor bringing in President Walsh before the council for a hearing.

Vice President Hutcheson stated that the delegates to the convention of the United Brotherhood felt that the general president had been slighted by this committee by their failure to hear him.

Vice President Doherty denied that there was intention on the part of this committee to slight the general president.

Vice President Knight repeated his assertion that it was his understanding that Representative Cambiano of the carpenters appeared in behalf of the brotherhood and stated that he presented a very fine case. He referred also to the fact that a decision had to be rendered within 30 days, and President Hutcheson had suggested that the meeting with him be held in Miami, in which case the committee would not have been able to have rendered its decision in accordance with the time limit set in the directive.

Vice President Hutcheson stated that the executive board of the carpenters reconvenes tomorrow in their recessed session and he expects to report back to the board whatever this council does for whatever further action the board sees fit to take.

President Green suggested that the matter go over for the present until all members of the council can be in attendance at a meeting and then go into the matter, assemble more facts, and make a further survey of the situation at Hollywood and then let the council consider it again at the next meeting.

It was suggested that Vice President Bates' first motion be amended to read as follows:

"It was regularly moved that the chairman convey to Eric Johnston the charges made by the carpenters that the personnel directors of the studios are displacing the carpenters and giving the carpenters' work to the members of the IATSE contrary to the decision made by the committee that was appointed to settle this dispute, and that he had agreed to see that the decision of the committee was carried out by the studios and request him to investigate the matter and carry out the decision and see that it is done; and (addition to the original motion) that we postpone further consideration until a future meeting of the council, and in the meantime authorize the executive officers to go into the situation to correct the jurisdictional mistakes that are being made and make a survey of the matter and then report back to the council"

Vice President Hutcheson contended that the brotherhood does not request that at all.

The council dismissed the matter further.

It was regularly moved and seconded that the request be laid over until the next meeting of the council, and in the meantime the president be instructed to investigate the entire situation and report on same to the next council meeting.

The above motion was carried. Vice President Hutcheson voting "No."

**MR. DOHERTY.** I would also like to insert the digest of the executive council minutes, pages 56 to 69, inclusive, a digest of the minutes of the executive council meeting held at Chicago, Ill., starting August 15, 1946. You have in the record, Mr. Chairman, the clarification and some of the debate leading up to that clarification, but I think it is necessary that the entire digest appear in this permanent record you are making here.

**MR. KEARNS.** So ordered.

(The minutes referred to are as follows:)

President Green stated that at the last meeting of the executive council a general discussion was engaged in upon a resolution which was brought to the attention of the council by Vice President Hutcheson regarding the Hollywood situation, and the council decided to hold the matter in abeyance and in the meantime we would make inquiry as to how the award of the committee representing the executive council was working out in Hollywood. He stated in conformity with that decision of the council he delegated a regional director at San Francisco, Brother Daniel B. Flanagan, to make a survey of the situation and file a report for the council. President Green stated that Brother Flanagan complied with the request and has submitted the following report:

#### REPORT OF STATUS OF WORK JURISDICTION IN HOLLYWOOD MOTION-PICTURE INDUSTRY

Complied immediately with your order of July 11, 1946, that I conduct an investigation of above subject matter since the issuance by the American Federation of Labor Executive Council Committee of Three, of the directive signed on December 26, 1945, and covering work jurisdiction for the several unions mentioned therein.

While cleaning up some important work in northern California, I assigned our Los Angeles organizer, Tom Randall, to take care of some preliminary details in connection with the case. Six days were spent by me in the Hollywood area making a personal investigation of this important matter. During this period, all of the executive officers of the union, mentioned in the directive, were contacted by me. In addition, I conferred with the executive secretary of the Los Angeles Central Labor Council.

I felt that it would be appropriate and helpful to confer with the officials of management in this industry, and, accordingly, met with Mr. Fred Pelton, producers labor administrator for the Association of Motion Picture Producers, Inc. His work includes negotiating and interpreting labor contracts in the Hollywood film industry. Also, Mr. Edward Mannix, general manager of the Metro-Goldwyn-Mayer studios. This is the largest company in the film industry. Also, Mr. William Walsh, in charge of labor relations for the Metro-Goldwyn-Mayer Co.

As a result of the rather intensive investigation conducted by me, I wish to submit the following information:

BROTHERHOOD OF PAINTERS, DECORATORS, AND PAPERHANGERS OF AMERICA

1. Spoke to Herbert Sorrell, executive officer of the Hollywood local, and he advised me that he was fully satisfied with the contents and application of the directive, as it pertained to his union.

(a) Brother Sorrell did not feel that it was necessary to confirm by letter his position as mentioned above.

(b) This local's membership is about 900, with no change caused by the directive.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS OF AMERICA

1. Local 40, IBEW, had several complaints to register against the IATSE. It had no serious quarrels with other A. F. of L. unions.

(a) The IATSE, and its various local unions in the motion-picture industry, are, and at all times since the issuance of the Knight, Doherty, Birthright directive, have been openly violating the terms of the directive.

(b) Where not openly violating the directive, the IATSE has made use of intentional misinterpretation and other forms of subterfuge to avoid compliance with the A. F. of L. directive.

(c) Regardless of any precedent established through years of performance of certain work by the IBEW, the IATSE has seized upon any work not specifically covered by the directive.

An official brief, prepared by local 40 for me, is attached.

Business Manager Roy Tindall, of local 40, feels that the following procedure would effectively work out his local's difficulties with the IATSE.

1. Where the directive or the previous agreements between the international does not cover the work in dispute, it is suggested by the IBEW that the issue be settled on the basis of the precedent established in each studio prior to the strike, which commenced on March 12, 1945.

(a) That the above paragraph include the agreement signed by President Dan Tracy, of the IBEW, and President George Brown, of the IA, and counter-signed by Pat Casey as chairman of the producers' committee on April 21, 1936, and effective on May 11, 1936. The compliance to this agreement by the IA particularly with reference to subparagraph G would help greatly in removing our complaints against the IA on jurisdiction. The agreement referred to is marked "Exhibit W" in the attached brief.

2. That the definition of "running repairs," made by Vice President Knight, be incorporated as part of the directive, over the signature of the full committee, and that all interested parties be notified of this action.

For your information, local 40, IBEW, instituted court action against the IATSE about 2 years ago, requesting the court to obtain compliance from the IATSE with the terms of the agreement of 1926, between the two internationals and the agreed-to amendments of 1936. This action was dropped by the court when the complainant, a member of local 40, passed away.

About 3 months ago, local 40 started a court action against the IATSE asking that the IATSE be made to comply with the December 26, 1945, directive of the American Federation of Labor committee. At this writing, the superior court has not yet placed the case on its calendar for action.

This information on court action by local 40, IBEW, was given to me by its Business Manager Roy Tindall.

This local, at present, has about 500 members in the Hollywood film industry. If the present condition was corrected to its liking, it would mean an additional membership of about 450. The major items to be corrected in bringing about this additional membership would be on the definition of "running repairs." Local 40 is thoroughly agreeable to Vice President Knight's definition, which is listed as an exhibit in the brief submitted by local 40.

UNITED ASSOCIATION OF PLUMBERS AND STEAMFITTERS OF THE UNITED STATES AND CANADA

1. Conferred with Business Manager Wickland and his committee for the UA Local 78, covering Hollywood. Their main contention is that the IATSE is encroaching on UA work through the former's interpretation of paragraph (aa) under section 2 on page 5, of the official directive.

(a) UA feels that it would have an additional Hollywood membership of about 100 if the disputed point was settled to its liking.

2. The present Hollywood membership of the UA Local 78 is about 100.

(a) Enclosed find self-explanatory copy of letter from Business Manager Wickland of UA Local 78 to his general president, dated July 29, 1946.

#### BUILDING SERVICE EMPLOYEES INTERNATIONAL UNION

1. Conferred with the executive officers of the Hollywood locals 278 and 193 of the BSEIU. They both expressed their satisfaction with the directive, and copies of their self-explanatory letters are enclosed.

(a) Membership in the Hollywood film industry for local 278 is about 500.

(b) Could not obtain official figures on Hollywood film industry membership for local 193. Would guess it averages about 400.

#### INTERNATIONAL ASSOCIATION OF MACHINISTS

1. After a great deal of thought on the matter, it was my considered judgment that it would not be wise to include the Hollywood local of the IAM in my report. My reasons are first:

That the IAM by its own action has disaffiliated from the parent body; and, second:

That, several months ago, a Federal labor union charter was approved and issued to cover machinists in the Hollywood film industry. That Federal labor union is functioning at the present time.

#### UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

1. Conferred with Brother James Skelton, business representative for Carpenters' Local 946, which includes the Hollywood film-industry jurisdiction. At my request, he has prepared a brief, copy of which I am enclosing.

In addition, through questioning Brother Skelton, I am advised that the general president of the international union, during the January meeting of the A. F. of L. executive council, officially protested the findings contained in the directive, as they applied to this union. His protest was based mainly on the point that the A. F. of L. three-man committee had failed to allow him to appear before it, previous to its issuance of the directive, in spite of its having agreed to do so.

Carpenters' Local 946 had officially notified the producers early in January of this year that it was not recognizing the directive. However, after a large number of its members had been discharged by management for this stand, local 946 then decided to go along with the directive, under protest. Since that time, there have been a large number of work stoppages.

It is the opinion of the Business Representative Skelton that unless the present jurisdictional disturbance is corrected, that there will be another long-drawn-out strike over the matter of jurisdiction.

The present Hollywood membership of the Carpenters' Local 946 totals about 1,500. If the work on set erection were granted to local 946, there would be additional employment for 500 members. If the definition of "props" were decided in favor of the carpenters, there would be employment for 200 more. On favorable definition of the term "miniature," there would be 25 additional jobs created for local 946.

2. Conferred with International Representative Joe Cambiano, of the Carpenters, on this situation. His comments were similar to those mentioned in section 1 above. He went on to say that his international union recognized only the 1921 agreement, copy of which is in the brief submitted by Carpenters' Local 946; that the 1925-26 agreement had been executed by a rump group of officers of the then-existing carpenters' local, which included the Hollywood area, and, as such, had not been approved by the international; that, therefore the A. F. of L. committee was in complete error when it recognized the 1925-26 agreement as a basis for its deliberations, and not the 1921 agreement.

On the basis of the above condition, as explained by Brother Cambiano, the Carpenters' Local 946 are not recognizing the directive, and are working under protest. He envisages a series of serious work stoppages involving local 946, and, particularly, will effect the huge program of new construction being planned by the movie industry.

International Representative Cambiano suggests that an official committee, made up of individuals who are familiar with the general building and wood-milling industry, be assigned to look over the woodworking functions in the Hollywood film industry and report its findings to the executive council of the American Federation of Labor.

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS OF THE UNITED STATES AND CANADA

1. Conferred with International Representative Roy Brewer and Business Representative William Barrett, of Grips' Local 80.

(a) Am attaching letter from Brother Brewer to me, dated August 8, 1946, and giving his position regarding the agreement between the Carpenters' Local 946 and Grips' Local 80, as it pertains to the work of set erection.

(b) Am attaching letter from Brother Brewer to me, dated August 8, 1946, giving his official position with regard to the full content of the American Federation of Labor directive.

(c) Was advised by Brother Brewer that conferences were tentatively scheduled between Carpenters' Local 946 and the IA Props' Local 44, at which was to be discussed among other things the matter of props and miniature.

(d) On the complaint filed by UA Local 78, Brother Brewer stated that he would be willing to swap the UA and take the terms of the 1937 agreement, between the two internationals in preference to the December 26, 1945, A. F. of L. directive. (Was not able to obtain copy of the 1937 agreement.)

(e) On the complaint filed by the IBEW Local 40, Brother Brewer stated that the main point at issue there is the term "running repairs." Insofar as what local 40 claims to be an official definition from Vice President Knight on the term "running repairs" is concerned, the IATSE have never been officially advised of it by the A. F. of L., and, therefore, do not recognize it. Brother Brewer gave his definition of "running repairs" to this effect: "Any repair not requiring it being done at the shop, or not requiring the facilities of the shop to be taken to the place where repair is made."

(f) The present membership of the IATSE locals that are involved in the A. F. of L. committee directives, are as follows:

Local 44, the allied property craftsmen.....	1, 600
Local 80, the grips.....	1, 200
Local 728, studio electricians.....	1, 200
Local 635, sound technicians.....	850
Local 468, studio mechanics.....	1, 100
Local 165, projectionists.....	350
Total.....	6, 300

International Representative Brewer stated that if the directive had been granted, as his international preferred, then the IATSE would have been granted the same work jurisdiction that it enjoys in the theater industry. That would mean allowing the IATSE additional work jurisdiction involving another six or seven thousand workers.

MISCELLANEOUS MATERIAL

1. Los Angeles Central Labor Council: (a) Conferred with Executive Secretary Bassett. He informed me that there has been no official action taken by his office since the issuance of the A. F. of L. committee directive. That the only information he has on the matter is what he picked up during the unofficial conversations on the subject. It is his reaction that the friction over work jurisdiction is now more acute in Hollywood than was the case before the directive was issued.

2. Management representatives in the Hollywood film industry: (a) In the beginning of my report, I make reference to my conferences with several representatives of management. They appeared to be in agreement on the several points which follow:

(1) That the directive, being a new agreement, naturally brought on a flood of complaints and objections over interpretation.

(2) The directive created a new local—the studio mechanics' local, which handles the work of set erection, and which is the principal source of complaint from the carpenters.

(3) Let unanswered was the definition of the terms "props," "miniature."

(4) The Carpenters' Local 946 dispute is, by far, the real serious issue at present.

(5) The IBEW complaint is based, for the most part, on the term "running repairs" and its definition. Management feels that this grievance can be adjusted locally, due to the fact that the work involved is a routine everyday affair as compared to "props" and "miniature," where there are changes being made constantly in the type of work. This grievance is not regarded as serious.

(6) The UA complaint is very minor.

(7) Propose that an arbitration procedure be established within the industry to resolve jurisdictional questions. The machinery and personnel for this to be arranged by the American Federation of Labor movement in Hollywood. Management offers to pay the entire expense of this program while allowing the unions to set it up completely.

(a) As a first step in the arbitration program, I am enclosing the partial minutes of the meeting of July 2, 1946, and which were signed by Pat Casey, representing the producers and Herb Sorrell, representing the Conference of Studio Unions. The full minutes at this meeting constituted the agreement which terminated a 2-day strike initiated by the painters and carpenters.

3. Have enclosed copy of Memorandum re 1945 Hollywood Strike, prepared by the executive staff of the Screen Actors' Guild. This deals with some of the pertinent history of background leading up to the 1945 Hollywood film industry strike. I did not enclose the full memorandum on the subject because I felt that you were well enough familiar with the highlights of the 1945 strike period itself.

(a) This summary by the Screen Actors' Guild should be of interest in showing how the antagonism between the several unions had its origin.

GENERAL OBSERVATIONS OBTAINED BY ME IN THE COURSE OF MY INVESTIGATIONS WHICH SEEM TO BE DIRECTLY CONNECTED WITH THE JURISDICTIONAL SITUATION NOW EXISTING

1. Over the years, there have been several changes, back and forth, insofar as union control over particular work is concerned. The result of that has been that a large number of workers in the industry have been at one time or another members of both contending unions in a particular dispute. For example: *Carpenters' Local 946 v. The IA Group; IBEW Local 40 v. The IA Group*. This condition has made the workers familiar with the craft skill of each union, and, therefore, tends to bring about more numerous jurisdictional controversies by virtue of the worker doing the work that he is capable of doing, but which does not belong to him at that particular time because of his then existing union affiliation.

2. Foremen and assistant supervisors in the film industry, who are required to become or remain members of that particular union. Naturally, the individual uses his influence in swinging the work over to the jurisdiction of his own organization, even though, in some cases, it might not properly belong to that union.

3. Over the years, each studio has adopted its own individual policy regarding work assignments. This has been based on the type of facilities that were most favorable at that time to production program of that studio, or in some cases, the management of the studio, being a product of the theater brought within the film industry the line up of work as followed in the theater industry. This combination results in each studio following a different policy on the same type of work. That, of course, eliminates the benefit of uniformity throughout the industry and causes a certain amount of continuous unrest among the members of the different unions. When, for example, the individual member transfers to another studio and finds that the work he was allowed to do as a member of his particular union in his first studio, is not allowed in the new studio.

4. Industry-wide compliance with the official American Federation of Labor directive is spotty due to the condition outlined in paragraph 3 above. As a result, the industry policy in complying with the directive is as follows:

In those sections where all of the units in the industry agree, then it becomes a uniform policy, and a general order is sent out covering the industry. Where this unanimous agreement cannot be obtained, then it is left up to each individual studio, which makes its decision based on the historical precedent that has been established in that particular studio, as is described in paragraph 3 above.

5. For several months following the issuance of the directive order, the procedure on jurisdictional questions was to resolve them on a studio-by-studio basis, with the decision being made by the management in that studio. Subsequently, for a 30-day period, one sole arbitrator was selected by the management to resolve questions on an industry-wide basis. The union groups agreed to the 30-day period, but did not consent to its continuance after the expiration of the 30 days. The exception to this being the IATSE group, who were agreeable to continuing on the industry-wide basis. The policy then reverted back to the studio-by-studio basis, which is the condition now prevailing.

6. If the condition now in effect on the matter of work jurisdiction is allowed to continue, there will be another serious work stoppage developed in the not too distant future.

Fraternally submitted.

DANIEL V. FLANAGAN,  
*Western Director, American Federation of Labor.*

President Green stated that Brother Flanagan has supplemented that report with exhibits such as communications from the representatives of the electrical workers, the brotherhood of carpenters, and the plumbers and steam fitters. President Green stated that the two organizations that seem to be still objecting are the United Brotherhood of Carpenters and the International Brotherhood of Electrical Workers; that the objection of the International Brotherhood of Electrical Workers was based upon the interpretation of "running repairs." President Green stated the electrical workers are willing to accept the interpretation of Vice President Knight of the committee, but that the IATSE will not accept said interpretation.

President Green stated that the United Brotherhood of Carpenters have made it clear that said organization has not accepted the directive, and for that reason the carpenters are working under protest.

In discussing the suggestion made in the report of Representative Flanagan that an arbitration procedure be established President Green stated that as he understands it from the report, the employers in the studios in Hollywood outlined and proposed such a program. President Green stated he does not know whether such a plan is practicable.

Vice President Hutcheson read a telegram which he received from his representative in Hollywood, as follows:

"At a meeting with the producers on July 2, terminating a 2-day strike, our people returned to work on July 3 under an interim agreement which was to be in effect until a contract could be signed. At this meeting it was agreed that each studio would operate as they had after the directive and according to their interpretation of the directive. This was to be in effect until the directive had been clarified or an arbitration committee set up to interpret the directive. The work varies at each studio, but in general most studios have interpreted the directive that the set erectors are to build and erect all sets on stages, which include the building of all platforms for sets, cutting of stage floors where it is necessary for stairways, sunken gardens, etc. The producers' interpretation is that the set erectors are to build and erect all walls for homes and buildings, they put on novelty siding and prepare exterior walls for plaster, imitation brick or stone. They also prepare the interior walls which are in most cases finished in Celotex, plasterboard, Masonite, or plywood. They cut roof rafters, shingle roofs, and do all other work that could not be classed other than as carpenter work. They also use portable band saws and cut-off saws on the stages. The only thing the carpenters are permitted to do on the stages at the present time is the hanging of doors, windows, and the usual trim that goes into an ordinary building or home.

"The producers have gone so far as to permit the set erectors to build some sets on stages which are later to be moved to other stages for shooting. Prop makers local 44 are insisting that all bars, back bars, counters, built-in seats and all types of furniture, practical fireplaces, and anything in a set but the four walls, roof, and floor are props. They are also including as action props such items as railroad cars, boxcars, boats, wagons, airplanes and any mode of transportation, or any article that moves in a picture as their work. Local 44 is also doing all miniature work regardless of scale and claiming anything built to a scale below its normal size is a miniature, even though in many cases these items are used for perspective purposes. In the prop shop they have identical machinery as is used in the mill, such as wood-turning lathes, small shapers, drill presses, band saws, rip and cut-off saws, and in addition to this they often



use the mill machinery to get out material for their work. Under the directive carpenter work is confined to the maintenance of buildings not used for photographic purposes. New buildings are usually let out on contract but are done by brotherhood men. We do exterior sets on lots and locations, but even in this work the prop makers are claiming many items such as windmills, water tanks, signs, and many other items. Millwork consists mostly of sash and doors and moldings and trim for sets. At the present time there are no crafts that have a long-term agreement. All crafts are working under an interim agreement. The set erectors local 468 is made up of men who took our jobs during the strike and those men who broke the ranks of local 946. Grips local 80 is willing to go through with the agreement that they made with local 946 but are not permitted to do so since the A. F. of L. directive gave the erection of sets on stages to the IATSE."

Vice President Hutcheson stated that while he told the carpenters' local that it was up to them to accept or not go along with this finding, the sentiment among their members is that they want the international to do what they have been doing for a number of years, namely, to negotiate with the producers and get their agreements for them.

The Council discussed the matter in detail.

Vice President Bates called attention to the motion which was pending before the council at the last meeting and is now up for consideration, as follows:

*"Tuesday afternoon, May 21, 1946*

"It was regularly moved that the chairman convey to Eric Johnston the charges made by the carpenters that the personnel and directors of the studios are displacing the carpenters and giving the carpenters' work to the members of the IATSE, contrary to the decision made by the committee that was appointed to settle this dispute, and that he had agreed to see that the decision of the committee was carried out by the studios, and request him to investigate the matter and carry out the decision and see that it is done \* \* \*."

"It was decided to let the matter rest until tomorrow morning and then take it up for reconsideration.

*"Wednesday morning, May 22, 1946*

"Vice President Hutcheson offered a motion that the council comply with the request of the United Brotherhood of Carpenters and Joiners of America by declaring that they recognize the jurisdiction of the United Brotherhood of Carpenters and Joiners of America as set forth in the constitution of the brotherhood, and the proceedings of various conventions of the American Federation of Labor \* \* \*."

"After some further discussion, an amendment was offered to the motion to provide, further, that this action does not interfere with the decision handed down by the Hollywood jurisdiction committee \* \* \*."

"It was regularly moved and seconded that the request be laid over until the next meeting of the council, and in the meantime the president be instructed to investigate the entire situation and report on same to the next council meeting.

"The above motion was carried. Vice President Hutcheson voting 'no'."

The council discussed the matter until the hour of adjournment arrived.

#### THURSDAY AFTERNOON SESSION, AUGUST 15, 1946

Meeting called to order at 2:35 p. m., President Green in the chair.

Present: Green, Hutcheson, Wolk, Weber, Harrison, Tobin, Bates, Knight, Birthright, Doherty, Dubinsky, Lewis, Meany.

Absent: Bugnifazet, Mahon.

The council resumed discussion of the carpenters' protest against the decision of the Hollywood jurisdiction committee.

Vice President Doherty requested that the amendment which he offered to the motion (see p. 76 of the E. C. minutes, May 15-22, 1946) be considered in order; i. e., "that this action does not interfere with the decision handed down by the Hollywood jurisdiction committee."

Vice President Hutcheson contended that this amendment is passé because the brotherhood of carpenters has not accepted the directive. He stated the international has not accepted and does not intend to accept it for reasons that have previously been stated and are in the record.

The council discussed this question at some length.

Vice President Knight expressed the opinion that this amendment is in order. He called attention to the fact that the council went back to the record of the last meeting of the council when this question was under discussion and took from the minutes of that meeting the motion that was made, and that is the motion to be acted on here. He contended that the amendment was made at that time and there was no objection raised to it and no question of its propriety, legality, or constitutionality raised and he stated if we are to take one from that meeting he did not see how we could avoid taking the other.

Vice President Knight stated that when the council met in Cincinnati last October all of this was gone over; everybody except Vice President Lewis was there. He stated this committee was handed a directive; it was all-inclusive; there were no conditions or qualifications to that directive. Vice President Knight stated that while he did not mean to be egotistical he did not believe there were any three men in America who could go out there in that nasty situation and render a directive that would be more universally accepted than the one the committee handed down last December 26. He pointed out further that the committee was handicapped by having only 30 days in which to do the job.

Vice President Knight stated the committee is not against the carpenters having their jurisdiction.

Vice President Hutcheson reiterated his contention made in previous discussions that he was not given an opportunity to appear before the committee.

Vice President Birthright stated that in his opinion if this motion is passed without the amendment it voids the decision of the committee. He stated that the committee in rendering that decision out there did not interfere with the jurisdiction of any international union outside of these studios.

After some further discussion Vice President Hutcheson stated if the committee would give to the council a clarification of its intent as set forth in the discussion he would consider withdrawal of his motion.

Secretary-Treasurer Meany called attention to the fact that on March 14 Chairman Knight of the committee wrote to the business agent of the electrical workers clarifying the decision on the question of "running repairs."

Vice President Knight suggested that the matter be laid over and the committee will get together and see what they can do about it.

It was agreed that the course be followed.

Mr. DOHERTY. I would also like to include, Mr. Chairman, the digest of the executive council minutes for the meeting held here in Washington, D. C., April 21 to 25, 1947. That covers the interpretation phase of this Hollywood situation.

Mr. KEARNS. So ordered.

(The minutes referred to are as follows:)

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

*Indianapolis, April 8, 1947.*

Mr. WILLIAM GREEN,

*President, American Federation of Labor,*

*Washington, D. C.*

DEAR SIR AND BROTHER: At a meeting of our general executive board, now in session, consideration was given by that body to the conditions as existing in Hollywood, Calif., wherein the International Association of Theatrical Stage Employees is furnishing to the major moving-picture studios nonunion men, or in other words what is usually referred to in trade-union parlance as "scab carpenters," to do the work of members of our organization.

The general executive board authorized the undersigned, as general secretary of the United Brotherhood of Carpenters and Joiners of America, to communicate with you requesting that the executive council of the American Federation of Labor recommend to the next general convention of the American Federation of Labor the revocation of the charter of the International Association of Theatrical Stage Employees.

Trusting to hear from you regarding this matter, I remain,

Fraternally yours,

FRANK DUFFY, *General Secretary.*

President Green stated he is going to send out a call to those international unions who were contacted in accordance with Resolution 187 to send representatives to a conference within the next week or 10 days.

Vice President Bugniazet suggested that the council might accept this communication from Secretary Duffy, of the carpenters, and lay it over until the next meeting of the council and in the meantime this conference will be held and it might be possible that something will develop there toward reaching some kind of an agreement.

Vice President Hutcheson stated that if the council wants to be helpful in this situation there is a way. He stated if this council will authorize the president to send to whomever the council would decide the understanding that was apparently accepted last August of the interpretation made by the committee he thought perhaps that would be helpful. He stated in that case he would say it would be advisable to lay this communication over.

Vice President Hutcheson stated that the other day Brother Doherty, of the committee, said that it was understood the interpretation meant that the carpenters were to do the construction of the stage sets.

Vice President Doherty replied that that is what he said and that is what he said at the meeting when the committee gave the clarification.

Vice President Hutcheson stated if that is the understanding of the council he does not see why the council cannot send that out. Vice President Hutcheson stated he thought what confused the issue was the statement that the clarification was in a way changing the committee's original report.

The council discussed the matter for some time.

Vice President Doherty stated he is trying to be helpful in this matter but he is unwilling to upset any machinery that has already been set up by this council; namely, the conference that President Green is calling on this serious jurisdictional dispute. He stated that the members of the so-called Hollywood committee could be available to sit in with the unions involved. He stated that he, as one member of the committee, will be happy to sit in at that conference if President Green invites him to do so. Vice President Doherty stated that if a move is going to be made to ask for a reclarification or additional language in the decision it will upset the machinery that has already been placed in motion by way of the conference.

Vice President Hutcheson stated he is only suggesting that this council, as per the understanding in the mind of every member, make a statement as to what their understanding was. He stated that might place the carpenters in a position where they could attend the conference. He stated they could not consistently attend a conference when they have no members that it is going to affect.

Vice President Doherty stated it is his personal opinion that any further clarification or statement that we may issue will only confuse matters and it would seem that the right procedure would be to bring the whole question before the conference that President Green is going to call.

Vice President Hutcheson stated he could not agree to that.

Vice President Knight stated that as he recalls it the words originally used were "erect" and then in this so-called interpretation at Chicago we used the word "construct," and Brother Hutcheson is now saying the word "building" was used. Vice President Knight stated that to him they all mean the same. He stated the council took action the other day to call this conference and President Green expects to have these representatives in sometime around May 10. Vice President Knight stated this request will be just as effective at the next convention if it is not acted upon until the meeting just before the convention as it will be if the council should act on it now. He contended that action now would handicap the committee and would be detrimental to the committee. Vice President Knight stated that if he as one of the committee can be of any service by coming into the conference on May 10 he will be glad to come in and lend what help he can in making it a success.

Vice President Bates stated he did not favor sending out a decision now.

President Green stated, as he understands it in the clarification it was interpreted to mean that the construction of sets comes under the jurisdiction of the United Brotherhood of Carpenters and Joiners of America.

Vice President Hutcheson stated all he is asking is to stop right there.

President Green stated that in the clarification it provides, however, that the erection of sets on stages comes under the jurisdiction of the IATSE.

President Green stated that on August 27 he sent the following letter to Eric Johnston, representing the motion-picture producers; to Richard Walsh, president of the theatrical stage employees; to President Hutcheson, of the United Brotherhood of Carpenters and Joiners of America; to Ed Brown, president of the electrical workers; to Martin J. Durkin, president of the plumbers; to L. P.

Lindelof, president of the brotherhood of painters, to William McFetridge, president of the building service employees union; and to Daniel V. Flanagan, our organizer in San Francisco:

AUGUST 27, 1946.

DEAR SIR AND BROTHER: I enclose copy of a statement of clarification prepared by Vice Presidents Knight, Birthright, and Doherty, of the American Federation of Labor, who rendered a decision in the jurisdictional disputes in the motion-picture studios in Hollywood, Calif., dated December 26, 1945.

Said statement is self-explanatory and is transmitted to you as a matter of information. It is sent to you by direction of the executive council of the American Federation of Labor.

Fraternally yours,

WM. GREEN.

*President, American Federation of Labor.*

Enclosure.

CHICAGO, ILL., August 16, 1946.

Pursuant to instructions handed down by the executive council at a session held on August 15, 1946, the Hollywood jurisdictional committee reviewed the work division applicable to the United Brotherhood of Carpenters and Joiners of America, as set forth in the committee's decision dated December 26, 1945, and reaffirmed its previous decision.

The committee took cognizance of the allegations contained in a report submitted to President Green by Organizer Daniel V. Flanagan under date of August 9, 1946. According to a brief embodied therein, studio carpenters' local 946, U. B. of C. and J. of A., alleges that certain violations have taken place whereby the carpenter's jurisdiction set forth in the directive has been encroached upon.

Jurisdiction over the erection of sets on stages was awarded to the International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada under the provisions set forth in section 8 of the decision which specifically excluded trim and mill work on said sets and stages. The word "erection" is construed to mean assemblage of such sets on stages or locations. It is to be clearly understood that the committee recognizes the jurisdiction over construction work on such sets as coming within the purview of the United Brotherhood of Carpenters and Joiners of America's jurisdiction.

Sections 2 to 5, inclusive, recognized the rightful jurisdiction of the United Brotherhood of Carpenters and Joiners of America on all millwork and carpenter work in connection with studios, all work in carpenter shops, all permanent construction and all construction work on exterior sets.

In view of the alleged violations, the committee hereby directs that all participants in the Hollywood motion-picture studio dispute strictly adhere to the provisions of the directive handed down on December 26, 1945.

FELIX KNIGHT.

W. C. BIRTHRIGHT.

W. C. DOHERTY.

Secretary-Treasurer Meany stated that President Green sent this out specifically as a matter of information and he sent it out as a clarification by the committee that made the original decision. Secretary Meany stated the committee must have had in mind that there was some difference between "erection" and "construction." He stated in normal usage there is very little difference between "erection" and "construction" but the committee must have had something in mind that there was a difference because the committee used the two words in the same paragraph; they say "construction" is the carpenters, "erection" is the motion-picture operators. He stated that in their minds there must have been a sharp difference.

The council discussed the matter.

President Green stated it seemed to him that if a further statement is to be sent out as has been suggested that it should be based on the further clarification as has been stated or a further interpretation by the committee. President Green stated it would be easy for the committee to say that in the third paragraph of its interpretation that "the erection of sets comes under the jurisdiction of the IATSE; the construction of sets comes under the jurisdiction of the United Brotherhood of Carpenters and Joiners of America."

Vice President Hutcheson stated that would be agreeable to him.

President Green stated that the committee could quote the third paragraph of the clarification and say it means that the "erection" of sets comes under the

jurisdiction of the IATSE and the "construction" of sets comes under the jurisdiction of the United Brotherhood of Carpenters.

Vice President Tobin suggested that the committee appear before the conference which is to be held and make that statement.

Vice President Doherty stated that the committee cannot hand down a further clarification here in this council meeting for the reason that the third member of the committee (Vice President Birthright) is not present.

Vice President Knight stated he thought that when this conference of these organizations convenes early in May and this committee comes in that the carpenters should be present. Vice President Hutcheson replied that unless the council sees fit to do something today the carpenters will not have any reason to be present at that meeting.

Vice President Hutcheson stated that he does not see any harm in sending out what the understanding was by the council members. He stated he does not think that reflects in any way on the committee. He stated a plain statement should be made that this was the understanding of the council and it would not need a decision of the council.

After some further discussion it was regularly moved and seconded that such a letter, if it is agreeable to the committee and does not in any way alter their interpretation, be sent.

Carried.

It was agreed that a copy of the letter be sent to all parties who received the original communication relative to the clarification.

President Green stated that in view of this action of the council the communication received from Secretary Duffy of the United Brotherhood of Carpenters and Joiners of America could be laid over until the next meeting.

It was decided that be done.

Mr. DOHERTY. Now those are all the insertions I wish to make, Mr. Chairman, but I do want to review testimony given here by the representative of the International Association of Machinists.

On Thursday, February 19, Mr. Harvey W. Brown, the very capable president of the International Association of Machinists, delivered to your committee a prepared statement. On page 2 thereof he uses the following language, and I quote :

The I. A. of M., as I recall, was involved in only one jurisdictional dispute with the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada. This dispute was in a machine shop operated by the Metro-Goldwyn-Mayer. As I recall there were about 22 machinists in that shop, 14 of whom were I. A. of M. members.

And on page 3 Mr. Brown states, and I quote :

The A. F. of L. arbitration committee turned its back on the one and only one dispute between the I. A. of M. and the IATSE, and then to further aggravate the relationship between the I. A. of M. and the IATSE they ruled that provisions of the above-mentioned 1929 agreement shall be placed in full force and effect wherever members of the I. A. of M. are employed.

Now, Mr. Chairman, on Thursday morning, December 6, 1945, our committee of three vice presidents took 50 pages of testimony from the machinists' representatives at Hollywood, Calif. Those machinists' representatives were Mr. Roy M. Brown, Mr. D. T. Wayne, Mr. E. R. White, Mr. J. F. Benson, Mr. Alonzo A. Moon, Mr. C. W. Evans, and Mr. John A. Durst.

On page 22 of that digest it states, and I quote :

Brother Moon, at Paramount, for instance, after we went back to work my job was as a maintenance man on projection. Now I am not allowed in the booth, and we have an agreement between the IA and the machinists where we will take care of that work which I have been on for years.

That is the end of the quote.

Mr. Moon mentions Paramount.

I am now quoting from pages 26 to 32, inclusive, and I think it pertinent that I read from these pages into the transcript so as to refute what Mr. Brown has apparently tried to do before your committee to make it appear that the only thing we had before our committee was the jurisdictional dispute over 21 machinists at MGM. That is not the case.

On page 26 it says:

Committeeman DOHERTY. Who has the jurisdiction over the repair of projection machines in those booths?

That is Roy M. Brown—

Brother BROWN. We do; we have always done it.

Committeeman BIRTHRIGHT. Let me ask you gentlemen this: In 1936 the agreement was entered into by the Machinists International Union and the International Alliance of Theatrical Stage Employees, by Wharton and Canavan, then president of the IATSE, in which it says—

And Brother Birthright is quoting that agreement:

"1. It is understood by both parties that members of the IATSE are recognized to have jurisdiction, to have charge of, to adjust, and operate all projectors and all appliances connected therewith." Now, I would assume that they assume the word "adjust" means repairs; is that it?

Brother WAYNE. No; it is actually putting the picture on the screen and adjusting it.

Committeeman BIRTHRIGHT. I know what it means, and the agreement further reads: \*

"It is understood by both parties that the members of the I. A. of M. are recognized as having jurisdiction over the processes in the manufacturing of motion-picture machines.

"3. That is agreed that members of the IATSE shall have jurisdiction over the setting up, taking down of motion-picture machines in such places as they are used for exhibition purposes."

Here is the meat of the question, I think:

"It is agreed by both parties that when temporary emergency running repairs are necessary the operator will make such repairs that are necessary to keep the machine in operation."

Do you recognize that?

Brother WAYNE. Yes.

Committeeman BIRTHRIGHT. You recognize that the operator can adjust something to keep the machine in operation?

Committeeman DOHERTY. And make running repairs?

Brother WAYNE. Right there in the booth when changing a belt.

Committeeman BIRTHRIGHT. In this case, why, they wouldn't allow him in the booth even though for the purpose of repairing the machine; is that right?

Brother WAYNE. That is the present practice; yes; that's right. For further clarification, this man's duty is daily to go into each of the projection rooms and make a general inspection and oiling and adjusting and servicing of each of these machines preparatory to the day's work, and if a machine needs an overhaul he takes it out of the booth, carries it down to the shop, makes the necessary overhaul, and then puts it back up in the booth.

It should be further pointed out that while that contract that you read from deals particularly and specifically with theater projection, it does not mean the operation of the projection machines in the studios because there it is not for exhibition purposes but more for inspection purposes. Not exhibition for hire or entertainment. It is like any other machine which you have to make an inspection of.

They have projection booths right next to each other, a string of them, four or five of them, a regular theater. They will have a screen at the far end of a room, a projection booth up here and all they do, the directors or any others who have to do with deciding on the quality of the picture, is sit in there and watch that for inspection purposes, and we have always done that work, at least to my knowledge as far back as 1928 when I first entered the industry.

Committeeman BIRTHRIGHT. Well, with respect to this agreement from which I read, although I realize it is not an agreement on studios, yet it does recognize that the basic jurisdiction of the two organizations.

Brother WAYNE. It does; that's right. If anything happens to a projection machine while they are showing a picture that would cause the film to break or anything of that kind, the operator naturally does the 5-minute repair which will allow that picture to go on. But if he is unable to make such a repair with the tools at hand it then goes down to the machine shop and a machinist is called on to fix it.

Committeeman BIRTHRIGHT. It recognizes the basic jurisdiction of both parties and their rights in the premises wherever they are and the application would apply as well anywhere else, as far as the work is concerned of repairing or dismantling or whatever it would be?

Brother WAYNE. Will you read the next paragraph?

Committeeman BIRTHRIGHT. Well, there really isn't any next paragraph.

"It is understood by both parties that all operators who as a side line repair machines at their homes or in shops shall become members of the I. A. of M."

That is, if you repair machines at home. But both parties to this agreement shall endeavor to assist each other to draw up and enter into, with all shows and such other places that might be affected, an agreement or understanding that will recognize and employ members of both organizations on their respective work.

That is the meat of it, of course. It is basic as far as the two organizations are concerned.

Brother BROWN. I might say, Mr. Chairman, that during the period of time that that agreement was entered into it was the desire of our organization to work for the mutual interest of other trades with whom we came in contact in our everyday work, and the intent—not the application—but the intent there was the same as was agreed to between our organization and the engineers and other international unions, to permit in the performance of the day's work temporary repairs that would keep that machine producing and in operation during that shift. And as Brother Wayne has stated, that agreement, although it has never been canceled by either party, that particular agreement was designed especially for theater work, but basically it is sound and could apply to the question here.

Committeeman DOHERTY. Aside from M-G-M, the two organizations have worked together?

Brother BROWN. I think that that statement could be modified, Brother Doherty, to say that the machinists have had control of their work in practically all other cases except at M-G-M. But we felt for a number of years that efforts were being made by the IATSE to place themselves in a position where they could grab their other work in all other places. And I wouldn't want to go so far as to state that we have worked well together. We have just had control of our respective jurisdictions, with the exception of this one particular place.

Committeeman DOHERTY. Of course, the last paragraph in that agreement prompted my question where it stated that you will work together in mutual interest and so forth.

Brother BROWN. I believe this statement could be made: With the exception of the motion-picture industry where pictures are manufactured, we have had very little trouble on a national basis with the IA, as it relates to the other jurisdictions of the IA and our organization.

And then on page 42, Brother Brown states again:

You foresee, I believe, exactly what we think is going to happen; and we also feel that, regardless of their pronouncements as to their claimed jurisdiction, they are going to claim all of the machinists' jurisdiction in the studios in the motion picture industry.

I bring that quotation in, Mr. Chairman, because it proves conclusively that the machinists' representatives recognized out there that the thing was industry-wide and not restricted to M-G-M, as Mr. Brown would have you think.

And then on page 44, Brother Brown again says:

They probably intend to try to take over all of the machinists' work in the studios.

That is the end of that quote.

Page 47:

Brother DURST. I am from Columbia Studios. I just want to state in regards to this projection situation that our situation is very similar to what the boys have stated exists at M-G-M and also at Paramount. Our repairman takes the projection head to the booth and lets a projectionist install it. About a half-hour later they will call up and say it froze up. We then send them up another one. But we are not permitted to service any machines that are in the projection booths. However, we did all that work before the strike. That just about sums it up.

So there, Mr. Chairman, right in the evidence that your committee already has, you will note that the machinists' dispute was industry-wide and not restricted to MGM.

I want to say here it was unfortunate, indeed, that Mr. Harvey Brown was like other international presidents. He did not come to Hollywood in December of 1945 at our invitation.

It has been said here that the only international president who was present was Mr. Walsh. I have checked the record and that is a true statement; that all of the other organizations were represented by different representatives or members of their unions.

However, the committee of three vice presidents were also international presidents of certain unions: Mr. Knight, president of the carmen; Mr. Birthright, president of the barbers; and myself, president of the letter carriers.

So we three presidents, at the instruction of the executive council, saw fit to move out to Hollywood to go into this terrific jurisdictional turmoil.

Now, there is one more point I would like to clear up, and then I will conclude.

It was alleged here this morning that statements I made while in Los Angeles last August before your committee indicated that our committee was not an arbitration board. I vividly recall having made those statements. It is absolutely true that we were not a board of arbitration.

But I have said over and over—I have repeated it so often that it perhaps becomes monotonous to listen to—that this directive handed down by the executive council in October of 1945 was undoubtedly the strongest document that they ever handed down to any committee of three members.

We had a specific duty to perform. Right in the directive itself it states specifically in point No. 4:

That after the expiration of 30 days a committee of three members of the executive council of the American Federation of Labor shall investigate and determine within 30 days all jurisdictional questions still involved.

Then, of course, in point No. 5, it states that our findings will be final and binding upon the seven unions involved in the dispute.

So this directive, Mr. Chairman and members of the committee, was even more powerful than anything that could have been handled through a board of arbitration. We were told to go out there, to investigate, to examine, and to hand down a final and binding decision, and that we did. Whether it is good, bad, or indifferent, that is beside the point. We carried out our instructions.

MR. LANDIS. Will you go one step further now on the clarification?

MR. DOHERTY. Just what would you want me to bring in, Congressman Landis? I would be very happy to cooperate.



Mr. LANDIS. The point I want to make is this: This is a directive as to what the job is supposed to be. The clarification came afterward.

Mr. DOHERTY. That is right.

Mr. LANDIS. Is that important? Is that the same as the directive?

Mr. DOHERTY. I think, Congressman Landis, it is highly important.

Mr. LANDIS. Do you see the point I am trying to make?

Mr. DOHERTY. Yes; I do. It is highly important. The decision we handed down on December 26, 1945, was apparently accepted by all parties to the dispute with the exception of the carpenters.

Immediately following that period when we handed down the decision we started to hear rumbles from Hollywood and grumbles relative to the dissatisfaction with at least that phase of the decision having to do with the erection of sets on stages and locations.

It was discussed, as has been shown in the record here, at the January meeting in Miami, Fla., 1946; it was discussed at the May meeting of the executive council in 1946, and later in the Chicago meeting in August, and at the August meeting of the executive council it was discussed again, and because of the fact that President Green had sent one of his organizers to Hollywood to investigate the situation—the apparent strike or new situation that had developed following our decision—Mr. Flanagan's organizer sent in a report dated August 9. That report was read at our August executive council meeting. That report, incidentally, is in the record here.

Now, I personally feel that the report of Mr. Daniel V. Flanagan had a great bearing on the clarification itself.

As a matter of fact, when the report was read, it was then that other members of the executive council felt that a clarification was necessary.

So in that clarification of August 16, 1946, some 8 months after we handed down our decision, we very aptly stated, in the first paragraph:

Pursuant to instructions handed down by the executive council.

In other words, the executive council sent its own three-man committee out to clarify it.

Then, of course, in the last paragraph of that clarification, we stated:

In view of the alleged violation, the committee hereby directs that all participating in the Hollywood motion-picture-studio dispute strictly adhere to the provisions of the directive handed down on December 26, 1945.

Following the issuance of this clarification, Mr. Chairman and Congressman Landis, things began to happen and we had the trouble on our heads all over again. I understand that in the months that followed there was considerable difficulty in the motion-picture industry. Some of it still exists today or else you wouldn't be holding these hearing here.

But the clarification was handed down. I think I have testified previously—not only here, but also in Los Angeles—that if I had it to do over, I wouldn't cross a "t" or dot an "i" in the decision handed down. I think the committee had absolute authority to hand down its original decision, but there is a question in my mind as to whether we had the authority to hand down any clarification.

Any other questions?

Mr. LANDIS. I want to go into another subject before we get through, but I think it is very important to know about this clarification.

Mr. KEARNS. I only have one question on this subject.

Mr. LANDIS. You go ahead, then.

Mr. KEARNS. It was brought out here this morning or this afternoon that the executive council of the A. F. of L. had the authority to appoint the three-man committee to make a report, and said report was to be final and binding; that all parties were to agree thereto. We were questioning the authority of the clarification.

Did the executive council then have the same authority to authorize the clarification as they had to authorize the directive? You answered that in part.

Mr. DOHERTY. Well, I would say, Mr. Chairman, in answer to that question, that the executive council had the authority to hand down the original directive because the presidents of the seven international unions involved gave them that authority.

Now, as to whether they had the authority to instruct us to hand down a clarification, I am sure that it will take someone with a legal mind to answer that question.

Mr. KEARNS. In other words, the three-man committee felt their job had been done when they handed in the directive?

Mr. DOHERTY. Yes, Congressman Kearns, and we have so testified on many occasions before your committee, that we thought our work was done. The digest of the minutes that you have had inserted in the record very definitely states in many places that we so told the executive council. If you will look in there you will find I voted "no" on several occasions.

Now, as to whether the executive council had the right to instruct us to go out and bring in a clarification, I suppose that is a legal question that will have to be answered legally. It is just like Congress, I suppose, or the Committee on Education and Labor ordering your subcommittee to do something. It calls for a legal interpretation. I am here without counsel.

I am sure you were shocked, along with myself, when you found out that Judge Joseph A. Padway died shortly following the Los Angeles hearings before your committee, some 2 months afterward, I believe it was. He died in October of 1947, at San Francisco.

But if you want a legal answer to that I suppose the present council of the American Federation of Labor will be very happy to supply it for the record.

Mr. KEARNS. The only question I bring up is whether the executive council of the A. F. of L. had the authority.

Mr. LANDIS. It was the same group, was it not, that told you to make the clarification?

Mr. DOHERTY. That's right. Well, there may have been one or two changes on the executive council, but not a serious change.

Mr. KEARNS. The same authority?

Mr. DOHERTY. It was the same executive council, the same authority, put it that way.

I say the same seven presidents involved, including Mr. Hutcheson of the carpenters, gave the executive council the right to hand down the Cincinnati directive in 1945.

Now, whether they had the same authority to instruct this clarification, I am not able to say. I am very sorry I do not have a legal mind and I am not a lawyer.

Mr. KEARNS. Well, I would not expect you to do that.

Mr. DOHERTY. But they did tell us to do it, and just like a Congressman obeys orders from topside, we obeyed orders and did what we were told.

Mr. LANDIS. After the clarification was made, do you think the producers and labor unions involved understood the clarification better, I mean, the jurisdictional part of it?

Mr. DOHERTY. Mr. Chairman, I say to you and Congressman Landis, in all candor, I think the clarification only added to the existing confusion. I think that goes, too, for the interpretation that followed the clarification. That came along in May. President Green handed that down.

They are still trying to pour oil on troubled waters out there. I don't think it helps one iota, the clarification or the interpretation.

I do think that if all parties had sat down in good faith, the seven unions involved, and had accepted the original decision handed down on December 26, 1945, you wouldn't be dealing with this case days on end right now.

Mr. KEARNS. Would you go further to say that if all the international presidents involved in the dispute had been out there to meet with the three-man committee, that it would have been different?

Mr. DOHERTY. Well, there were some, Mr. Chairman, who undoubtedly had legitimate excuses. But I still say that if all the international presidents involved had given complete authority, by way of representation, to the people who came there to represent their unions, that the thing would have been final and binding and there wouldn't have been any dispute today.

Mr. KEARNS. You are convinced that some did not have that authority?

Mr. DOHERTY. Well, there has been some question about that, but I think the telegram I have read into the record today very definitely states that insofar as the carpenters are concerned, Cambiano was going to cooperate with us. We asked for a representative to be sent to us on December 6, and we got that wire back from President Hutcheson telling us that Mr. Cambiano would be there.

I think it is generally admitted by everyone that Mr. Cambiano and Mr. Skelton submitted voluminous testimony. There is a great big sheaf out there in your files. It would take you weeks to read it.

Remember, too, Mr. Chairman, while I am here, that we did have 30 days. It has taken you almost a full week to listen to one witness here. I admire your patience. You have been extremely patient with all the witnesses. It appears to me that you are going to do a good job on this particular Hollywood jurisdictional dispute.

But we had but 30 days. So after you have gone into all the vast ramifications of the case, after you have listened to all sides, then pray tell me, how in the name of common sense did we hand down any decision in 30 days? I still say that the committee did a bang-up job in the limited time that we had. I am still convinced in my own mind that it was a good decision in that all parties involved could have stood by it and could have worked by it and there wouldn't be any turmoil in Hollywood today. There would be peace and tranquillity.

Unfortunately, I am convinced now that some persons did not act in good faith.

Mr. LANDIS. Well, it is unfortunate from the labor angle of it. Here is a question on jurisdiction that ought to be settled in the ranks of labor, of course. They ought to settle their own jurisdictional disputes. If it had worked it would have been all right. Of course, we have a section in the law that tries to handle that.

The question I wanted to ask you, though, was this: You may answer it if you want to.

For several years some of us have been trying to sit down with the labor leaders and some of their assistants—especially the people who make the bills out here and contact us all the time—to sit down and write out a few things to get rid of the labor abuses.

The bigger labor leaders, I would say, have taken the angle of no labor legislation, which is their privilege to do so. They say, "No labor legislation, because if you get some legislation you get too much." I realize that side of the picture.

But as long as these jurisdictional disputes are piling up, if I see jurisdictional disputes or breach of contract, or some wildcat strikes, or some secondary boycotts—these abuses are piling up, and along with it some racketeering. They would not sit down and do that.

Now, we come right back to the same position, only it is reversed to where Congress had to do something, and they passed the Taft-Hartley law.

Now, we find ourselves in this position: Labor wants to repeal the law. In my opinion the law will not be repealed. But the best for the country, the best for labor and the best for management—we do not want a one-sided law, nobody does—is to sit down with labor and management, work out the bad features of the bill—I mean, if it takes away any fundamental rights of labor we should eliminate those features and try to make a decent bill out of it, instead of putting all this time, effort and energy into repealing the law.

Now, you can answer that or make a comment on it if you wish. I don't want to put you on the spot.

Mr. DOHERTY. Well, Congressman Landis, you have certainly handed me a good one.

Mr. LANDIS. I don't want to put you on the spot.

Mr. DOHERTY. Let me say here, I am not one of those labor leaders who have refused to sit down with you, or any member of your committee. I have never been invited to come over here and sit before you. If I had been invited, I would have been very happy and anxious to come over here and sit down and discuss the problem with you.

Mr. LANDIS. I wish we had known it.

Mr. DOHERTY. I don't know that Mr. Green or Mr. Meany or any of the other A. F. of L. leaders have refused to sit down with you, but since you brought in Public Law 101 I think it incumbent upon me to give you my views on it.

I suppose I will startle you with this answer.

I think that the Wagner Act was slanted toward labor. I am certain that the Taft-Hartley Act, Public Law 101, is slanted toward management. Instead of curing the situation that existed under the Wagner Act, you have only added fuel to the fire.

In my humble judgment it would have been far better to find a happy medium, one wherein both sides could work in peace and harmony, I mean, labor and management in this instance. There

certainly must be some place where Americans can work together, both management and labor alike.

I am certain that revisions to the Taft-Hartley law are absolutely necessary. Of course, I do not want to commit myself on cases that are now heading for the Supreme Court of the United States, such as the Baltimore case, and such as the one up in Connecticut. I don't think you would want me to make a statement on those two issues right now.

Mr. LANDIS. No, that is right.

Mr. DOHERTY. But I am certain those phases of the law must be changed.

The law itself needs a general overhauling. I believe if reasonable people can sit down together at the conference table and attempt to settle these differences, that you can come up with some kind of an instrument that will permit labor unions and management to settle their differences on a voluntary basis.

I am unalterably opposed to compulsory arbitration.

Mr. LANDIS. I am, also.

Mr. DOHERTY. And I think you are, too. Once you start anything by way of compulsion, then you are only inviting the police state here in the United States of America, and I am sure you don't want that.

So I say over and over again that the thing we need here in the United States of America is a constructive labor-management program, one wherein the rule of common sense will apply, rather than the rules and regulations established by the Congress of the United States. That is my honest conviction, sir.

Mr. LANDIS. That is all.

Mr. KEARNS. Are there any questions from counsel?

Mr. LEVY. I have one question of Mr. Doherty.

Mr. KEARNS. This question is from Mr. Levy.

A letter has been read into the record indicating that when the 1945 jurisdictional strike was before the A. F. of L. executive council for consideration the executive council discussed the matter of Communist influence in studio labor. Would you care to give us your recollection of any such discussion?

Mr. DOHERTY. Well, Mr. Chairman, I would have to quote from memory on that discussion and because of the seriousness of the charges that have been leveled here I don't think it would be proper for me to rely on memory, except to say that there were discussions on the Communist issue in the motion-picture industry before the executive council. Beyond that I don't care to make any comment. Not that I am shielding anyone, but I don't want to quote from memory.

If you want me to get the record, I will be glad to do so.

Mr. KEARNS. The Chair accepts your answer.

Are there any other questions?

Mr. COBB. No questions, Mr. Chairman.

Mr. ZORN. I have just one request, Mr. Chairman. I assume the documents Mr. Doherty has introduced will be incorporated in the record, just as the other minutes are, a continuation of those?

Mr. KEARNS. Oh, yes; certainly. That will be taken care of.

I want to thank you again for the third, and I hope the last time, Mr. Doherty, for being so good as to come up here and give us the assistance that we have had.

We will adjourn until 10 o'clock tomorrow morning, at which time we will begin with counsel.

I will take this order: Mr. Cobb first, Mr. Zorn, then Mr. Levy.

I hope we can finish this hearing at the latest by Friday afternoon at 5 o'clock. We will stand adjourned.

(Whereupon, at 5:10 p. m., the committee recessed until 10 o'clock of the following day, Thursday, March 11, 1948.)

# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

THURSDAY, MARCH 11, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met, pursuant to adjournment, at 10 a. m., before Hon. Carroll D. Kearns, chairman of the special subcommittee.

Mr. KEARNS. The hearing will be in order, please.

Mr. McCANN. Mr. Chairman, may I submit for the record, without reading it, an article from the Hollywood Sun, headed "How M-G-M Bought Up Entire Culver City Police Force," which Mr. Sorrell forgot to put in the record yesterday?

Mr. KEARNS. No objection.

(The article referred to is as follow:)

## HOW M-G-M BOUGHT UP ENTIRE CULVER CITY POLICE FORCE

### COP FIRED AFTER ARRESTING DRIVER WHO RAN DOWN PICKET

As a public service to the people of Culver City and of Los Angeles, the Sun is printing the entire sworn statement of one of the Culver City policemen hired by M-G-M for "special service" in the breaking up of union picket lines.

How the studio sent its weekly "insult" to the city police department in a lump cash sum to avoid employment records, how the police of 10 outlying towns were also handed extra dough by M-G-M, and how one cop lost his job for arresting a truck driver who barged through a picket line, comprise an important document.

The Sun would call it to the attention of the new grand jury, except that this might embarrass the jury's new assistant forelady, Ida Koverman. (She's a personal public relations counsel to M-G-M's L. B. Mayer.)

STATE OF CALIFORNIA:

*County of Los Angeles, ss:*

I, Rex L. Zimmerman, being first duly sworn, on oath, depose and say:

That my name is Rex L. Zimmerman, and that I live at 3960 Van Buren Place, apartment F, Culver City, Calif., and that my telephone number is Ardmore 8-9097.

That I was a member of the Culver City police force from November 10, 1945, to October 24, 1946, and served in the capacity of a motorcycle officer.

That in connection with the labor dispute which resulted in picket lines beginning on Thursday, September 26, 1946, the entire Culver City police force, including the police administration staff in the Culver City Hall, were placed on the Metro-Goldwyn-Mayer studio pay roll.

Commencing on Saturday, September 21, 1946, 5 days before the picket lines appeared, I was placed on the Metro-Goldwyn-Mayer studio pay roll as an emergency police officer, and I believe that the same circumstances applied to all others in the Culver City police force. This arrangement was made between Whitey Hendry, chief of studio police at Metro-Goldwyn-Mayer studios, and Sam Muchmore, acting chief of police at Culver City.

## RKO HELPED PAY OFF COPS FOR PATHE LOT

That in addition to the arrangements made for Metro-Goldwyn-Mayer studios, Chief Hendry also arranged to have three officers serve at the RKO-Pathe studios at Culver City, and these officers were paid by RKO-Pathe Pictures, Inc., for the extra 8 hours put in at that studio, and then in addition, as overtime for their regular shift, an additional \$2 per hour was paid to them by Metro-Goldwyn-Mayer studios through Whitey Hendry. The names of these three officers were as follows: Vernon Kabrs, Arthur Rosaire, and Officer Kelley.

That until the first demonstration at Metro-Goldwyn-Mayer studios, which took place, I believe, on September 20, 1946, I was paid by Metro-Goldwyn-Mayer studios, in cash, at the rate of \$1.50 per hour. I worked only 8 hours per day, and got \$12 extra per day, but I could have worked more hours if I wished.

## \$32 PER DAY PUT COPS UNDER STUDIO CONTROL

Beginning with the first demonstration, I received \$2 per hour, but I got 16 hours pay for 8 hours work; in other words, \$32 per day or \$224 per week, which amount I received for 3 weeks.

I wish to make it clear that all this money was paid to me by Metro-Goldwyn-Mayer studios, over and above my regular earnings from the city of Culver City for the same working hours.

I know of my own knowledge, that the same arrangement existed in respect to all the other members of the Culver City police force, including Acting Chief of Police Sam Muchmore, and Sergeant Olson, who acted as personnel dispatcher.

That this money was all paid in cash and there were no deductions, no vouchers, and no records kept and no receipts required from the individuals so paid. In addition a number of men were paid for mileage.

That the money distributed to the Culver City police force included myself, and was distributed in cash at the Culver City police station by Sergeant Olson, Chief Muchmore and Virginia Nowak, clerk of the Culver City police court and also a matron of the jail there. Records of the hours put in by the men were kept by Virginia Nowak, and the money was brought to her from Metro-Goldwyn-Mayer studios in a lump sum, so that she could apportion what was due to the various men.

## POLICE FROM 10 TOWNS ALSO HIRED BY M-G-M

That I also know that money was distributed to police who came from El Segundo, Manhattan Beach, Palos Verdes Estates, Redondo Beach, Hermosa Beach, Inglewood, Santa Monica, Maywood, Southgate and Huntington Park. One Ocean Park pier guard was also included.

So far as I know, the money to these police from outlying sections was paid by check.

That in connection with the picketing on September 27, 1946, at 9 a. m., I was on duty at the Overland gate of Metro-Goldwyn-Mayer studios, and witnessed the running down of a picket by a truck owned by the Brittingham Catering Co.

The truck was driven by a man named Joseph Edward Romano, and the driver who had run into the picket line without making any stop severely injured a picket named Lentz, who was unable to get out of the way. The driver was booked for violations of the following vehicle code sections: 480, 505A, 250A, 451 and 577.

## "MUSTN'T ARREST M-G-M PEOPLE," SAID WALSH

That immediately after I booked Ramano, I received a phone call from Mr. William Walsh, personnel director at Metro-Goldwyn-Mayer studios, who asked me what charges had been filed, and after I told him, he said: "Don't you think it's too severe, and hadn't we better drop the whole thing?"

He also asked me what I meant by arresting one of his people.

I told him that as far as I was concerned, I was a traffic officer on duty there and witnessed the above violations, and in my opinion the man should be booked as I had booked him.

That he then became very angry and told me I should drop the whole thing.

I told him I had to do my job and that I didn't interfere with his in any way, and he then asked to speak to Sergeant Olson. I gave the phone to Sergeant Olson and walked away.



Romano thereafter pleaded not guilty, and the trial date was set for October 30, 1946. One or 2 days after the plea was made, Acting Police Chief Sam Muchmore suggested to me that we had better drop the case, although he did not explain in detail why.

#### COP LOST WEIGHT AND THEN LOST JOB

That on October 24, 1946, after having tried repeatedly to get some time off, and after having been advised that I could not have any time off, I took some time off as I was very weary and sick and was unable to continue working without some rest and medical attention. During the events of the previous month I had lost 24 pounds in weight.

That when I returned 6 days later, I was suspended, subject to discharge, and this was followed by a hearing before the Culver City civil service commission. That before the commission Chief Muchmore took the position that I could have had time off even though my superior, Sergeant Olson, had refused every request I had made.

I was not permitted to explain this because they took the position that my working without any time off was my own choice. My wife was present at this hearing and was sworn in as a witness. It was my desire at this hearing to explain that if I had taken time off I would have been guilty of insubordination because of Sergeant Olson's specific orders; I was not, however, permitted to make this full explanation of the circumstances. I was then terminated.

During the course of my making the above statement, and at this point, Mr. William B. Esterman, attorney, in my presence telephoned the Culver City police department and engaged in a phone conversation with Miss Virginia Nowak, the clerk of the Culver City police court, a memorandum of which conversation he immediately dictated, and a copy of which memorandum is attached to this affidavit.

I wish to add, in respect to the Lentz case, that I am still living at the same address where I lived when I was on the Culver City police force; that my phone has not been changed or disconnected, and further that another officer who was in on the Romano arrest with me is still on the Culver City police force and available. His name is Carlos Machado.

#### PICKET WHO STOPPED TRUCK HELD TO TRIAL

I should also state that at the time Romano injured Lentz, I also arrested a picket named Castiglione and turned him over to Officer E. J. Johnson, who signed complaints charging Castiglione with violation of the city ordinance (disturbing the peace) and also section 504B of the vehicle code (tampering with an automobile).

This man had jumped on the truck after Lentz was struck, in an effort to prevent the truck driver from getting away.

Both of these charges are still pending, and are set for trial in the Culver City police court on January 22, 1947. I mention that during the conversation with Mr. William Walsh above related, although this picket was mentioned in connection with the incident, there was no suggestion whatever made by Mr. Walsh that charges against Castiglione should be dropped.

Dated at Los Angeles, Calif., this 28th day of December, 1946.

(Signed) REX L. ZIMMERMAN.

MR. KEARNS. At this time I have a telegram to read into the record which was addressed to me:

Request you read this telegram in record of hearing. I understand in record before your committee Herbert Sorrell testified that I made a statement in producers meeting in Hollywood in October, 1945, that Mr. Riley of National Labor Relations Board was responsible for the appointment of Denham as trial examiner and that I had seen to it that a fix was in. This testimony is completely and unqualifiedly false; neither the statement nor any similar statement was ever made, nor did any of the acts implied in the testimony in question ever occur. This same charge was made by Sorrell's attorneys at a meeting with the National Labor Relations members in September, 1945, and was completely exposed and discredited at that meeting. Mr. Zorn was present at that meeting and will testify regarding it. If the committee desires, I shall be glad to testify personally.

MAURICE B. BENJAMIN.

Mr. Cobb, I don't know whether you have been sworn or not.

Mr. COBB. I think I was, but there is no harm in being sworn again.

**TESTIMONY OF ZACH LAMAR COBB, ATTORNEY FOR STUDIO  
CARPENTERS LOCAL NO. 946—Recalled**

Mr. COBB. Mr. Chairman, while I have no objection to being sworn, I do wish to state that I am appearing in the capacity of attorney for the locked-out carpenters in Hollywood and their local studio union No. 946. My statement to the committee is being made upon my responsibility as an attorney.

As stated, I have no objection to being sworn because in my conception of the responsibility of an attorney, appearing before a court or a committee, it is just as great an obligation as the oath of a witness.

I would like for the record to show that I do not assume to speak for the United Brotherhood of Carpenters and Joiners of America and do not assume to speak for Mr. William L. Hutcheson, as its general president, first, because I have no authority to do so, and, second, because Mr. Hutcheson speaks for himself.

However, I do want the record to show the very high esteem in which I, together with the locked-out carpenters in Hollywood, hold Mr. Hutcheson and the very great appreciation the carpenters and I feel for his loyalty to these members of his brotherhood.

May I state further in commencing this statement that I wish to speak with the dignity and in the calmness that is commanded by the respect in which I hold the Congress of the United States and its committees, and also in accordance with the respect that I owe the locked-out carpenters themselves.

I should not proceed without also saying that these locked-out carpenters and I appreciate the great public service that has been rendered by this committee in its investigations, and in the light that the committee is throwing upon the problems in Hollywood.

Some days ago I asked leave to file a written brief with the committee to be embodied in the report of hearings, in which I wish to confine the brief to the record itself, with the book and page reference, including, of course, the exhibits for reference, and to accompany the statement of facts taken from the record with appropriate brief quotations.

Mr. McCANN. Is it your desire that it should be reproduced in the record, Mr. Cobb?

Mr. COBB. Yes, sir, Mr. McCann.

Mr. McCANN. Mr. Chairman, may I move when his brief is received it shall be reproduced in the appendix, so that we will not be delayed in the preparation of the printed record?

Mr. KEARNS. No objection.

(The document referred to will be found in the appendix.)

Mr. COBB. I thank you, Mr. Chairman.

In that brief, I desire to make brief quotations from the decisions of the courts, in support of the propositions that could be submitted upon the facts taken from the record.

Now, with those introductory statements, I wish to call your attention to the statement made by Mr. W. C. Doherty, one of the three-man

committee, in testifying before this committee at Los Angeles, on August 18, 1947, as is quoted from page 1658 of the transcript:

I think it is a very tedious job that has been assigned to you by the House Committee on Education and Labor. This is probably the cancer spot in the entire labor movement of America.

In my opinion, that was an accurate description of the strife in Hollywood.

To speak to you in intemperance would be entirely out of keeping with the seriousness of this problem. Certainly somewhere in our Government there is some tribunal with authority to hold a fair and open hearing before a fair and impartial hearing officer, to determine the issues involved in the contract, in the Cincinnati directive, in the December 26, 1945, decision of the three-man committee, and in the clarification of August 16, 1946.

Such grave issues should not be settled in any way except by amicable agreement or by the American Federation of Labor itself, or by the Labor Board, or by the courts.

On page 63 of the transcript of these hearings in Washington, Congressman Owens of the committee asked certain questions of Mr. Eric Johnston, president of the producers committee. They are not long and I ask leave to read them:

Mr. OWENS. Certainly when you have gone along for 2 years and you haven't attempted to make any use of what we have given you, I don't think there is much more that we can do. Haven't you made any attempt to use the National Labor Relations Board at all under the new law?

Mr. JOHNSTON. Well, in the first place, I think you should know, Mr. Owens, that this dispute was in effect for almost a year before the Taft-Hartley became a law.

Mr. OWENS. I know. It was in effect about 8 months or more when you were testifying before us a year ago.

Mr. JOHNSTON. That is right. It was in effect almost a year before the Taft-Hartley Act became a law.

Mr. OWENS. That would not change it any. You could still operate as soon as it became a law.

Mr. JOHNSTON. Our legal counsel advises me that there are questions of employment of people who were then on the job; what happens to those who were on the job at the time this strike occurred in September, 1946? What provision is going to take care of them? In other words, it is a complicated legal problem which our counsel has advised me they cannot successfully get alleviation of their difficulties through the Taft-Hartley law.

I wish to respectfully correct Mr. Johnston's statement in referring to the strike in September, 1946, for the reason that there was no strike. The men, the carpenters, were put out by the companies. That is a lock-out and not a strike.

I also respectfully call attention to Mr. Johnston's statement of the companies' concern about the employment of people who were then on the job, referring, of course, to the replacements supplied by the IATSE to take over the jobs of the locked-out carpenters.

I would ask that the consideration due these temporary replacements not be allowed to outweigh the consideration due the bona fide carpenters who had worked for the production companies, in many instances, or in substantial instances, for 25 years or more.

It seems to me in calmness that the bona fide employees of 25 years, a quarter of a century standing, are entitled to more consideration than the replacements, taking their work from them under the lock-

out and the facts shown by the record of these hearings. I will brief that carefully by book and page quotations.

I would also call attention to the fact that in the Cincinnati directive of October, 1945, the subject of replacements was disposed of at that time by the consent of all parties concerned. They were then, by consent, removed from carpenters' work and carpenters' work was restored to carpenters, so that we have the precedent whereby the companies and the IATSE recognized the superior right of the carpenters to the carpenters' work.

Now, Mr. Chairman, coming to the question of Mr. Owens to Mr. Johnston as to what had been done before the Labor Board, I wish to state that on or about the 22d day of October 1947, some 6 weeks after the Los Angeles hearings of this committee, an individual carpenter from each of the major studios filed charges against the IATSE under the several provisions of the act, and contemporaneously filed charges against the 12 major motion-picture companies, and that later studio carpenters' local, No. 946, intervened and joined in each of these charges.

In order that there could be no question as to the sufficiency of the evidence to justify the charges, I, acting as attorney for these complainants, prepared a supporting statement that was attached to each of the charges against the IATSE and to each of the charges against the 12 motion-picture companies, under the affidavit of the complainants.

So that these supporting statements are a part of each one of those charges, and in my judgment as a lawyer, furnished the Labor Board with adequate evidence under oath to justify the Labor Board in proceeding under the law.

The Labor Board and its officers are an agency of our Government. I wish to speak in calmness, free from the sting of criticism, in presenting these facts to the committee for its record.

This document that I now ask to be embodied in the record contains a statement of the unfair labor practices of the 12 major motion-picture company employers; a statement of the unfair labor practices of the IATSE; an introductory statement; a list of the major motion-picture companies; a list of the independent motion-picture companies; a list of another group of independent motion picture companies, together with a factual statement. The factual portion of the supporting statement is 24 pages. Documentary exhibits are attached to it. I think they have been introduced already in your record.

It is now requested that this supporting statement setting forth the charges against both the companies and the IATSE, be embodied in the transcript, with the understanding that the exhibits will not be duplicated so as to burden the record. Wherever exhibits appear there is no need to set forth the exhibits again, except by reference to their appearance, but in the case of any exhibits that have not appeared in the record, I ask that they be included.

Mr. McCANN. Mr. Chairman, for the sake of convenience it may be advisable to reproduce everything so as to save us from looking in several volumes of testimony for the various exhibits. I would like to have the entire document reproduced at this point, if there is no objection.

Mr. LANDIS. No objection.

Mr. KEARNS. No objection.

Mr. COBB. I thank you, Mr. Chairman.

(The document referred to is as follows:)

CHARGES FILED BEFORE NATIONAL LABOR RELATIONS BOARD AT LOS ANGELES, ON  
OR ABOUT OCTOBER 23, 1947

By individual members of the United Brotherhood of Carpenters and Joiners of America, local 946, respectively against:

(1) The major motion picture production companies, listed on page 2,<sup>1</sup> by whom they are respectively employed; and

(2) The International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, called the IATSE, in relation to said respective companies.

The charges against both the respective companies and the IATSE, and the supporting statement, are embodied under this single cover for your information.

ZACH LAMAR COBB.

UNFAIR LABOR PRACTICES OF EMPLOYERS

The following specific charges apply to each of the major motion-picture companies, listed on page 2 hereof, and to the Association of Motion Picture Producers, Inc., a corporation, called producers association, organized by them and in some instances acting for them.

The International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, hereinafter called IATSE, and the United Brotherhood of Carpenters and Joiners of America, hereinafter called Brotherhood of Carpenters, are both labor organizations, and members of the American Federation of Labor.

Section (8) (a) (1)

That each of the major motion-picture companies, hereinafter named, on page 2 hereof, including said employer of complainant, in conspiracy each with the others, and with said IATSE, has interfered with, restrained, and coerced, and is now interfering with, restraining, and coercing, each of its carpenter employees, including complainant, as the employee of the company hereinbefore named, who are members of said Brotherhood of Carpenters, local 946, as their respective employees, in the exercise of the rights guaranteed them, and each of them in section 7 of the act, particularly as follows:

(a) In March 1945 by the original agreement made and entered into between said major motion-picture companies and said IATSE, represented by Nicholas Schenck and Richard F. Walsh, respectively, as is hereinafter set forth, beginning on page 7 hereof.

(b) In continuance of said conspiracy, on April 14, 1945, by the issuance of an illegal IATSE carpenters' charter, and the use thereof, to replace said legitimate carpenter employees with IATSE members, permittees, and designees of said illegal IATSE carpenters' union as hereinafter stated on page 8 hereof.

(c) In continuance of said conspiracy, during December 1945, by the fraud practiced upon the three-man committee of the executive council of the A. F. of L., in inducing said committee to use the language of a nonexistent, purported contract, instead of the actual exhibit A contract, to evidence its true decision to respect and follow the historic division of work between said Brotherhood of Carpenters, local 946, and said IATSE, as is hereinafter stated on pages 9 and 10 hereof.

(d) In continuance of said conspiracy, by immediately thereafter launching the IATSE so-called set erectors union, ostensibly to do carpenters' work on sets and stages, but actually to encroach upon all carpenters' work; and in the use by said so-called set erectors local of emergency working cards issued to its permittees, as distinguished from members, to replace legitimate carpenters in their employment, as is hereinafter stated on page 11 hereof.

(e) In continuance of said conspiracy, during August 1946, by their repudiation of the clarification issued by said three-man committee, to state the true mean-

<sup>1</sup> All page numbers in the following document submitted by Mr. Cobb refer to his statement.

ing of the committee's December 26, 1945, decision, as is hereinafter stated, and by the use of said repudiation as a means to proceed with their conspiracy to replace all legitimate carpenters with members and permittees designated by the IATSE, as is hereinafter stated on pages 11, 12, and 13 hereof.

(f) In continuance of said conspiracy, during August and September 1946, by their agreement to lock out all carpenter employees, by creating an incident as the fraudulent means of eliminating them, and by putting said lock-out into effect on or about September 23, 1946, as is hereinafter stated, beginning on page 13 hereof.

(g) In continuance of said conspiracy, on September 12, 1946, by their conspiracy to cause the State unemployment authorities to deny each of said carpenters the unemployment compensation to which he became entitled upon and during said lock-out, upon the false representation that "the employee left his work on account of a trade dispute," as hereinafter stated on page 16 hereof.

(h) In continuance of said conspiracy, on September 17, 1946, by their agreement to force each and all of said independent motion-picture companies to use said IATSE set erectors, nominally doing carpenters' work in erecting sets on stages, but actually to replace all carpenters in the employ of said companies, as is hereinafter stated on page 16 hereof.

(i) In continuance of said conspiracy, from September 23, 1943, continuously until the present time, by maintaining said lock-out of all carpenters, and use of said IATSE replacements in employment belonging to said carpenters, under said exhibits A, B, C, and D contracts, as is hereinafter stated, beginning at page 18 hereof.

(j) In continuance of said conspiracy, on June 26, 1947, by having James L. Noblitt, recording secretary of the IATSE, Grips local No. 80, direct all of said union members to cease serving independent motion-pictures companies, without obtaining permission from his office, upon threats of punishment, if such service was rendered without permission, as is hereinafter stated on page 22 hereof.

(k) In continuance of said conspiracy, on August 14, 1947, concurrently with said lock-out, and refusal by the major motion-picture companies to bargain with said Brotherhood of Carpenters, local 946, said IATSE filed an application with the NLRB, to be certified as bargaining agent of "carpenters, millwright, woodworking machine men"; that is, of all carpenters' work tasks, as is hereinafter stated on page 23 hereof.

(l) In continuance of said conspiracy, on August 15, 1947, while during said lock-out, and while said motion-picture companies were refusing to bargain with the carpenters, each of said major motion-picture companies, and IATSE, entered into a contract for a period of 1 year, allotting carpenter work tasks to said IATSE, that belonged to said carpenters under their employment and exhibits A, B, C and D contracts, and caused the independent motion-picture companies, belonging to the Independent Producers Association listed on page 3 hereof, to enter into a like contract with said IATSE, in violation of their exhibit E contract, and caused each and all other motion-picture companies listed on page 4 hereof to take carpenters' work tasks away from their carpenter employees and give it to such replacements furnished by said IATSE, as is hereinafter stated on page 23 hereof.

(m) In continuance of said conspiracy, on or about August 26, 1947, and subsequent to the effective date of section 8 of the act, said major motion-picture companies and Producers Association, in conspiracy with each other, and with said IATSE, declared an open shop on Carpenters, and all other crafts covered by said Exhibits A, B, C, and D contracts, in defiance of said contracts, and of the right of employment of said carpenters, and for the fraudulent purpose of completely eliminating all members of said Brotherhood of Carpenters, local 946, from their employment, and of replacing them with members, permittees and designees of IATSE, as is hereinafter stated on page 23 hereof.

That each and all of the foregoing steps and acts were part of the one general and continuous conspiracy between said major motion-pictures companies, and each of them, and Producers Association, and IATSE, to deprive each and all of the carpenter members of said Brotherhood of Carpenters, local 946, including complainant, of their work tasks and employment with each of said major motion-picture companies, in violation of said contracts, and to require each and all of said independent motion-picture companies to likewise deprive said carpenters of their work tasks, and employment with them, respectively, and to give and deliver all carpenters' work, in all the studios, and on all the lots and locations, of both the major and independent motion-picture companies, to the IATSE, for its members, permittees, and designees.

*Section 8 (a) (2)*

That complainant's said employer, and each and all of said major motion-picture companies, as employers of said carpenters, and said Producers Association, in conspiracy each with the others, and with said IATSE, have interfered with the administration of said Brotherhood of Carpenters, Local 946, in each of the particulars set forth in the foregoing specifications under section 8 (a) (1), which specifications are here adopted to avoid repetition.

*Section 8 (a) (3)*

That complainant's said employer, and each and all of said major motion-picture companies, as employers of said carpenters, and said Producers Association, in conspiracy each with the others, and with said IATSE, have discriminated, and are discriminating, against complainant, as a member, and against each of its other carpenter employees who are members of said Brotherhood of Carpenters, Local 946, in his and their hire and tenure of employment, to discourage membership in said Brotherhood of Carpenters, Local 946, and to encourage membership in said IATSE, in the particulars set forth in the foregoing specifications under section 8 (a) (1), in which specifications are here adopted to avoid repetition.

*Section 8 (a) (5)*

That complainant's said employer, and each and all of said major motion-picture companies, as employers of said carpenters, and said Producers Association, in conspiracy each with the others, and with said IATSE, have refused, and still refuse, to bargain collectively with said Brotherhood of Carpenters, Local 946, or any other representative of its members, including complainant, in each of the particulars set forth in the foregoing specifications under section 8 (a) (1), which specifications are here adopted to avoid repetition.

## UNFAIR LABOR PRACTICES OF IATSE

In the statement of the following specific charges, under the respective sections, the IATSE, Walsh, and Brewer, and any and all other agents of the IATSE, are collectively referred to as IATSE.

The following specific charges apply to each of the major motion-picture companies, listed on page 2 hereof, and to the Association of Motion Picture Producers, Inc., a corporation, called Producers Association, organized by them and in some instances acting for them.

The International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, hereinafter called IATSE, and the United Brotherhood of Carpenters and Joiners of America, hereinafter called Brotherhood of Carpenters, are both labor organizations and members of the American Federation of Labor.

*Section 8 (b) (1)*

That said IATSE, acting in conspiracy with the major motion-picture companies, hereinafter listed, and Producers Association, has continuously restrained and coerced, and is now restraining and coercing, all members of said Brotherhood of Carpenters, Local 946, including affiant, in the exercise of the rights guaranteed them, and each of them, under section 7 of the act, as employees of said major motion-picture companies, members of said Producers Association, under said exhibits A, B, C, and D contracts and collective-bargaining agreements; of said Independent Motion Picture Producers Association, under said exhibit E contract and collective-bargaining agreement; and of each and all of said other independent motion-picture companies, under the terms of employment with them, respectively, in each of the following particulars:

(a) In March 1945, by the original agreement made and entered into between said major motion-picture companies and said IATSE, represented by Nicholas Schenck and Richard F. Walsh, respectively, as is hereinafter set forth, beginning on page 7 hereof.

(b) In continuance of said conspiracy, on April 14, 1945, by the issuance of an illegal IATSE carpenters' charter, and the use thereof, to replace said legitimate carpenter employees with IATSE members, permittees, and designees of said illegal IATSE Carpenters' Union as hereinafter stated on page 8 hereof.

(c) In continuance of said conspiracy, during December 1945, by the fraud practiced upon the three-man committee of the executive council of the A. F. of L., in inducing said committee to use the language of a nonexistent, purported con-

tract, instead of the actual exhibit A contract, to evidence its true decision to respect and follow the historic division of work between said Brotherhood of Carpenters, Local 946, and said IATSE, as is hereinafter stated on pages 9 and 10 hereof.

(d) In continuance of said conspiracy, by immediately thereafter launching the IATSE so-called set erectors' union, ostensibly to do carpenters' work on sets and stages but actually to encroach upon all carpenters' work; and in the use by said so-called set erectors' local of emergency working cards issued to its permittees, as distinguished from members, to replace legitimate carpenters in their employment, as is hereinafter stated on page 11 hereof.

(c) In continuance of said conspiracy, during August 1946, by their repudiation of the clarification issued by said three-man committee, to state the true meaning of the committee's December 26, 1945, decision, as is hereinafter stated, and by the use of said repudiation as a means to proceed with their conspiracy to replace all legitimate carpenters with members and permittees designated by the IATSE, as is hereinafter stated on pages 11, 12, and 13 hereof.

(f) In continuance of said conspiracy, during August and September 1946, by their agreement to lock out all carpenter employees, by creating an incident as the fraudulent means of eliminating them, and by putting said lock-out into effect on or about September 23, 1946, as is hereinafter stated, beginning on page 13 hereof.

(g) In continuance of said conspiracy, on September 12, 1946, by their conspiracy to cause the State unemployment authorities to deny each of said carpenters and unemployment compensation to which he became entitled upon and during said lock-out, upon the false representation that "the employee left his work on account of a trade dispute," as is hereinafter stated on page 16 hereof.

(h) In continuance of said conspiracy, on September 17, 1946, by their agreement to force each and all of said independent motion-picture companies to use said IATSE set erectors, nominally doing carpenters' work in erecting sets on stages, but actually to replace all carpenters in the employ of said companies, as is hereinafter stated on page 16 hereof.

(i) In continuance of said conspiracy, from September 23, 1946, continuously until the present time, by maintaining said lock-out of all carpenters, and use of said IATSE replacements in employment belonging to said carpenters, under said exhibits A, B, C, and D contracts, as is hereinafter stated, beginning at page 18 hereof.

(j) In continuance of said conspiracy, on June 26, 1947, by having James L. Noblitt, recording secretary of the IATSE, Grips Local No. 89, direct all of said union members to cease serving independent motion picture companies, without obtaining permission from his office, upon threats of punishment, if such service was rendered without permission, as is hereinafter stated on page 22 hereof.

(k) In continuance of said conspiracy, on August 14, 1947, concurrently with said lock-out, and refusal by the major motion picture companies to bargain with said Brotherhood of Carpenters, Local 946, said IATSE filed an application with the NLRB, to be certified as bargaining agent of carpenters, millwrights, woodworking-machine men; that is, of all carpenters' work tasks, as is hereinafter stated on page 23 hereof.

(l) In continuance of said conspiracy, on August 15, 1947, while during said lock-out, and while said motion picture companies were refusing to bargain with the carpenters, each of said major motion picture companies, and IATSE, entered into a contract for a period of 1 year, allotting carpenter work tasks to said IATSE, that belonged to said carpenters under their employment and exhibits A, B, C, and D contracts, and caused the independent motion picture companies, belonging to the Independent Producers Association listed on page 3 hereof, to enter into a like contract with said IATSE, in violation of their exhibit E contract, and caused each and all other motion picture companies listed on page 4 hereof to take carpenters' work tasks away from their carpenter employees and give it to such replacements furnished by said IATSE, as is hereinafter stated on page 23 hereof.

(m) In continuance of said conspiracy, on or about August 26, 1947, and subsequent to the effective date of section 8 of the act, said major motion picture companies and producers association, in conspiracy with each other, and with said IATSE, declared an open shop on carpenters, and all other crafts covered by said exhibits A, B, C, and D contracts, in defiance of said contracts, and of the right of employment of said carpenters, and for the fraudulent purpose of completely eliminating all members of said Brotherhood of Carpenters, Local 946, from



their employment and of replacing them with members, permittees, and designees of IATSE, as is hereinafter stated on page 23 hereof.

That each and all of the foregoing steps and acts were part of the one general and continuous conspiracy between said major motion picture companies, and each of them, and producers association, and IATSE, to deprive each and all of the carpenter members of said Brotherhood of Carpenters, Local 946, including complainant, of their work tasks and employment with each of said major motion picture companies, in violation of said contracts, and to require each and all of said independent motion picture companies to likewise deprive said carpenters of their work tasks, and employment with them, respectively, and to give and deliver all carpenters' work, in all the studios, and on all the lots and locations, of both the major and independent motion picture companies, to the IATSE, for its members, permittees, and designees.

*Section 8 (b) (2)*

That said IATSE has continuously caused, and attempted to cause, and is now causing, and attempting to cause, each and all of said motion-picture companies to discriminate against their respective employees, including affiant, who are members of said Brotherhood of Carpenters, Local 946, in violation of subsection (a) (3) of the act generally, in each of the particulars set forth in the foregoing specifications under section 8 (b) (1), which specifications are here adopted to avoid repetition.

*Section 8 (b) (4)*

That said IATSE has continuously engaged in, and is now engaging in, and has continuously induced and encouraged, and is now inducing and encouraging, employees of said major motion picture companies, and of each and all of said independent motion picture companies, as manufacturers of motion pictures, and of each and all motion picture exchanges handling, and of each and all motion picture theaters displaying, the pictures of each and all of said major motion picture companies and independent motion picture companies, to engage in strikes or concerted refusals in the course of their respective employment to use, manufacture, process, transport, or otherwise handle or work on, any motion pictures, or any goods, articles, materials, or commodities, or to perform any services, where members of said Brotherhood of Carpenters, Local 946, including affiant, have performed any task, as carpenters; in their employment under said exhibits A, B, C, D, and E contracts, and collective bargaining agreements, or otherwise, in or incident to the making of said motion pictures, with the object of—

(a) Forcing and requiring each of the major motion picture companies, and each of the independent motion picture companies, respectively, hereinafter listed, as manufacturers of motion pictures, and each exchange handling and distributing motion pictures, and each motion picture theater exhibiting motion pictures, all as employers, to join said IATSE, and said major motion picture companies, and Producers Association, to cease using, selling, handling, transporting, or otherwise dealing in motion pictures and products of any other of said producers, processors, or manufacturers, and to cease doing business with any of them, or any other persons, when and where members of said Brotherhood of Carpenters, Local 946, including affiant, have performed any tasks as carpenters, in their employment by any of said motion picture companies, under said exhibits A, B, C, D, and/or E contracts, or otherwise, in or incident to the making of said motion pictures or other products.

(b) Forcing and requiring each other said motion picture company, as an employer, to recognize and bargain with said IATSE, and its so-called Set Erectors Union, Local 468, as the representative of its carpenter employees, when neither said IATSE, nor any of its locals, has been certified as the representative of carpenter employees under the provisions of section 9 of the act.

(c) Forcing and requiring each other said motion picture company, as an employer, to recognize and bargain with said IATSE, and its so-called Set Erectors Union, Local 468, as the representative of its carpenter employees, when said Brotherhood of Carpenters, Local 946, has been recognized as the representative of the carpenter employees of each and all of said motion picture companies, under said provisions of section 9 of the act, by said exhibits A, B, C, D, and E contracts, and collective bargaining agreement.

(d) Forcing and requiring each of said motion picture companies to assign its carpenters' work tasks, in its studios and on its lots and locations, to employees belonging to, or designated by, said IATSE, or its local 468, or other locals, in its unauthorized class of so-called set erectors posing as carpenters, rather than

to said carpenter employees, including affiant, who are members of said Brotherhood of Carpenters, Local 946, and who were and are employed under said exhibits A, B, C, D, and E contracts, and collective bargaining agreements, in the only authorized trade, craft, and class of carpenters in the American Federation of Labor, when said respective employers are not under any order or certification of the Labor Board determining the bargaining representatives for employees performing such carpenters' work tasks, except as said Brotherhood of Carpenters, Local 946, has been uniformly recognized by the Board.

*Section 8 (b) (5)*

That said IATSE, so acting in conspiracy with said major motion picture companies, has required, and is requiring, or attempting to require, said carpenters who are members of said Brotherhood of Carpenters, Local 946, and who are employed by said motion picture companies, respectively, under said exhibits A, B, C, D, and E contracts, and collective bargaining agreements, respectively, to join, or obtain permits from, said IATSE, Local 468, or other IATSE locals, before being permitted to continue in their carpenter-work tasks under said contracts—that is, to join or obtain permits from an IATSE union in addition to their own—and that it has required, and is requiring, or attempting to require, the payment, as a condition precedent to becoming a member or permittee of said IATSE, of fees and dues in addition to their own union fees and dues, in amounts that are excessive and discriminatory under all of the circumstances.

*Section 8 (b) (6)*

That said IATSE, so acting in conspiracy with said major motion picture companies, and producers association, has continuously caused, and attempted to cause, and is now causing, and attempting to cause, each of said major motion picture companies, and each of said independent motion picture companies, to pay and deliver, and to agree to pay and deliver, money and other things of value, to said IATSE, its members and designees, in the nature of an exaction, for services which were not, and are not, performed or to be performed, in the following particulars:

(a) Where no work is done by the IATSE members and designees, employed by said companies to replace said carpenters; and

(a) Where no work, if any, is, and has been, done by them so incompetently, inefficiently, and inadequately as to constitute feather-bedding.

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INTRODUCTION

This supporting statement is drawn for use as a part of the charges, filed concurrently, against the said major motion picture companies, under section 8 (a), and against the said IATSE, under section 8 (b).

Said IATSE and brotherhood of carpenters are both members of the American Federation of Labor. See exhibit A.

Mr. W. C. Doherty, one of the three-man committee (infra 9), testifying before the Special Subcommittee of the House Committee on Education and Labor, at the Los Angeles hearing, on August 18, 1947 (transcript p. 1658), said:

“ \* \* \* I think it is a very tedious job that has been assigned to you by the House Committee on Education and Labor; this is probably the cancer spot in the entire labor movement of America. \* \* \* ”

A copy of the transcript of said congressional committee hearings is filed herewith for reference and in support of the representations made herein.

LIST OF MAJOR MOTION-PICTURE PRODUCTION COMPANIES

The major motion picture companies, hereinbefore referred to, with their respective addresses, are listed as follows:

Loew's, Inc., a corporation, owning Metro-Goldwyn-Mayer Studios, 10202 Washington Boulevard, Culver City, Calif.

Paramount Pictures, Inc., a corporation, 5451 Marathon, Hollywood, Calif.

Warner Bros. Pictures, Inc., a corporation, 4000 West Olive, Burbank, Calif.

Columbia Pictures Corp., a corporation, 1438 North Gower Street, Hollywood, Calif.

Samuel Goldwyn Productions, Inc., a corporation, 1584 Washington Boulevard, Los Angeles, Calif.

- Republic Productions, Inc., a corporation, 4024 Radford Avenue, North Hollywood, Calif.  
 Hal E. Roach Studio, Inc., a corporation, 8822 Washington Boulevard, Culver City, Calif.  
 Twentieth Century-Fox Film Corp., a corporation, 10201 West Pico Boulevard, Los Angeles, Calif.  
 R. K. O. Radio Pictures, Inc., a corporation, 780 North Gower Street, Los Angeles, Calif.  
 Universal Pictures Co., Inc., a corporation, Universal Studio, Universal City, Calif.

## LIST OF INDEPENDENT MOTION-PICTURE COMPANIES

The independent motion picture companies that are members of the Independent Motion Picture Producers Association, hereinafter referred to as Independent Association, with their respective addresses, are listed as follows:

- Affiliated Productions, Inc., 7160 Melrose Avenue, Hollywood 46.  
 Arpi Productions, Inc., 5746 Sunset Boulevard, Hollywood 28.  
 Audio Pictures, Inc., 812 North Robertson, Los Angeles 46.  
 Bali Films, Inc., 7160 Melrose, Los Angeles 46.  
 Beacon Pictures Corp., 1041 North Formosa, Hollywood 38.  
 Boots & Saddles, Inc., 6525 Sunset Boulevard, Hollywood 46.  
 Brentview, Inc., 346 South La Brea, Hollywood 36.  
 Burkett Productions, 4376 Sunset Drive, Hollywood 27.  
 Cathedral Films, Inc., 6404 Sunset Boulevard, Hollywood 28.  
 Chamption Productions, Inc., 4376 Sunset Drive, Los Angeles 27.  
 Chester Productions, 4376 Sunset Drive, Los Angeles 27.  
 Continental Pictures Corp., 6362 Hollywood Boulevard, Los Angeles 28.  
 DFD Productions, Inc., 846 Cahuenga Boulevard, Hollywood 38.  
 Del Ruth, Roy, Productions, 9165 Sunset Boulevard, Hollywood 46.  
 Ensign Pictures Corp., 5746 Sunset Boulevard, Hollywood 28.  
 Esskay Pictures, Inc., 5823 Santa Monica Boulevard, Los Angeles 36.  
 Finney, Edw., Producers, 6526 Sunset Boulevard, Hollywood 28.  
 Fortune Film Corp., 5746 Sunset Boulevard, Hollywood 28.  
 Great Western Productions, 4376 Sunset Drive, Hollywood 27.  
 Grippo, Jan, Productions, 4376 Sunset Drive, Hollywood 27.  
 Hackel, A. W., Productions, Taft Building, Hollywood 28.  
 Herald Pictures, Inc., 1650 Broadway, New York 19, N. Y.  
 Hopalong Cassidy, Inc., 1040 North Las Palmas, Hollywood 38.  
 Katzman, Sam, Productions, Inc., 5823 Santa Monica Boulevard, Hollywood 36.  
 Kay Pictures, Inc., 5823 Santa Monica Boulevard, Hollywood 36.  
 King Bros., Inc., 4376 Sunset Drive, Hollywood 27.  
 King, Max, Productions, 8439 Sunset Boulevard, Hollywood 46.  
 Landres Pictures, Inc., 1426 Beachwood Drive, Hollywood 28.  
 Longridge Pictures, Inc., 7160 Melrose Avenue, Hollywood 46.  
 Marathon Pictures, Inc., 1412 1/2 North Van Ness, Hollywood 28.  
 Mayo Productions, Inc., 931 North La Cienega Boulevard, Los Angeles 46.  
 Melrose Pictures, Inc., 346 South La Brea, Hollywood 36.  
 Monogram Productions, Inc., 4376 Sunset Drive, Hollywood 27.  
 Mutual Pictures, Inc., 606 Sunset Boulevard, Hollywood 28.  
 Neufeld, Sig., Productions, Inc., 340 North Sweetzer Avenue, Hollywood 36.  
 Parsons, Lindsley, Productions, 4376 Sunset Drive, Hollywood 27.  
 Pembroke Productions, Inc., 4376 Sunset Drive, Hollywood 27.  
 P. R. C. Productions, Inc., 6066 Sunset Boulevard, Hollywood 28.  
 Romay Pictures, Inc., 931 North La Cienega Boulevard, Hollywood 46.  
 Schwartz, Jack, Productions, 810 North Cahuenga Boulevard, Hollywood 38.  
 Screen Art Pictures Corp., 7160 Melrose Avenue, Hollywood 38.  
 Screen Guild Productions, Inc., 346 South La Brea Avenue, Hollywood 36.  
 Somerset Pictures Corp., 9113 Sunset Boulevard, Hollywood 46.  
 Supreme Pictures Corp., 203 South Citrus, Hollywood 36.  
 Sutherland, John J., 201 North Occidental Boulevard, Los Angeles 26.  
 Wilder, William, Productions, 5746 Sunset Boulevard, Hollywood 28.  
 Wrather, J. D., Productions, Inc., 9165 Sunset Boulevard, Hollywood 46.  
 Zenith Pictures, Inc., 5746 Sunset Boulevard, Hollywood 28.

The independent motion picture companies that are member of the Society of Independent Motion Pictures Producers, hereinafter referred to as Society of Independent Producers, with their respective addresses, are listed as follows:  
 Constance Bennett Productions, 1040 North Las Palmas, Hollywood 38, Calif.  
 Benedict Bogeaus Productions, 1040 North Las Palmas, Hollywood 38, Calif.

Sidney Buchman Productions, 9700 Wilshire Boulevard, Beverly Hills, Calif.  
 Cagney Productions, Inc., 1040 North Las Palmas, Hollywood 38, Calif.  
 California Pictures, Inc., 1041 North Formosa, Hollywood 46, Calif.  
 Charles Chaplin Studios, 1416 North La Brea, Hollywood 28, Calif.  
 Bing Crosby Enterprises, Inc., 9028 Sunset Boulevard, Hollywood 46, Calif.  
 Walt Disney Productions, 2400 West Alameda, Burbank, Calif.  
 Federal Films, Inc., 8822 Washington Boulevard, Culver City, Calif.  
 Golden Pictures, Inc., 1040 North Las Palmas, Hollywood 38, Calif.  
 Samuel Goldwyn Productions, Inc., 1041 North Formosa, Hollywood 46, Calif.  
 Sol Lesser Productions, Inc., 9336 Washington Boulevard, Culver City, Calif.  
 Jules Levey, c/o I. A. Ruman, 215 West Fifth Street, Room 419, Los Angeles, Calif.  
 Seymour Nebenzal, 1041 North Formosa, Hollywood 46, Calif.  
 Mary Pickford, 1041 North Formosa, Hollywood 46, Calif.  
 Charles R. Rogers Enterprises, 1040 North Las Palmas, Hollywood 38, Calif.  
 Hal Roach Productions, 8822 Washington Boulevard, Culver City, Calif.  
 Edward Small Productions, Inc., Motion Picture Center Studio, 846 North Cabuenga Boulevard, Hollywood 28, Calif.  
 Andrew Stone Enterprises, Inc., 8822 Washington Boulevard, Culver City, Calif.  
 Story Productions, Inc., 9441 Wilshire Boulevard, Beverly Hills, Calif.  
 Hunt Stromberg Productions, Inc., 1040 North Las Palmas, Hollywood 38, Calif.  
 Vanguard Films, Inc., 9336 Washington Boulevard, Culver City, Calif.  
 United Artists Productions, 1040 North Las Palmas, Hollywood 38, Calif.  
 Walter Wanger, 7324 Santa Monica Boulevard, Hollywood, Calif.  
 Rainbow Productions, Inc., 451 North La Cienega, Los Angeles 36, Calif.

The other independent motion picture companies, who apparently are not members of either of said associations, include Eagle-Lion Studios, Inc., 7324 Santa Monica Boulevard, Hollywood, Calif.

#### AGREEMENT BETWEEN CARPENTERS AND IATSE

1. That on July 9, 1921, in compliance with the decision of the American Federation of Labor, a conference was called and held in the executive council chamber of the American Federation of Labor in Washington, at Washington, D. C., at which an agreement was made by the said Brotherhood of Carpenters and the IATSE for division of work between them whereby carpenters' work in and around the motion picture studios was allocated to the carpenters as follows:

"The entire subject of the differences of jurisdictional claims between the two first named organizations were thoroughly gone into with a view of reaching an agreement.

"It is agreed by the International Alliance of Theatrical Stage Employees that all work done on lots or location and all work done in shops, either bench or machine work, comes under the jurisdiction of the United Brotherhood of Carpenters and Joiners of America.

"It is agreed that:

"All carpenter work in and around moving picture studios belongs to the carpenters. This includes:

"1. Any and all carpenter work in connection with the moving picture studios, the construction of stages or platforms on which buildings or parts of buildings are to be erected.

"2. All carpenter work in connection with the erection of any building or part of building, from which a picture is to be taken.

"3. The operation of all wood-working machinery in the making of all furniture, fixtures, trim, etc., for use in motion picture studios, belongs to the carpenter.

"The carpenters lay no claim to what is usually termed or referred to as the property man, or those employed in placing furniture, laying carpets, hanging draperies, pictures, etc.

"It is clearly understood that insofar as section 2 of this part of the agreement is concerned and particularly the right to the setting up and striking of the scenes on the stages after the construction work has been completed, it shall be liberally and cooperatively construed so as to do no injustice to either the United Brotherhood of Carpenters and Joiners of America or the International Alliance of Theatrical Stage Employees.

"Any differences arising as to the interpretation of this agreement and particularly of section 2 hereof, shall be adjusted by the international presidents of both organizations."

That a copy of this agreement is hereto attached as exhibit A, and made a part hereof.

## BASIC AGREEMENT BETWEEN UNIONS AND MAJOR COMPANIES

2. That thereafter, on November 29, 1926, said Brotherhood of Carpenters and IATSE, entered into a contract, known as the basic agreement, with certain of major motion picture companies, which was later joined in by all the major companies, and their producers association, with notice of, and subject to, said exhibit A agreement between the Brotherhood of Carpenters and the IATSE. That said agreement has been kept in force and effect ever since its execution, by periodic interim extensions. That a copy of said basic contract, insofar as it relates to said Brotherhood of Carpenters, is hereto attached as exhibit B and made a part hereof.

## CLOSED-SHOP AGREEMENT BETWEEN UNIONS AND MAJOR COMPANIES

3. That thereafter, on December 8, 1935, an agreement was made, again by both said Brotherhood of Carpenters and IATSE, with said major motion picture companies, whereby a closed shop was established, for both the carpenters and the IATSE, in their respective jurisdictions. That a notice of this contract was posted in all studios, and that a copy of the notice, insofar as it relates to these two unions, is hereto attached as exhibit C and made a part hereof.

## PRESENT AGREEMENT OF CARPENTERS WITH MAJOR COMPANIES

4. That thereafter, on July 2, 1946, an interim agreement was made between said Brotherhood of Carpenters, Local 946, and other crafts, with said producers association, for each and all of said major motion-picture companies, extending the said exhibits B and C contracts, as modified by the said various interim agreements, for a period of 2 years, that is, from July 3, 1946, to July 1, 1948. That this agreement was immediately ratified and put into effect by each and all of said major motion-picture companies. That a copy of this agreement, insofar as it relates to the carpenters, is hereto attached as exhibit D, and made a part hereof.

## PRESENT AGREEMENT OF CARPENTERS WITH INDEPENDENT COMPANIES

5. That on June 29, 1946, concurrently with, or in anticipation of, said exhibit D, interim agreement between the major motion-picture companies and the carpenters, an interim agreement was likewise made between said Brotherhood of Carpenters, Local 946, and the Independent Motion Picture Producers Association, representing the independent motion-picture companies hereinbefore listed. That this agreement was immediately ratified and put into effect by each and all of said independent motion-picture companies. That a copy of this agreement is hereto attached as exhibit E, and made a part hereof.

## ORIGIN OF UNFAIR LABOR PRACTICES

That on or about November 1, 1944, when said Carpenters Brotherhood, Local 946, undertook to open negotiations with said major motion-picture companies, and Producers Association, to extend their said exhibit B, basic contract, as extended and modified by interim agreements to that time, including said exhibit C, closed-shop contract, said IATSE and its agents commenced a course of interference with the carpenters, and encroachment upon their tasks and right to work under said contract.

That thereafter, during or about March 1945, pursuant to said interference and encroachment, said IATSE, acting by and through said Walsh, proposed to said Producers Association, as agent for each and all of said major motion-picture companies, acting by and through Nicholas Schenck, that the IATSE would take over all the carpenters' work of said major motion-picture companies, and each and all of said independent motion-picture companies in California, on the condition that the major motion-picture companies violate each and all of its existing contracts with the Brotherhood of Carpenters, Local 946, and cause each and all of the independent motion-picture companies to do likewise, so as to turn all carpenters' work in the studios, and on the lots and locations, of all of the motion-picture companies operating in California, over to the IATSE. That said Walsh made this proposal substantially in the following language:

"We will run the studios, but only on one condition that you have no contracts whatever with any of the people who are out on strike."

That this language of said Walsh was found in his address to the 1946 international convention of the IATSE, held in Chicago, as is shown in the hearings

of the House Committee on Education and Labor, on March 8, 1947, at page 2856, and in his testimony before the special subcommittee of the House Committee on Education and Labor, at its hearings at Los Angeles, on August 30, 1947, at page 3175.

That said major motion-picture companies and producers association, acting by and through Nicholas Schenck, accepted said proposition and agreed to it. That said agreement was thereafter ratified by the IATSE and by each and all of said major motion-picture companies, and producers association.

#### IATSE USED ILLEGAL CARPENTERS' CHARTER

That on April 14, 1945, the IATSE granted an illegal charter to, and organized, its purported carpenters union, 787, to take over said carpenters' work, and on April 14, 1945, acting through said Walsh, directed a letter to all members of said Brotherhood of Carpenters Local 946, and other crafts, confirming said agreement, as follows:

"First of all, I want you to know that the International Alliance has reached an agreement with the producers association by which the IATSE will supply all labor to the studios, not only in our crafts which were recognized before the strike, but also in those classifications which have been vacated by the striking unions. The IA assumed this responsibility only after we were certain that it was impossible to reach an honorable settlement with those persons who are conducting this strike against the IATSE.

"On Tuesday night of this week a carpenters' local was chartered and is now known as Local No. 787 of the IATSE. On Thursday night the Motion Picture Studio Painters Local No. 788, of the IATSE, was chartered. In addition to these locals, there will be a local charter for machinists and, if necessary, for other crafts. We are proceeding in accordance with our agreement with the producers to man the studios.

"As the international president of the IATSE, I assure you that having assumed this jurisdiction, we will stake the entire strength of the international alliance on our efforts to retain it."

That a copy of said letter is hereto attached, as exhibit F, and made a part hereof.

That pursuant to said conspiracy said major motion-picture companies gave carpenters' work, belonging to the carpenters of local 946, under their said contracts, to members of said IATSE, and its said illegal local 787.

That on or about July 22, 1946, said Walsh admitted that said charter and local 787 were illegal. In his report to the convention of the said IATSE he stated:

"We had to issue charters to take care of the work which nobody would take over out there. So in issuing the charters, we got in trouble with the American Federation of Labor.

"The executive council of the American Federation of Labor met in the city of Chicago, and they ordered us there because of the fact that we had not complied with their mandate to cease and desist what we were doing in Hollywood. \* \* \* They again told us to withdraw the charter of the carpenter and the painter, and any other charters that we had illegally issued.

"I called an executive board meeting of your executive board, and we decided to comply with that."

The above quotations are from said March 8, 1947, Washington hearing of the House Committee on Education and Labor, at page 2857.

#### CINCINNATI AGREEMENT

That because of the aggressions of the IATSE against various crafts, and the strikes in Hollywood, arising out of the conspiracy between the major motion-picture companies and the IATSE against the carpenters and other crafts, and the confusion caused thereby in the industry, it became necessary for the said major motion-picture companies, and producers association, the IATSE, and the Brotherhood of Carpenters, to meet with the executive council of the American Federation of Labor, at Cincinnati, between October 15 and 25, 1945. In that meeting it was agreed, as follows:

- "1. The council directs that the Hollywood strike be terminated immediately.
- "2. That all employees return to work immediately.
- "3. That for a period of 30 days the international unions affected make every attempt to settle the jurisdictional questions involved in the dispute.

"4. That after the expiration of 30 days a committee of three members of the executive council of the American Federation of Labor shall investigate and determine within 30 days all jurisdictional questions still involved.

"5. That all parties concerned, the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, the United Brotherhood of Carpenters and Joiners of America, the International Association of Machinists, the United Association of Plumbers and Steam Fitters of the United States and Canada, the Brotherhood of Painters, Decorators and Paperhangers of America, the International Brotherhood of Electrical Workers of America, and the Building Service Employees' International Union, accept as final and binding such decisions and determinations as the executive council committee of three may finally render."

That pursuant to paragraphs 1 and 2 of said agreement, the strike then in existence in Hollywood was immediately terminated, and all carpenters immediately returned to work in their pre-strike status of March 12, 1945.

That pursuant to paragraph 4 of said Cincinnati agreement, Messrs. Felix H. Knight, W. C. Birthright, and W. C. Doherty, all members of the executive council of the American Federation of Labor, were appointed to the committee specified therein. They are hereinafter referred to as the three-man committee.

#### DECISION OF A. F. OF L. THREE-MAN COMMITTEE

That said committee, after investigation, reached a decision that the historic division of work between the carpenters and IATSE be maintained without change, and thereby upheld the rights of the carpenters under their said contracts. In writing this report, however, said committee innocently made the mistake of copying the terms of a nonexistent, but purported contract, between the carpenters and the IATSE, dated February 5, 1925, instead of stating the real historic division of work as stated in said exhibit A contract which they intended to follow.

That said report states:

\* \* \* \* \*

"6. United Brotherhood of Carpenters and Joiners of America: The committee rules that the division of work agreement entered into between the United Brotherhood of Carpenters and Joiners of America and the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada on February 5, 1925, and known as the '1926 Agreement' be placed in full force and effect immediately."

and uses said mistaken language as follows:

"Division of work by the United States Brotherhood of Carpenters and Joiners of America:

"Section 1. All trim and mill work on sets and stages.

"Section 2. All mill work and carpenter work in connection with studios.

"Section 3. All work in carpenter shops.

"Section 4. All permanent construction.

"Section 5. All construction work on exterior sets.

"Division of work by the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada:

"Section 6. Miniature sets.

"Section 7. Property building.

"Section 8. Erection of sets on stages except as provided in section 1.

"Section 9. Wrecking all sets, exterior and interior.

"Section 10. Erecting platforms for lamp operators and camera men on stages."

It is here alleged on information and belief that this mistake was induced by the fraud of the IATSE, and said major motion-picture companies. In any event, the mistaken use of said nonexistent document and terms was beyond the scope of authority of committee.

A copy of said report of said three-man committee, embodying said mistake, is hereto attached, as exhibit H, and made a part hereof.

#### CONTINUED CONSPIRACY OF IATSE AND MAJOR MOTION-PICTURE COMPANIES

That immediately thereafter, and pursuant to said conspiracy, the major motion-picture companies discharged 500 carpenters, more or less, from their employment, and replaced them with men provided by the IATSE. That concurrently therewith the IATSE took one of its floater charters, which had recently

been used in North Carolina for motion-picture-machine operators, and designated it as its Set Erectors Local 468, and used it to take over the work of carpenters so discharged, all upon the pretense that the language of section 8 of said December 26, 1945, report had transferred set erection from carpenters to the IATSE.

That said set erectors thereupon provided said major motion-picture companies, and the independent motion-picture companies, with illegal employees, posing as carpenters, under a fraudulent system of emergency working cards, each of which included the following provision, which constituted an illegal contract between the IATSE, the bearers of the cards, and the motion-picture companies accepting said purported carpenters upon the presentation of said cards, and employing them in work belonging to the carpenters. That the illegal agreement embodied in said cards was as follows:

"The undersigned will surrender this emergency working card and the position held thereunder upon demand of local 468. It is recognized that the issuance and acceptance of this emergency working card does not entitle the undersigned to membership in local 468 or to any rights against or within said union."

That a copy of the illegal emergency working card, issued by IATSE, Local 468, to Elwyn Snow, on November 8, 1946, is hereto attached as exhibit K, and made a part hereof.

That many hundreds of said illegal emergency working cards, that is, permits to nonunion men to do the work belonging to carpenters, under said contracts, and under said three-man committee decision as intended by the committee, were issued by said IATSE Set Erectors Local 468 to such nonunion men, posing as carpenters, and presented to said major motion-picture companies, and accepted by them, and each of them. That said permittees were thereby given employment that belonged to members of the Brotherhood of Carpenters, Local 946, in violation of said contracts and decision as intended. That complainant is informed and believes, and therefore alleges, that said major motion-picture companies have paid out in excess of \$7,000,000 in bonuses to such IATSE permittees, of various crafts, under said illegal employment and conspiracy.

That said so-called Set Erectors Local 468 has never been recognized by the National Labor Relations Board as a bargaining agent, nor as having any legal status for carpenters' work.

That said major motion-picture companies, and each of them, well knew that said "permit system" was illegal, and in violation of the laws and rules of said American Federation of Labor. That said Walsh had previously made a report to the 1944 international convention of said IATSE at St. Louis, at page 159, that such permit systems were illegal, as follows:

"President Walsh reported to the Board that the permit system practiced by this local had been abolished by the local accepting into membership all such men. Hereafter, all men performing work under the jurisdiction of this local union will be members of the Alliance.

"The so-called 'permit system' is contrary to laws and principles of the Alliance and as such cannot be countenanced in any guise and the Board unequivocally took the position that if there were any other localities where it was being practiced it must be eradicated."

#### THE CLARIFICATION

That following increasing aggressions by the IATSE in conspiracy with said major motion picture companies, and producers association, and to bring an end to the strife and confusion brought by them, said three-man committee issued a clarification of its December 26, 1945, decision, as follows:

"Jurisdiction over the erection of sets on stages was awarded to the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada under the provisions set forth in section 8 of the decision which specifically excluded trim and mill work on said sets and stages. The word "erection" is construed to mean assemblage of such sets on stages or locations. It is to be clearly understood that the committee recognizes the jurisdiction over construction work on such sets as coming within the purview of the United Brotherhood of Carpenters and Joiners jurisdiction.

"Sections 2 to 5 inclusive recognized the rightful jurisdiction of the United Brotherhood of Carpenters and Joiners of America on all mill work and carpenter work in connection with studios, all work in carpenter shops, all permanent construction and all construction work on exterior sets."

That a copy of said clarification is hereto attached as exhibit I, and made a part hereof.



That said clarification was intended to, and did, express the true December 26, 1945, decision of said three-man committee. That under said decision, as originally intended, and as so clarified, historic carpenters' work claimed by the so-called set erectors in violation of said contracts, was awarded to the carpenters, to whom it had always belonged, under and since said exhibit A basic contract between the unions, dated July 9, 1921.

That thereafter, on April 21, 1947, said executive council of the American Federation of Labor further reiterated the distinction between the jurisdiction of the IATSE and the said carpenters union in work on stage sets, by the following resolution:

"Jurisdiction over the assembling of sets on stages was awarded to the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada.

"Jurisdiction over the construction of sets was awarded to the United Brotherhood of Carpenters and Joiners of America."

That said Walsh and IATSE were given due notice of this resolution by a letter from William Green, president of the American Federation of Labor, dated April 28, 1947, a copy of which is hereto attached as exhibit J, and made a part hereof.

#### IATSE REPUDIATION OF CLARIFICATION

There thereafter, on August 27, 1946, the American Federation of Labor, acting by and through William Green, its president, gave said Walsh and IATSE official notice of said clarification by letter, a copy of which is hereto attached as exhibit L, and made a part hereof, and gave said motion picture companies, and Producers Association, like notice by an equivalent letter to Eric Johnston, president of said Producers Association.

That thereafter, on August 31, 1946, following receipt of said official notification of said clarification, and in pursuit of said conspiracy, said Walsh, acting for himself and the IATSE, wrote a letter to the Producers Association, notifying it and said motion picture companies, of the repudiation of said clarification by him and by the IATSE. That a copy of said letter is hereto attached as exhibit M, and made a part hereof.

#### CONSPIRACY FOR LOCK-OUT SHOWN BY COMPANY LABOR COMMITTEE MINUTES

That following said written repudiation of the clarification the IATSE, acting through said Walsh and Brewer, and said major motion picture companies, and Producers Association, acting through their joint labor committee, proceeded with their conspiracy to deprive all carpenters of all work in the studios, and on the lots and locations, of the major motion picture companies, and of the independent motion picture companies, and of each and all of them, by the means disclosed in the minutes of said major motion picture companies' labor committee, as those minutes are set forth in the transcript of the hearing held in Los Angeles by the special subcommittee of the House Committee on Education and Labor. The following references are to the dates of the minutes and the pages of the congressional committee transcript:

On August 22, 1946, at page 3309, the IATSE gave the following ultimatum to the companies:

"Later: Walsh advises that any company that makes one single change in the administration of the AFL directive in compliance with the new interpretation will have all work stopped in the studios, exchanges, and theaters."

On September 3, 1946, at page 3311, the companies' committee referred said threat to Eric Johnston, president of the Producers Association, in New York, as follows:

"Also wire Eric Johnston still can't understand the directive or its interpretation—is this a directive to compel us to abide or what shall we do. Both carpenters and Walsh have given us opposite instructions. As we are between AFL council must tell us what to do."

On September 11, 1946, at page 3313, the companies' committee considered said threat and demands, called for legal advice, and conferred and collaborated with said Brewer, representing the IATSE, as follows:

"Kahane repeated that we had a choice of two ways to go—and that undoubtedly we still intended going the way we had discussed. No dissent was heard.

"Kahane said we would continue to assign work tomorrow as we did today and let chips fall as they may.

"The lawyers were asked what our rights are as to firing men for refusing to perform work assigned and what should be done or said in the matter. The following was decided upon: If any men refuse to perform services, lay them off and pay for hours worked only. Put on card 'laid off for refusal to perform work assigned.'

"Each studio not represented was notified of above by telephone.

"Kahane answered a phone call and on returning stated 'Brewer says instructions to man the companies means—furnish painters, carpenters, etc.'"

On September 12, 1946, at page 3315, the companies' committee received its instructions from the New York executives and acted accordingly, in pursuance of said conspiracy, as follows:

"(a) A report as of 10:30 a. m. indicated that M-G-M had dismissed 12 carpenters, Fox 2, and Columbia 2. At the meeting RKO reported 20 and Columbia and Fox each 2 additional.

"(b) Mr. Kahane reported the recent conversations with the Presidents and Eric Johnston which contained the following recommendations: 'Lay off carpenters if they refuse to perform the services to which they are assigned.' \* \* \* Work with the IA to get a sufficient number of carpenters, electricians, painters, etc.

"(c) 'Each studio to cooperate with another in helping to keep operating until such time as it is impossible to keep open. Close only after a fight has been made.'

"(d) Kahane states there are two courses to pursue: 1. As the sets become hot and as men are laid off do not cross jurisdictional lines, doing nothing to cause a picket line to be established. Shoot until sets are exhausted and then close down; or 2, attempt to keep open as we did on March 12, 1945—call on IA to do the struck work and do the best we can. This would bring on picket lines and the accompanying strife.

"It is apparently the opinion of the New York executives and Johnston to try the 2d course. If we try this course and call upon IA and they should fail to be able to keep us open then the IA may attempt to get the federation to settle the matter or adjudicate the matter with the carpenters.

"(e) It was agreed by those present to follow the 2d course but to take time to face the issue and not to put on any IA men in place of strikers until after Monday. No one will have to close down a picture on account of no sets before Monday.

"(f) It was decided to call in Brewer to tell him of situation and find out from him if the IA is to furnish men to fill places vacated to keep the studios open. The small producers' labor committee and anyone else who cares to attend will meet with Brewer at 2:30 p. m.

"(g) The producers' labor office will act as a central clearing house to receive daily reports from studios of the number of men laid off—number of companies shooting—and length of time each company can keep going.

"(h) Goldberg asked if he should assign more carpenters to fill the places of the ones just laid off until all carpenters are gone and then ask IA to fill vacancies. He was advised not to make any substitutions till after Monday next week.

"(i) Al Wright submitted the following, copies of which were distributed to each studio representative with instructions to keep in hands of only one and two persons in the studio.

"SEPTEMBER 12, 1946.

"INSTRUCTIONS TO DEPARTMENT HEADS

"(1) Any employee who refuses to perform the work properly assigned to him in accordance with his regular classification of work should be requested to leave the premises.

"(2) In the event that such employee asks whether he is being discharged, he should be told 'no.'

"(3) In the event that any such employee asks whether or not he is being laid off, he should be told that he is not being laid off; he should be told that he is not being laid off but that he is not wanted on the premises as long as he refused to perform his customary duties.

"(4) In the event that any such employee further asks what is his status he should be told that he is requested to leave because of his refusal to perform services requested.

"(5) He should be paid off to time of leaving.

"If any such employee asks to return to his former job he is to be welcomed back. It was agreed each studio would assign work to carpenters by Monday to create an incident.

"(j) Brewer and Cooper joined the meeting.

"Kahane explained the situation which the producers find themselves in, reading the letters recently received from the carpenters, and the producers' reply to the carpenters, signed by Casey. Kahane outlined the two courses the producers could follow and stated our decision depends on what your (Brewer's) position is as to furnishing us with men.

"Brewer replied that they will do everything to keep the studios open—and will supply the necessary help. \* \* \*

On September 16, 1946, at page 3319, the said committee agreed, in pursuance of said conspiracy, to cause the State of California to deny said carpenters their right to unemployment insurance while locked out of the work by the said companies in conspiracy with the IATSE, as follows:

"Unemployment Compensation—Cragin of the Loeb office wanted instructions for the comptrollers as to what position the producers wanted to take on statement to be made to the State unemployment fund. It was agreed to say 'the employee left his work on account of a trade dispute,' and to ask the department to disqualify him for unemployment compensation."

On September 17, 1946, at page 3321, said committee agreed with the IATSE, acting by said Brewer, to force the independent motion picture companies to replace all carpenters with IATSE set erectors, as agreed upon by said major motion picture companies, as follows:

"(a) Set erectors—Brewer wanted to correct an erroneous opinion that independents were not being forced to use erectors. They are \* \* \*.

"(b) IA is prepared to furnish men to cross jurisdictional lines—take the place of strikers and to keep studios going.

"(c) Brewer said to put IA men on sets so carpenters and painters will quit, provided:

"1. IA is advised in advance when and where

"2. Put on enough set erectors and painters in a group for self protection

"3. Keep procedure quiet so CSU can't gang up at one spot."

That on said date, said committee further deliberated in said conspiracy, as follows:

"(d) Mannix thought some one group should meet with the sheriff, district attorney and the chief of police to explain the situation and arrange for necessary protection.

"(e) Discussed the proper method of procedure—how and when to get carpenters and painters to refuse to work—when to replace with IA, etc.

"(f) Wright thinks we should not act in concert. \* \* \*

On September 20, 1946, at page 3326, said committee agreed to avoid any meeting with the carpenters before the lock-out, set for the following Monday, and thereby avoid bargaining with the Carpenters, in accordance with the exhibit D agreement of July 3, 1946, as follows:

"(a) Kahane read a proposed reply prepared by Byron Price to the telegram sent by CSU to Pat Casey, dated September 19, 1946. He thinks we should not meet with them before Sunday as they could then use the argument that the break came on account of wages and not jurisdiction and further we should not offer to negotiate while they refuse to work under their interim agreement."

On September 23, 1946, at page 3329, the committee was advised by counsel that it could not refuse to bargain without being guilty of an unfair labor practice, and that they could not morally or legally assign maintenance men, who had never worked as journeymen, to work on sets, but in said conspiracy with the IATSE, decided to gamble on the advice of another counsel, that the Labor Board "might not assess any back pay".

"(a) Lawyers said we can't refuse to bargain and told of consequences. Carpenters situation may or may not have been an unfair labor practice, \* \* \*

"(b) Maintenance Men—Metro and some other studios have requested maintenance men to work on sets, and upon refusal have dismissed them. Alfred Wright stated the studios cannot morally or legally assign maintenance men who never have worked as journeymen on sets to set work.

"(c) Benjamin expressed belief that even though NLRB might decide producers had engaged in unfair labor practices there was a good chance the Board might not assess any back pay."

On September 24, 1946, at page 3331, the committee and IATSE agreed upon the details of replacing locked out carpenters with IATSE members and designers, as follows:

"(a) Brewer stated he thought it advisable to have clear understanding with the studio representatives as to how his people propose to handle the labor situation in the anticipated forthcoming trouble.

"(b) If a property man does not want to work in the carpenter mill do not force him—the local will try to persuade him to perform. The IA would prefer to supply men from No. 468, however, if you need men for millwork studios are free to call on men from any local.

"All work on stages should be done by No. 468 men or have any other men clear through No. 468."

#### INSTRUCTIONS OF IATSE TO MEMBERS

On September 13, 1946, the IATSE, acting through said Walsh, directed a letter to all IATSE Hollywood locals and members, in anticipation of the lock-out then agreed upon by the IATSE and the major motion-picture companies, and producers association, in which he instructed the IATSE members:

1. That they were not to recognize any rights of the carpenters.
2. That they were not to observe any jurisdiction lines of said carpenters.
3. That they were not to permit the carpenters to infringe upon the asserted jurisdiction of the IATSE to do carpenters' work performed for the motion-picture companies.
4. That defendant Brewer was placed in charge, to direct the operations of the IATSE in taking over the work of the carpenters.

That a copy of said letter is hereto attached as exhibit N, and made a part hereof.

#### FRAUDULENT LOCK-OUT OF ALL CARPENTERS FROM ALL CARPENTERS' WORK TASKS IN VIOLATION OF CONTRACTS

That pursuant to, and in continuance of, said conspiracy of the IATSE, Walsh and Brewer and said major motion-picture companies, each with all of the others, to deprive said carpenters, embracing all members of said Brotherhood of Carpenters, Local 946, of all carpenters' work in the studios, and on the lots and locations, of each and all of said major motion-picture companies, and independent motion-picture companies, and to turn all such carpenters' work over to the IATSE, for its members and permittees, in violation of said contracts, said major motion-picture companies, and each of them, proceeded as follows:

1. That on or about September 23, 1946, said major motion-picture companies, and each of them, created incidents in each and all of their California studios, pursuant to said preconceived plan and conspiracy, as directed by their said New York executives, and obeyed and concurred in by their said labor committee and ranking local officers, whereby:

(a) Said carpenter members of the Brotherhood of Carpenters, Local 946, were assigned to work on "hot" sets, that is, on sets where said defendant companies had previously had carpenter work done by members and permittees of the IATSE to make them "hot" sets for the fraudulent purpose of creating said incidents, knowing said assignments to be in violation of said contracts with the carpenters, and knowing that said carpenters could not work on said "hot" sets without waiver of their said contracts and loss of their right to work thereunder.

(b) Each and all of said carpenters who were assigned to said fraudulently created "hot sets," upon their refusal to work thereon, were immediately required to leave, and locked out of, said studios, lots, and locations, and thereby deprived of all work and employment under said contracts, and collective-bargaining agreements, and that said carpenters are still locked out.

(c) Each and all other carpenters in the employ of said major motion-picture companies in said studios, and on said lots and locations, even though they were not assigned to said "hot" sets, were also immediately required to leave, and locked out of, said studios, lots, and locations, and thereby deprived of all work and employment under said contracts, and collective-bargaining agreements, and that they are still locked out.

2. That said major motion-picture companies, IATSE, Walsh, and Brewer carried out said conspiracy and established, and still maintain, said lock-out.

(a) In willful disregard of the advice of one of the company attorneys, recited in said minutes of September 23, 1946, that "the studios cannot morally or legally assign maintenance men who never have worked as journeymen on sets to set work" (supra 17).

(b) In a willful gamble, after one of its other attorneys had expressed the belief, recited in said minutes of September 23, 1946, that "even though the NLRB might decide producers had engaged in unfair labor practice there was a good chance the Board might not assess any back pay" (supra 17).

(c) In a false and fraudulent representation to the California State Department of Unemployment Insurance that "the employee," meaning each carpenter, "left his work on account of a trade dispute," when in fact he was locked out by them as aforesaid (supra 18). Said companies, each in conspiracy with the others, thereby induced the said State officials to deny carpenters the unemployment insurance to which they were and are entitled.

3. That concurrently with said conspiracy and lock-out, said major motion-picture companies, and producers association, in conspiracy with said IATSE, Walsh, and Brewer, have refused, and still refuse, to bargain with said Brotherhood of Carpenters, or its said local 946, or any of their representatives, as called for in said exhibit D, interim agreement of July 3, 1946, then and now in effect, although said carpenters have at all times been, and now are, ready, willing, and able to bargain.

That said refusal to bargain has been, and is, in willful disregard of the advice given said major motion-picture companies, and producers association, by their attorneys, recited in said minutes of September 20, 1946, that they "can't refuse to bargain" and that the "carpenters situation," created by them, might be "an unfair labor practice" (supra 17).

That said refusal to bargain has also been, and is, in willful contempt of law and order, the public interest, and the rights of said carpenters, upon the said gamble so recited in said minutes of September 23, 1946, "that even though NLRB might decide producers had engaged in an unfair labor practice there was a good chance the Board might not assess any back pay" (supra 17).

4. That said IATSE, Walsh, and Brewer, as parties to said conspiracy between them and each and all of said major motion-picture companies, furnished, and now continue to furnish, IATSE members and permittees to said major motion-picture companies, and each of them, and to each and all of said independent motion-picture companies, under the guise of set erectors, posing as carpenters, and said major motion-picture companies, and each of them, have accepted and employed them, and continue to accept and employ them, and to force and coerce each and all of said independent motion-picture companies to accept and employ them, to replace each and all members of said Brotherhood of Carpenters, Local 946, in any and all carpenter work to which they are entitled under said exhibits A, B, C, D, and E and other contracts and collective bargaining agreements.

#### CONSPIRACY AND UNFAIR LABOR PRACTICES CONTINUE IN DEFIANCE OF LAW

The conspiracy of the IATSE and major motion-picture companies, and producers association, to deprive all carpenters of all carpenter work, in all the studios, and on all the lots and locations, of all the major motion-picture companies, by means of the lock-out upon the fraudulent pretense of a strike, and to force all the independent motion-picture companies to do likewise, and the continuity of the conspiracy and unfair labor practices, to the present time, has been fully shown, and is now referred to, in part, as follows:

1. This conspiracy has its inception in March 1945, when said Walsh and Nicholas Schenck agreed that the IATSE would run the studios on condition that the major motion-picture companies have no contracts whatever with the carpenters (supra, 7), although the companies were then under contract with the carpenters (supra, 5-6).

This conspiracy was announced on April 14, 1945, when said major motion-picture companies and the IATSE proceeded to put it into effect by the publication of the exhibit F letter from said Walsh to all studio employees, fraudulently addressed as "All Former Studio Employees" (supra, 8).

2. This conspiracy was continued and renewed in connection with the three-man committee decision, in part, as follows:

(a) In imposing upon the three-man committee, the purported, but nonexistent, agreement between the carpenters and the IATSE, dated February 5, 1925, and in causing the three-man committee to quote this nonexistent agreement, instead of the true exhibit A agreement of July 9, 1921, to express their actual decision to maintain the historic division of work between the carpenters and the IATSE (supra, 9, 10).

(b) In proceeding immediately thereafter to set up the so-called IATSE Set Erectors Union, Local 468, and to use its members, and permittees, to replace

carpenters then being dismissed from the studios, and lots and locations, of both the major and independent motion-picture companies (supra, 11).

(c) In the use by said purported Set Erectors Union, Local 468, of illegal emergency working cards, issued to permittees, as distinguished from members, to replace carpenters in said carpenters' work (supra, 11, 12).

3. This conspiracy was continued, and renewed in repudiation of the three-man committee clarification of August 16, 1946 (supra, 12), and the A. F. of L. Executive Council interpretation of April 21, 1947 (supra, 13-14).

PRETENSE OF CONTROVERSY OVER SO-CALLED SET ERECTORS USED IN PLOT TO LOCK OUT ALL CARPENTERS

4. This conspiracy was continued, and renewed, in the plot shown by said motion-picture labor committee's minutes, to establish a lock-out of, and to replace all carpenters, a large majority of whom had not worked on sets, with members and designees of the IATSE, in part, as follows:

(a) In calling upon Eric Johnston, president of said producers association, and the New York executives of said major motion-picture companies, for instructions (supra, 14), and in receiving and obeying instructions from them to "lay off carpenters if they refuse to perform the services to which they are assigned," and to "work with the IA to get a sufficient number of carpenters," etc., and for "each studio to cooperate with another," etc. (supra, 14-15).

(b) In calling upon the lawyers for advice upon the companies' rights "as to firing men for refusing to perform work assigned" (supra, 14).

(c) In agreeing with IATSE, represented by said Brewer, for it to replace all carpenters with members and designees of the IATSE (supra, 14).

(d) In the agreement that "each studio would assign work to carpenters by Monday to create an incident" as aforesaid (supra, 15).

(e) In falsely representing to the State unemployment authorities that "the employee (meaning the carpenter so locked out) left his work on account of a trade dispute," with the request that the department "disqualify him for unemployment compensation" (supra, 16).

(f) In the agreement that this plot be enforced upon independent motion picture companies (supra, 16).

(g) In calling upon the sheriff and police authorities (supra, 16).

(h) In the agreement to avoid meeting representatives of the carpenters, and thereby prevent any negotiations upon wages and working conditions, so as to fraudulently create the impression that the carpenters had refused to work under their then, and now, existing exhibit D interim agreement (supra, 17).

(i) In carrying out said conspiracy (supra, 18), in disregard of said contracts, and rights of the carpenters thereunder, in contempt for law and the authorities of Government, and in defiance of the advice of their own counsel (supra, 17).

MAJOR MOTION PICTURE COMPANIES ASSERT OPEN-SHOP AGAINST CARPENTERS AND PLOT WITH IATSE FOR CONTROL OF CARPENTERS' WORK

That said major motion picture companies, and Producers Association, and the IATSE have pursued, and are now pursuing, said conspiracy and unfair labor practices, as follows:

1. Said major motion picture companies, and Producers Association, have continuously refused, and are now refusing, to bargain with the carpenter and other craft employees, covered by said exhibit D interim agreement of July 3, 1946.

2. Said major motion picture companies, and Producers Association, and the IATSE, have pursued, and are now pursuing, their said conspiracy to replace all carpenters and other crafts covered by said exhibit D interim agreement of July 3, 1946, with members, or designees, of the IATSE, in part, as follows:

(a) By maintaining said lock-out.

(b) That on June 26, 1947, said IATSE, acting by and through James L. Noblitt, recording secretary of IATSE Local 80, of Hollywood, known as grips, gave orders to all members of said local that—

"Immediately upon receipt of this letter, you will cease to serve any independent production, or independent studio starting a new picture, without first obtaining permission from this office.

"Any violation of the above will result in serious charges, and you will please adhere to the above order, in compliance with the bylaws of our international, article 1, section 1."

A copy of said letter is hereto attached as exhibit O and made a part hereof.

Complainant is informed and believes, and therefore alleges, that an equivalent letter was written at the same time by the appropriate officer of each and every local union of the IATSE to its members and that said letters were a part of a concerted plan of said IATSE, said major motion picture companies, and said Producers Association, in their conspiracy aforesaid, to require said independent motion picture companies, and each of them, to deprive said carpenters of all employment by said independent motion picture companies under said exhibit E contract and to replace them by designees of said IATSE. That said IATSE has maintained said instructions to and since the effective date of the section on unfair labor practices in the Taft-Hartley Act.

(c) On August 14, 1947, said IATSE filed an application with the NLRB at Los Angeles, in case No. 21-IR-4088, to be certified as the bargaining agent of "carpenters, millwrights, woodworking-machine men," that is, of all carpenter-work tasks. That a copy of the notice issued on August 14, 1947, by the regional director of the NLRB, reciting said application, is hereto attached as exhibit P and made a part hereof.

(d) That on or about August 15, 1947, concurrently with the continuance of said lock-out, and their continued refusal to bargain with said Carpenters Local 946, and in disregard of said exhibit D interim agreement, and other contracts, each of said motion picture companies made and entered into 1-year contract with said IATSE, nominally covering general foremen, set gang bosses, and set erectors, but intended to cover all carpenters' work of said companies. That a copy of said contract is hereto attached as exhibit Q and made a part hereof.

(e) That on or about said August 15, 1947, said major motion picture companies, and producers association, and the IATSE, in pursuit of said conspiracy, forced and required the independent motion picture companies belonging to said Independent Motion Picture Producers Association to enter into a like 1-year contract with the IATSE in substantially the same terms.

(f) That said major motion picture companies, and producers association, and IATSE are likewise requiring each and all other independent motion picture companies to enter into contracts with said IATSE in substantially the same terms and for the same purpose.

(g) That thereafter, on or about August 26, 1947, said major motion picture companies, and producers association, acting through Charles Boren, addressed a letter to Edward M. Gilbert, business representative of Local 1421, Set Designers, etc., also covered by the exhibit D interim agreement of July 3, 1946, refusing to bargain with him, as follows:

"As I told you down at the hearing we would meet you as soon as this congressional investigation was over, but since informing you the IATSE has entered a petition before the National Labor Relations Board seeking representation over the set designers, illustrators, etc., and by their action we are precluded by law in negotiating with your organization until such petition has been disposed of or an appropriate bargaining agent has been determined."

That a copy of said letter appears at page 2833, in the August 27, 1947, transcript of the hearing before said special subcommittee of the House Committee on Education and Labor.

(h) That at said hearing, immediately following the introduction of said letter, and applying to all crafts covered by said exhibit D interim agreement, including said carpenters, the major motion picture companies, and producers association, speaking through their counsel, announced to said congressional committee as appears on page 2834:

"We have an open shop on these men at this time."

It is respectfully submitted that this is a twist of the law in pursuit of conspiracy, that was never intended by Congress, nor authorized by the Labor-Management Relations Act.

#### CONCLUSION

Wherefore, complainant submits the urgency of these charges, and prays the earliest consistent action thereon.

Respectfully submitted,

ZACH LAMAR COBB,  
*Attorney for Complainant.*

## EXHIBIT A

## AGREEMENT

In compliance with the decision of the American Federation of Labor, a conference was called and held July 9, 1921, in the executive council chamber of the American Federation of Labor. The organizations participating in the conference were represented as follows:

The United Brotherhood of Carpenters and Joiners of America: Mr. Frank Duffy and Mr. John Cosgrove.

The International Alliance of Theatrical Stage Employees: Mr. Harry L. Spencer, Mr. William F. Canavan, and Mr. Richard J. Green.

The American Federation of Labor: Mr. Samuel Gompers, Mr. James O'Connell, and Mr. Hugh Frayne.

The entire subject of the differences of jurisdictional claims between the two first-named organizations were thoroughly gone into with a view of reaching an agreement.

It is agreed by the International Alliance of Theatrical Stage Employees that all work done on lots or location and all work done in shops, either bench or machine work, comes under the jurisdiction of the United Brotherhood of Carpenters and Joiners of America.

It is agreed that:

All carpenter work in and around moving-picture studios belongs to the carpenter. This includes:

1. Any and all carpenter work in connection with the moving-picture studios, the construction of stages or platforms on which buildings or parts of buildings are to be erected.

2. All carpenter work in connection with the erection of any building or part of building from which a picture is to be taken.

3. The operation of all wood-working machinery in the making of all furniture, fixtures, trim, etc., for use in motion-picture studios, belongs to the carpenter.

The carpenters lay no claim to what is usually termed or referred to as the "property man," or those employed in placing furniture, laying carpets, hanging draperies, pictures, etc.

It is clearly understood that insofar as section 2 of this part of the agreement is concerned and particularly the right to the setting up and striking of the scenes on the stages after the construction work has been completed, it shall be liberally and cooperatively construed so as to do no injustice to either the United Brotherhood of Carpenters and Joiners of America or the International Alliance of Theatrical Stage Employees.

Any differences arising as to the interpretation of this agreement and particularly of Section 2 hereof, shall be adjusted by the International Presidents of both organizations.

For the United Brotherhood of Carpenters and Joiners of America:

JOHN T. COSGROVE,  
*First General Vice President.*  
FRANK DUFFY,  
*General Secretary.*

For Theatrical Stage Employees:

WM. F. CANAVAN,  
RICHARD GREEN,  
HARRY L. SPENCER.

## EXHIBIT B

## ORIGINAL BASIC STUDIO AGREEMENT

Agreement made this 29th day of November 1926 between such persons, firms, or corporations engaged in the production of motion pictures as may become parties hereto by signing this agreement or a copy hereof (hereinafter called the Producers) and the International Alliance of Theatrical Stage Employees and the International Brotherhood of Painters, Decorators and Paperhangers of America, the United Brotherhood of Carpenters and Joiners of America, the International Brotherhood of Electrical Workers, and the American Federation of Musicians (hereinafter called the Unions).



Witnesseth:

(1) The Unions shall select a committee of five members who shall be presidents of International or National Unions affiliated with the American Federation of Labor (referred to hereinafter as the Internationals' Committee) which shall represent the Unions in questions arising between the Unions and the Producers at the several studios of the latter.

(2) The Producers shall appoint a committee of five members (hereinafter called the Producers' Committee) to meet with the Internationals' Committee at regular intervals and otherwise at the Joint call of the Chairmen.

(3) The Internationals' Committee and the Producers' Committee shall jointly hear or consider all requests or grievances or other questions affecting wages, hours of labor or working conditions in the studios of the Producers which have failed of local adjustment, and any other matters as to which such joint considerations will tend to avoid misunderstandings, or will tend to improve the condition of the industry and of its employees. Any officer representing a Union, or any Producer, shall have the right to be present at a hearing in the subject matter of which the interests of his organization are specially concerned, or to bring before the Committees sitting jointly any question which in his judgment requires consideration or adjustment.

(4) The Internationals' Committee and the Producers' Committee acting jointly may make rules for the local adjustment of requests or grievances, for arbitration of, or hearing of, requests or grievances, before or after they are acted on by the Internationals' Committee and the Producers' Committee, or similar matters of procedure.

(5) Any Union or any Producer may withdraw from this agreement upon duplicate written notice mailed to the Chairman of the Internationals' Committee and also to the Chairman of the Producers' Committee. As to parties hereto not so withdrawing this agreement shall terminate at the expiration of two years from its date unless sooner renewed.

In Witness Whereof the parties hereto have caused these presents to be signed by their duly authorized officers as of the day and year first above written.

International Alliance of Theatrical Stage Employees & Moving Picture Operators of the United States and Canada, by Wm. F. Canavan, President; International Brotherhood of Painters, Decorators and Paperhangers of America, by George F. Hedrick (per Chas. E. Lessing); United Brotherhood of Carpenters and Joiners of America, by John Flynn, General Representative; International Brotherhood of Electrical Workers, by Jas. P. Noonan (per A. W. McIntyre), Representative; American Federation of Musicians, by Jos N. Weber, President. (AFM); Producers Distributing Corporation, by F. C. Munroe, President; Universal Pictures Corp., by R. H. Cochrane, C. P.; Metro-Goldwyn-Mayer, by N. M. Schenck, Vice President; Fox Film Corporation, by W. R. Sheehan, Vice President; First National Pictures, Inc., by S. Spring, Secretary-Treasurer; Famous-Players Lasky Corp., by Elek John Ludvich, Secretary-Treasurer; F. B. O. Studios, Inc., by J. I. Schnitzer, Vice President; Warner Bros. Pictures, Inc., by Albert Warner, Vice President; Educational Film Exchanges, Inc., by E. W. Hammons, President.

#### RULES OF PROCEDURE UNDER MOTION PICTURE AGREEMENT OF NOVEMBER 29, 1926

The following rules are adopted by the Internationals' Committee and the Producers' Committee representing all of the signatories to the above agreement as of the 14th day of December 1926, their purpose being to establish the principle of cooperation and adjustment, it being understood that they are subject to amendments or additions as occasion may arise.

1. The Internationals' Committee may appoint agents, delegates or officers who shall have authority in dealing with the separate management of the Studios of the Producers as may be expressly delegated to them by the Internationals' Committee. The relations of the Unions with the Producers and with the separate managements of their Studios in matters affecting wages, hours or labor or working conditions are to be carried on exclusively through the Internationals' Committee. Except where the organic law of a union does not permit such procedure.

2. The Internationals' Committee and the Producers' Committee shall each select a chairman. Communications to either Committee may be addressed to its chairman.

3. The Internationals' Committee and the Producers' Committee shall each appoint or select a secretary or some other agent designated for the purpose who have an office in Los Angeles. Grievances, requests or other matters arising out of the agreement which have failed of immediate adjustment at any studio shall be reported by each side to its own secretary or agent, who shall confer with the secretary or agent of the other side. Each secretary or agent shall make an independent inquiry into the facts and report them to the chairman of his committee with his suggestions or recommendations.

4. The chairman jointly may order a hearing on any subject either before or after it has been brought to the attention of the full Committees, to be held at such place and time and by such person or persons representing their Committees as they may decide. Any person affected by the decision of such person or persons shall have the right of appeal to the Committees for their further action.

5. Each Committee may make its own rules as to alternates and other matters affecting its own organization or functions.

6. Additions to or amendments of the rules may be made from time to time by the joint action of a majority of each Committee by vote or agreement in writing. Any of the foregoing rules or any rule hereafter adopted may be cancelled and thereby made of no further effect by vote or, written agreement of, a majority of either Committee, notice of the same being given in writing to the Chairman of the other Committee.

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EXHIBIT C

NOTICE—UNION AGREEMENTS

A meeting was held in New York December 8 between representatives of the Unions signatory and the Producers signatory to the Basic Agreement at which the following agreements were reached:

\* \* \* \* \*

5. At the meeting in New York December 8, 1935, between the representatives of the Unions signatory and the Producers signatory to the Basic agreement, it was decided that all employees working under the jurisdiction of the following International Unions would work under closed shop conditions:

American Federation of Musicians.

International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada.

International Brotherhood of Electricians.

United Brotherhood of Carpenters and Joiners of America.

United Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America.

Therefore, effective January 2, 1936, every employee in a studio working under the jurisdiction of these above International Unions shall have to carry a card in his respective Union.

PAT CASEY,  
*Chairman, Producers' Committee.*

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EXHIBIT D

PRODUCERS COMMITTEE

*Pat Casey, Chairman*

JULY 2, 1946.

MR. HERBERT K. SORRELL,

*President, Conference of Studio Unions,*

*4157 West Fifth Street, Los Angeles 5, Calif.*

MY DEAR HERB: Pending the completion of contracts between the individual unions, members of the CSU, and the major studios, these minutes (copy attached herewith) shall constitute an Interim Agreement.

Sincerely yours,

(Signed) Pat Casey,  
PAT CASEY, *Chairman*  
*Producers Committee.*

Enclosure.

MINUTES OF MEETING OF PRODUCERS LABOR COMMITTEE AND ATTORNEYS AND REPRESENTATIVES OF THE CSU, CENTRAL LABOR COUNCIL, IATSE, BASIC GROUP, AND PLUMBERS HELD IN BEVERLY HILLS ON TUESDAY, JULY 2, 1946, AT 2:45 P. M., COVERING AGREEMENTS REACHED AND EFFECTIVE PENDING THE FORMAL SIGNING OF CONTRACTS

CSU is representing: Painters, carpenters, machinists, electricians, plumbers, sheetmetal workers, janitors, analysts, publicists, officers and guards, set designers (No. 1421), cartoonists.

All of the above to get a 25 percent increase on base and negotiate some inequities in a few crafts.

All retroactive payments from expiration of previous contracts, most of which are January 1, 1946, except for new conditions such as night premiums at 6 p. m., etc., will become effective on July 15, 1946. Retro payments to be made within 30 days if possible. An interim agreement will be entered into pending drawing up formal agreements.

The 25 percent increases are on minimum wage scales and not on overscale.

This deal is predicated on the recently concluded deal with the independents and not on any new or changed deals which might be made later with them.

#### *Arbitration*

CSU as a body consisting of several locals will pledge itself to an arbitration procedure. If any of its members who subscribe to this plan fails to accept and to be guided by any arbitration award, he will not receive the support of the CSU in its position.

This applies to studio jurisdiction only and between locals.

Local No. 946 agrees to bind itself to the CSU arbitration agreement and will find out if it can secure permission from its international to sign such an agreement as a local. All contracts will contain this arbitration clause—verbatim in each contract.

Any dispute other than wages should be submitted to arbitration. Skelton and Brewer will get together and make an agreement covering arbitration. Basis of arbitration will be the AFL-three man directive.

Any machinery set up for arbitration will not require the electricians to withdraw their court action already started.

It was agreed to let each studio interpret the directive and award the work where in its judgment it belongs under the directive and no work stoppage will be ordered for next 30 days or until the arbitration machinery is set up.

#### *Plant protection*

Camp's dispute with Helm is a private matter. Not to be discussed here.

#### *Analysts*

Get an increase of 25 percent on the base rate during the interim period starting July 15, 1946. Understood there will be some adjustment of inequities, negotiations during the next 30 days.

#### *Machinists*

Both sides agree to let machinists enjoy the 25 percent increase pending the NLRB decision. We are free to engage machinists as individuals—not through either union, until the NLRB decision is made.

#### *Publicists*

Both sides agree to let the publicists enjoy the 25 percent increase pending the NLRB decision. Inequities to be presented in the 30-day period.

#### *Officers and guards*

Independent contract provides for \$1.25 per hour for 12 months, escalating to \$1.50 after 12 months. Night rates to be as negotiated with producers.

#### *Janitors*

No rates were established for the independents on certain classifications now in the majors' contractors, such as window washers, floor waxers, etc. These will be adjusted relatively.

#### *Cartoonists*

We will negotiate with cartoonists with 25 percent floor and inequities will be negotiated.

*Set designers*

Chadwick agreed not to hire anyone below the rates now being paid. Majors agree to an increase of 25 percent on current contract rates and to negotiate any inequities in the next 30 days.

*Workweek*

Thirty-six cumulative hour week,  $1\frac{1}{2}$  after 6 hours, minimum call 6 hours, first week of employment. Applies only to off-production employees. If we find this is a hardship we can come back and see if we can solve the matter in some other way.

Contract for 2 years. If living costs go up 5 percent or more between July 1 and December 31, 1946, unions may demand renegotiation of wages only.

Bureau of Labor Statistics for local area to be the authority.

All crafts going back to work Wednesday a. m. July 3, 1946, without discrimination.

(Signed) PAT CASEY.

(Signed) HERB SORRELL.

## WAGE SCALES, HOURS OF EMPLOYMENT, AND WORKING CONDITIONS

## 1. Studio minimum-wage scale:

A. *United Brotherhood of Carpenters and Joiners of America, Studio Local 946*

No. classification	Studio rates	
	Schedule A <sup>1</sup> —Daily, 6 hours; $1\frac{1}{2}$ after 6; minimum call <sup>2</sup> 6 hours	Schedule C <sup>1</sup> —Weekly "on call"
For those employees associated with organizations of or performing the duties of journeymen, carpenters, woodworking machine men, and wood turners:	<i>Per hour</i>	<i>Per week</i>
A-1 construction and/or maintenance foreman .....	\$2.68 $\frac{1}{2}$	\$165.25
A-2 construction and/or maintenance gang boss .....	2.56	-----
A-3 journeymen and/or maintenance carpenter .....	2.25	-----
A-4 apprentice carpenter—first year .....	1.49	-----
A-5 apprentice carpenter—second year .....	1.57	-----
A-6 apprentice carpenter—third year .....	1.75	-----
A-7 apprentice carpenter—fourth year .....	2.01	-----
A-8 stand-by or keyman .....	2.25	-----

<sup>1</sup> Schedule A off-production employees are guaranteed a minimum employment of 36 hours within 6 consecutive days (excluding Sundays and holidays) starting with the day of employment. After this minimum guarantee of hours has been fulfilled, employment may be continued on a daily basis until termination. Subsequent employment is subject to another minimum guarantee of 36 hours as above. Overtime hours (including Sundays, holidays, and golden hours) may be included in fulfilling the minimum guarantee of employment.

<sup>2</sup> Minimum call for A-1 and A-2 shall be  $6\frac{1}{2}$  hours for overlapping shifts.

## 2. Night rates (except for "on call" employees)—

(a) Employees called to work between 6 a. m. and 8 p. m. shall receive a 10 percent premium for all time worked between 6 p. m. and 6 a. m.

(b) Employees called to work between 8 p. m. and 4 a. m. shall receive a 50 percent premium for all time worked.

(c) Employees called to work between 4 a. m. and 6 a. m. shall receive a 50 percent premium for all time worked until 6 a. m., and straight time for the remainder of the minimum call.

## 3. Studio wage scales shall prevail on all locations.

4. Present working conditions unless modified herein, to remain in effect. (Distant location working conditions to be negotiated.)

5. New wage rates and guarantees of employment to be established effective July 15, 1946.

6. Retroactive pay based on new wage rates to be computed and paid from January 1, 1946. (New guarantees of employment, and new night rates are not retroactive.)

## EXHIBIT E

LOS ANGELES, CALIF., *June 29, 1946.*

The following Interim Agreement between Studio Carpenters Local 946; Moving Picture Painters Local 644; International Brotherhood of Electrical Workers Local 40; Building Service Employees Local 278; Building Service Employees Local 193; and Screen Set Designers, Illustrators, and Decorators Local 1421; and Independent Motion Picture Producers Association, has been entered into for a period beginning January 1, 1946, and ending with the signing of an agreement with the major motion picture producing companies in Los Angeles County, at which time this agreement shall terminate and the terms of the agreement between the major motion picture producing companies and the above unions shall be immediately put in effect.

1. The present duly appointed shop stewards in each of the studios controlled by the Independent Motion Picture Producers Association shall be the last working man laid off, and shall not be discriminated against because of union activity, and shall in no case be laid off without consultation with the Business Representative of the union involved. If no satisfactory settlement is arrived at the matter shall be submitted to arbitration.

2. (a) All employees who perform work after 6 p. m. shall receive a ten percent (10%) hourly premium.

(b) All employees called to work at 8 p. m. or later shall be considered as performing work on the fourth graveyard shift and shall receive straight time, plus a half-time bonus.

(c) All employees called to start work at 4 a. m. or later shall receive a half-time bonus until 6 a. m., and straight time for the remainder of their minimum call.

3. The studio wage scale shall prevail at all locations.

4. All the provisions of the contracts between the Independent Motion Picture Producers Association and the above listed unions covering work from January 1st, 1944 to December 31st, 1945, which are not inconsistent with this interim agreement shall remain in full force and effect.

5. All retroactive pay shall be computed at the rate herein prescribed, except that any person who worked forty-eight (48) hours or more in any one week shall receive for the first forty-eight (48) hours retroactive pay for actual hours worked, and for all hours in excess of forty-eight (48) hours payment shall be at the rates herein prescribed. No further obligation shall be put on the Independent Motion Picture Producers Association for any retroactive pay whatsoever as a result of a higher increase received from the major studios. Retroactive shall be paid within thirty (30) days of the signing of the interim agreement.

6. It is agreed between the parties hereto that a thirty-six (36) hour minimum call shall prevail, but the same shall not be applied retroactively.

7. Minimum call for Carpenters, Painters and IBEW #40 men to be one week, except stand-bys, scenic artists and sign painters, and casuals for small companies while not working at P-R-C or Monogram.

8. It is agreed by the parties to this Interim Agreement that if the Independent Motion Picture Producers Association grants to any craft unaffiliated with the Conference of Studio Unions wage increases in excess of those provided by this Interim Agreement, the Conference unions shall be given an additional increase sufficient to equal the increase or increases given to such other craft unions.

9. The Independent Motion Picture Producers Association agrees to comply with the vacation provisions of the 1944 contract with the major producers. Where a member of the Independent Motion Picture Producers Association operates no physical property but hires members of the above mentioned crafts on his own pay roll, such employees shall receive their vacation allowance concurrently with his regular pay and at a rate equal to four (4%) percent of his regular pay.

10. The wage scale provided herein shall go in effect July 8, 1946.

11. The pay increases provided for by the agreement shall be retroactive to January 1, 1946.

Following are sheets showing the wage scale that shall prevail:

*	*	*	*	*	*	*
(A) Carpenters, per week for 36-hour week-----						\$81. 00
(B) Carpenter gang boss (including a half-hour pick-up)-----						103. 78
(C) Foremen-----						108. 54
(D) Stand-by on production shall be guaranteed \$20.25 for an eight hour call.						
(E) Flat salaried foremen minimum-----						165. 25
(F) Apprentices pay to be raised in proportion to journeymen.						

WAGE SCALE, HOURS OF EMPLOYMENT, AND WORKING CONDITIONS

1. Studio minimum wage scale:

A. *United Brotherhood of Carpenters and Joiners of America, Studio Local No. 946*

	Schedule A— Per day 6 hours 1½ after 6	Studio rates	
		Schedule B— Weekly guar- antee 36 hours, foreman and gang boss one-half hour, pick-up each day	Schedule C— Weekly “on call”
A-1 Construction and/or maintenance foreman-----	2. 68	108. 54	165 25
A-2 Construction and/or maintenance gang boss-----	2. 56	103. 78	-----
A-3 Journeyman and/or maintenance carpenter-----	2. 25	81. 00	-----
A-4 Apprentice carpenter, first year-----	1. 49	53. 64	-----
A-5 Apprentice carpenter, second year-----	1. 57	56. 70	-----
A-6 Apprentice carpenter, third year-----	1. 75	63. 00	-----
A-7 Apprentice carpenter, fourth year-----	2. 01	72. 36	-----
A-8 Standby or keyman-----	2. 25	81. 00	-----

(Signed:)

Independent Motion Picture Producers Association, by I. E. Chadwick, president; Studio Carpenters Local 946, by J. N. Skelton; Moving Picture Painters Local 644, by E. C. Head; International Brotherhood of Electric Workers, Local 40, by Roy Tindall; Building Service Employees Local 278, by John J. Lyons; Building Service Employees Local 193, by Tod Camp, secretary-treasurer, business agent; Screen Set Designers, Illustrators and Decorators Local 1421, by E. M. Gilbert; Conference of Studio Unions, by Herbert K. Sorrell.

EXHIBIT F

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS OF THE UNITED STATES AND CANADA

INTERNATIONAL BUILDING, 630 FIFTH AVENUE, NEW YORK 20, N. Y.

Affiliated with the American Federation of Labor

HOLLYWOOD-ROOSEVELT HOTEL,  
Hollywood 28, California, April 14, 1945.

To All Former Studio Employees:

Because of the confusion which has existed with respect to the current controversy in the motion-picture studios, I am writing you this personal letter to give you the position and viewpoint of the International Alliance. I realize that you, as a member of one of the striking unions, have received a one-sided and biased story. Therefore, I want to give you this brief outline of the other side.

First of all I want you to know that the International Alliance has reached an agreement with the producers association by which the IATSE will supply all labor to the studios, not only in our crafts which were recognized before the strike, but also in those classifications which have been vacated by the striking

unions. The IA assumed this responsibility only after we were certain that it was impossible to reach an honorable settlement with those persons who are conducting this strike against the IATSE.

This strike was called, presumably, because of a controversy over set dressers, the total number of which is 77, but of which number only 52 worked for the major producers. A great deal has been said to convey the impression that the controversy arose because of an arbitrary position by the IATSE, but a complete review of the case will show beyond contradiction that had the painters union observed the proper governmental and trade-union procedure for handling such matters, the controversy would never have arisen.

Briefly, let me say that in January of 1944, the IATSE had made a claim for the right to represent the set dressers because a substantial number of them had always belonged to the IA. In denying the request of the IA for recognition as the bargaining agency for these men, the producers promised the IA that neither it nor any other union would be recognized as the bargaining agency until such union had been certified by the National Labor Relations Board.

In October of 1944 the painters union presented its case to the National Labor Relations Board so that it might be certified, but withdrew when the IA was allowed an opportunity to present its position in the matter. As everyone knows, a strike was called in an effort to force the producers to recognize the painters as the bargaining agency, irrespective of the rights of the IATSE under the National Labor Relations Act. Since that time the painters union has made a series of threats which have apparently influenced some governmental agencies, but all of which have been for the purpose of keeping the dispute from the proper governmental tribunal, the National Labor Relations Board. Finally, these threats culminated in the actual strike which took place on March 12, more than a month ago.

There was no more justification for the March 12 strike than there was for the October 5 strike, but now we all recognize that the set dressers' dispute was only the excuse for the March 12 strike and not the real reason for it. The real reason was the demand on the part of the carpenters and other crafts for the jurisdiction which the IA unions have enjoyed, and they apparently feel that with the war shortage of manpower, this was their opportunity to take it by force. The IA has responded in the only way that it could respond, by preventing these unions from shutting down the studios. For 3 weeks every possible effort was made by the IATSE to bring about an honorable settlement of this dispute. At the end of that time it was very evident to everyone that there was no basis for an honorable settlement; that the only adjustment that could be arrived at was a settlement which would destroy the jurisdiction which the IATSE has fought for and enjoyed for many years. The decision was therefore made that the IA would not surrender, but that it would defend itself with all the power at its command.

On Tuesday night of this week a carpenter's local was chartered and is now known as local No. 787 of the IATSE. On Thursday night, the Motion Picture Studio Painters, Local No. 788 of the IATSE was chartered. In addition to these locals, there will be a local charter for machinists, and if necessary for other crafts. We are proceeding in accordance with our agreement with the producers to man the studios.

If you as a former employee of the studios want to come back we are anxious to have you do so and we shall make it as easy as possible for you. To this end, I want to inform you that those men who came back at once will be taken into these newly established unions without the payment of any initiation fee. You will be given membership in an autonomous local union of the IATSE, which will elect its own officers, negotiate its own agreements, and otherwise conduct its own affairs as a local union, in accordance with the constitution and bylaws of the IATSE.

I hope that you will decide to come back to work in the studios, but if you do not we will have to bring in the men necessary to man these studios. They must and will be kept rolling—for the protection of the thousands of our members and their families whose livelihood depends upon the moving-picture industry.

I recognize the difficulty which you as an individual workman must face in making this decision, but in making it we ask you—do not be deceived by the men who led you out on this strike and have since made promise after promise all of which have been successively broken.

As the International President of the IATSE I assure you that having assumed this jurisdiction, we will stake the entire strength of the International Alliance on our efforts to retain it. We believe—we know—we will be successful. In

the light of this we hope that you will decide to come back and, as a member of the IATSE, assume your former position in the studios before we find it necessary to bring outside men to fill the jobs.

Yours very truly,

(Signed) RICHARD F. WALSH,  
*International President.*

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EXHIBIT G

AGREEMENT

It is mutually agreed between Motion Picture Studio Grips' Local 80, of the IATSE, and Motion Picture Studio Carpenters' Local 946, of the United Brotherhood of Carpenters and Joiners of America, as follows:

That Motion Picture Studio Carpenters' Local 946, shall have jurisdiction over:

1. All temporary and permanent building construction work and the maintenance of same. This shall not cover any building done for the purpose of photographing.

2. The installing and handling of all hardwood and glass.

3. The complete building, erection, reerection and remodeling of all sets, streets, parts of sets and retakes, including sufficient platforms for shooting same, but not including platforms used exclusively for the camera, lighting equipment, and dolly tracks. Sets used for process or trick photography shall be considered the same as any other set.

4. The building and manufacturing of all grip equipment which is made of wood or wood substitutes.

5. All wood crating for shipping or storing.

6. The operation of all woodworking machinery.

7. The construction and remodeling of all cut-outs and the erection of same, with the exception of fold and hold cut-outs.

8. Heavy construction on all wooden diffusing frames..

9. The building or erection and dismantling of all scaffolds for construction, with the exception of tubular steel scaffolding.

10. Remodeling of all sets while shooting on studios or on location.

11. The underpinning and construction of all platforms with the exception of those used exclusively for camera, light and dolly track platforms.

That Motion Picture Studio Grips' Local 80 shall have jurisdiction over:

1. The handling of all sets and units from the mill to the stage, from stage to stage, from stage to scene dock, from scene dock to mill, and from scene dock to stage.

2. The handling and maintenance of all grip equipment.

3. The erection and handling of all fold and hold cut-outs.

4. The construction, maintenance and handling of all diffusing frames, with the exception of heavy construction on wooden frames.

5. The building, erection and dismantling of all tubular steel scaffolding. This is not to include underpinning.

6. The construction of all platforms, including underpinning, for use exclusively by camera, lighting equipment and for supporting dolly tracks.

The agreement reflected in the setting forth of the above jurisdictional points is not intended by either party to reflect the full jurisdiction of these locals in the studios, but does reflect the agreement which has been reached between the representatives of Local 946 of the United Brotherhood of Carpenters and Joiners of America, and Motion Picture Studio Grips' Local 80, of the IATSE, on the jurisdictional points which were at issue between these two local unions.

It is further recognized that some of the jurisdictional points to which Local 80 has agreed are at issue between the Carpenters' Local 946 and other local unions of the IATSE local with the exception of Grips' Local 80.

Dated this 13th day of November, 1945.

Motion Picture Studio Carpenters' Local 946, of the United Brotherhood of Carpenters and Joiners of America (signed) James N. Skelton, Eric E. Hokanson, Maurice R. Nelson, Roy V. Lockridge; Motion Picture Studio Grips' Local 80 of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of United States and Canada (signed) W. C. Barrett, Wm. Holbrook.



## EXHIBIT H

CHICAGO, ILLINOIS, *December 26, 1945.*

In conformity with the Executive Council directive handed down during the Cincinnati meeting, October 15-24, 1945, the special committee arrived in Hollywood, California, early in December. The directive carried specific instructions, reading:

"International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada—Brotherhood of Painters, Decorators and Paperhangers of America—United Brotherhood of Carpenters and Joiners of America, et cetera. Hollywood studio union strike and jurisdiction controversy:

"1. The council directs that the Hollywood strike be terminated immediately.

"2. That all employees return to work immediately.

"3. That for a period of thirty days the International Unions affected make every attempt to settle the jurisdictional questions involved in the dispute.

"4. That after the expiration of thirty days a committee of three members of the Executive Council of the American Federation of Labor shall investigate and determine within thirty days all jurisdictional questions still involved.

"5. That all parties concerned, the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, the United Brotherhood of Carpenters and Joiners of America, the International Association of Machinists, the United Association of Plumbers and Steam Fitters of the United States and Canada, the Brotherhood of Painters, Decorators and Paperhangers of America, the International Brotherhood of Electrical Workers of America, and the Building Service Employees' International Union, accept as final and binding such decisions and determinations as the Executive Council committee of three may finally render."

All parties agreed to accept the decision of the committee and to be bound thereby. Through committee arrangements made prior to arrival all organizations involved in the dispute participated in the initial meeting held Monday, December 3, 1945. A definite method of procedure was agreed upon and there was unanimity of opinion on the plan established.

Exhaustive hearings were conducted by the committee and a complete transcript, together with various exhibits were included in the record. Representatives of the Unions involved adhered to the following schedule:

Tuesday morning, December 4, 1945—Brotherhood of Painters, Decorators and Paperhangers of America.

Tuesday afternoon, December 4, 1945—International Brotherhood of Electrical Workers of America.

Wednesday morning, December 5, 1945—United Association of Plumbers and Steam Fitters of the United States and Canada.

Wednesday afternoon, December 5, 1945—Building Service Employees' International Union.

Thursday morning, December 6, 1945—International Association of Machinists.

Thursday afternoon, December 6, 1945—United Brotherhood of Carpenters and Joiners of America.

Friday, December 7 and Saturday afternoon, December 8, 1945—International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada.

On Saturday morning, December 8, the committee, along with one representative of each International Union listed in the Executive Council directive, visited the Paramount Studios in Hollywood. The committee investigated and inspected all phases of the work jurisdiction in dispute through questioning the participants and reviewing completed work and items in the process of development.

The investigation revealed that a large portion of the work has been in dispute over a long period of years. Records supplied from the files of the American Federation of Labor, including numerous agreements previously entered into, were made the subject of committee examination and study.

A number of International Unions not included in the Executive Council's directive requested permission to set forth their jurisdictional claims in the Motion Picture Industry. All such requests were denied and only those Unions listed in the original directive were included in the committee explorations and findings.

An analysis disclosed that three possible methods of solution could be utilized, i. e.—

(a) Strict adherence to craft or vertical lines of demarcation in the motion picture studios.

(b) Establishment of an industrial or horizontal union throughout the industry.

(c) A division of work designations within the industry patterned after previous agreements, negotiated mutually by the various crafts.

After careful and thorough study the committee unanimously agreed that the latter plan is unquestionably the best method of approach. It is the committee's considered opinion that such procedure affords the only plausible solution to a most difficult and complex problem.

Accordingly, this decision is based on that premise and the below listed conclusions are final and binding on all parties concerned:

#### FINDINGS

\* \* \* \* \*

#### 6. United Brotherhood of Carpenters and Joiners of America:

The committee rules that the division of work agreement entered into between the United Brotherhood of Carpenters and Joiners of America and the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada on February 5, 1925, and known as the 1926 Agreement be placed in full force and effect immediately.

Division of work by the United Brotherhood of Carpenters and Joiners of America:

Section 1. All trim and mill work on sets and stages.

Section 2. All mill work and carpenter work in connection with studios.

Section 3. All work in carpenter shops.

Section 4. All permanent construction.

Section 5. All construction work on exterior sets.

Division of work by the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada:

Section 6. Miniature sets.

Section 7. Property building.

Section 8. Erection of sets on stages except as provided in Section 1.

Section 9. Wrecking all sets, exterior and interior.

Section 10. Erecting platforms for lamp operators and camera men on stages.

This decision is applicable to the Motion Picture Industry and none other, and is not to be construed as interfering with or disrupting any jurisdiction otherwise granted the United Brotherhood of Carpenters and Joiners of America by the American Federation of Labor.

\* \* \* \* \*

(Signed) FELIX H. KNIGHT, *Chairman*,  
W. C. BIRTHRIGHT,  
W. C. DOHERTY,

*Executive Council Committee of the American Federation of Labor.*

#### EXHIBIT I

CHICAGO, ILLINOIS,

August 16, 1946.

Pursuant to instructions handed down by the Executive Council at its session held on August 15, 1946, the Hollywood Jurisdictional Committee reviewed the work division applicable to the United Brotherhood of Carpenters and Joiners of America as set forth in the Committee's decision dated December 26, 1945, and reaffirmed its previous decision.

The Committee took cognizance of the allegations contained in a report submitted to President Green by Organizer Daniel V. Flanagan under date of August 9, 1946. According to a brief embodied therein Studio Carpenters Local 946, U. B. of C & J. of A., alleges that certain violations have taken place whereby the carpenters jurisdiction set forth in the directive has been encroached upon.

Jurisdiction over the erection of sets on stages was awarded to the International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada under the provisions set forth in Section 8 of the

decision which specifically excluded trim and mill work on said sets and stages. The word "erection" is construed to mean assemblage of such sets on stages or locations. It is to be clearly understood that the Committee recognizes the jurisdiction over construction work on such sets as coming within the purview of the United Brotherhood of Carpenters and Joiners' jurisdiction.

Sections 2 to 5, inclusive, recognized the rightful jurisdiction of the United Brotherhood of Carpenters and Joiners of America on all mill work and carpenter work in connection with studios, all work in carpenter shops, all permanent construction, and all construction work on exterior sets.

In view of the alleged violations, the Committee hereby directs that all participants in the Hollywood Motion Picture Studio dispute strictly adhere to the provisions of the directive handed down on December 26, 1945.

(Signed) FELIX KNIGHT,  
W. C. BIRTHRIGHT,  
W. C. DOHERTY.

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EXHIBIT J

APRIL 28, 1947.

Mr. RICHARD F. WALSH,

*President, International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, 630 Fifth Avenue, New York 20, New York.*

DEAR SIR AND BROTHER: The Executive Council at its meeting held here in Washington beginning April 21st, gave special consideration to reports that a large degree of confusion and uncertainty had arisen in the minds of many directly interested in the Hollywood jurisdictional dispute, as to the scope and meaning of the clarification made by Vice Presidents Knight, Birthright, and Doherty of their previous decision in the dispute, which I sent you under date of August 27, 1946.

I am therefore submitting to you the Executive Council's clear, definite, and simple interpretation of the clarification referred to. The interpretation is as follows:

Jurisdiction over the assembling of sets on stages was awarded to the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada.

Jurisdiction over the construction of sets was awarded to the United Brotherhood of Carpenters and Joiners of America.

By direction of the Executive Council I am calling upon all organizations interested and affected to comply with this interpretation of the clarification of the decision rendered by Vice Presidents Knight, Birthright, and Doherty.

This communication is sent you by direction of the Executive Council of the American Federation of Labor.

Fraternally yours,

(Signed by William Green)  
*President, American Federation of Labor.*

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EXHIBIT K

EMERGENCY WORKING CARD

Division of Set Erection

IATSE Local 468

11-18-1946.

Issued to E. SNOW

Under Conditions Set Forth On Back Of This Card

Not Transferable

Revocable for Cause

[Union Label]

This card issued for work under the Jurisdiction of Local 468 of the IATSE and MPMO of U. S. and Canada. The undersigned in accepting this Emergency

Working Card authorizes, designates, and chooses the said Labor Organization to negotiate, bargain collectively, present, and discuss grievances with the above employer as his representative and sole, executive collective, bargaining agency in all respects. The undersigned agrees to abide by the Constitution and By-Laws, decisions, rules, regulations, and working conditions of Local 468 of the IATSE and MPMO of U. S. and Canada. The undersigned will surrender this Emergency Working Card and the position held thereunder upon demand of Local 468. It is recognized that the issuance and acceptance of this Emergency Working Card does not entitle the undersigned to membership in Local 468 or to any rights against or within said Union.

(Agreed to) ELZYN SNOW.

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EXHIBIT L

AMERICAN FEDERATION OF LABOR

[Letterhead]

WASHINGTON, D. C.,  
August 27, 1946.

Mr. RICHARD F. WALSH, *President,*  
*International Alliance of Theatrical Stage Employces & Moving Picture  
Machine Operators of U. S. and Canada, 630 Fifth Avenue, New York 20,  
N. Y.*

DEAR SIR and BROTHER: I enclose copy of a statement of clarification prepared by Vice Presidents Knight, Birthright, and Doherty of the American Federation of Labor, who rendered a decision in the jurisdictional disputes in the motion-picture studios at Hollywood, California, dated December 26, 1945.

Said statement is self-explanatory and is transmitted to you as a matter of information. It is sent you by direction of the Executive Council of the American Federation of Labor.

Fraternally yours,

(Signed) WM. GREEN,  
*President, American Federation of Labor.*

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EXHIBIT M

AUGUST 31, 1946.

ASSOCIATION OF MOTION PICTURE PRODUCERS, INC.,  
*550 1/2 Hollywood Boulevard, Hollywood 28, California.*

GENTLEMEN: I have received from President Green of the American Federation of Labor a communication inclosing a copy of a statement described as "clarification" of the decision in the Hollywood jurisdictional dispute, made by Vice Presidents Knight, Birthright and, Doherty dated December 26, 1945.

It is the contention of this International Union that this so called "clarification" was issued without authority and in violation of the Cincinnati Agreement to which this International Alliance, yourselves, and the other International Unions involved were all parties. The Cincinnati Agreement in making provision for the creation of the three man committee, specifically provided that the parties thereto accept the Committee's decision as final and binding.

If the Committee's decision as originally rendered is not fully complied with by you this International Alliance will take such action as may be necessary to protect its interests.

Yours very truly,

(Signed) RICHARD F. WALSH,  
*International President.*

## EXHIBIT N

[IATSE seal]

[IATSE seal]

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYES AND MOVING PICTURE  
MACHINE OPERATORS OF THE UNITED STATES AND CANADA

INTERNATIONAL BUILDING, 630 FIFTH AVE., NEW YORK 20, N. Y.

Affiliated with the American Federation of Labor

Telephones: Circle 5-(4370) (4371) (4372)

*New York 20, N. Y., September 13, 1946.**To all Hollywood Studio Local Unions of the IATSE and the members thereof:*

I have been informed that certain Unions not affiliated with the IATSE may establish stoppages, strikes, boycotts, or picket lines at the Hollywood Studios, or some of them.

By virtue of my authority as International President, and pursuant to authorization of the General Executive Board, and in accordance with the mandate of the last Convention of the IATSE, I hereby officially notify you:

1. That such stoppages, strikes, boycotts, and picket lines are in direct opposition to the best interests of the IATSE, its Local Unions, and its membership and are not in any way to be recognized, honored, or supported by you, and you are not in any way to refuse to render service because of them.

2. That until the end of the Hollywood Studio emergency, as determined by the General Office, you are not to observe any trade jurisdictional lines in the Hollywood Studios; except that you are not to deem this an authorization to work in the jurisdiction of any local union whose members are not engaged in any stoppage, strike, boycott, or picketing.

3. That the finished product of these Studios bears the label of the IATSE, and it is my duty to protect that label and that product for the best interests of the IATSE as a whole, its Local Unions, and membership.

4. That no other organization shall be permitted, directly or indirectly, to infringe upon the jurisdiction of the IATSE or its Local Unions in the Hollywood Studios; and that the employment of the members thereof shall not be interfered with or adversely affected.

5. That the source of supply for the amusement industry throughout the United States and Canada shall not be interfered with, and the employment of IATSE members throughout these countries shall not be adversely affected.

6. That International Representative Roy M. Brewer is hereby authorized and directed to carry out the foregoing and to implement the same as in his judgment the circumstances warrant.

(Signed) RICHARD F. WALSH,

*International President, International Alliance Theatrical Stage Em-  
ployes and Moving Picture Machine Operators of the United States  
and Canada.*

## EXHIBIT O

JUNE 26, 1947.

DEAR BROTHER MEMBER: Immediately upon receipt of this letter, you will cease to service any independent production, or independent studio starting a new picture, without first obtaining permission from this office.

Any violation of the above will result in serious charges, and you will please adhere to the above order in compliance with the By-Laws of our International, Article One, Section One.

Cooperatively yours,

/s/ JAMES L. NOBLITT,

*Rec. Secty., IATSE & MPMO., U. S. & Canada, Local #80, Hollywood,  
Calif.*

EXHIBIT P

NATIONAL LABOR RELATIONS BOARD

Twenty-First Region, 111 West Seventh St., Los Angeles, Calif.

Case No. 21-R-4086, No. 21-R-4087, No. 21-R-4088

In the Matter of Columbia Pictures Corporation; Paramount Pictures, Inc.; Warner Bros. Pictures, Inc.; Loew's, Incorporated; Universal Pictures Company, Inc.; R. K. O. Radio Pictures, Inc.; Samuel Goldwyn Productions, Inc.; Republic Productions, Inc.; Hal E. Roach Studio, Inc.; Twentieth Century-Fox Film Corp.; Enterprise Studios and General Service Studios and International Alliance of Theatrical Stage Employes & Moving Picture Machine Operators of the United States and Canada.

NOTICE OF FILING OF PETITION

A Petition for Investigation and Certification of Representatives in this matter has been filed with this office. If your organization or any affiliated union claims an interest in this proceeding, it must submit to the Field Examiner by August 22, 1947, an alphabetical list of the employees in the unit set out below whom the organization asserting an interest claims to represent and must also submit evidence of interest among these employees which may consist of membership records, authorization or designation cards. If no evidence of interest is received from intervening organizations by the prescribed date, we shall assume that any such organization does not desire to be a party to this proceeding.

A conference between all parties of interest is being scheduled promptly. Any organization which has or intends to submit proof of its interest should telephone the Field Examiner to determine the date and time of any schedule meetings.

(Signed) HOWARD LEBARON,  
*Regional Director.*

This case is assigned to Field Examiner D. C. Sargent, telephone TRinity 5071. The unit claimed by Petitioner to be appropriate:  
21R-4086: "Set designers, sketch artists, and illustrators."  
21R-4087: "Painters, sign writers, screen artists (Scenic)."  
21R-4088: "Carpenters, Millwrights, woodworking-machine men."  
Date mailed: August 14, 1947.

EXHIBIT Q

*Effective between August 15, 1947, and August 14, 1948*

WAGE SCALE, HOURS OF EMPLOYMENT, AND WORKING CONDITIONS

I. STUDIO MINIMUM-WAGE SCALE

1. "RR" IATSE & MPMO:

No. classification	Studio minimum rates	
	Schedule A— Daily, 8 hours, 1½ aft 8; Min call, 8 hours	Schedule C— Weekly, "On Call"
RR-1. General foreman .....	<i>Per hour</i> \$2.98	<i>Per week</i> \$183.71
RR-2. Set erector gang boss .....	2.81½	-----
RR-3. Set erector .....	2.50	-----
RR-4. Electrical running repairman .....	-----	-----

2. Classification and Wage Schedule: Each employee shall be notified at the time of his employment under which classification and wage schedule he is employed. He shall also be notified before any change of classification or wage

schedule is effective, and such changes shall not be retroactive. However, employees may be adjusted retroactively when misclassified. The employee's classification and wage schedule shall be shown on his time card.

3. **Work Week:** The work week shall be the established pay-roll week of the Producer, consisting of 7 consecutive calendar days, starting at midnight on Saturday.

4. **No Clause.**

4½. **Fractional Pay-roll Weeks (Applicable to Schedule C Employees):** Guarantee of Employment:

	Week Days (including Holidays not worked)	Sundays & Holidays worked
Schedule C Employees.....	¾ of Schedule C rate per day .....	No extra allowance.

(Replacement Page 1, August 15, 1947)

AGREEMENT BETWEEN PRODUCERS AND IATSE & MPMO

This Agreement, executed as of this 15th day of August 1947, between-----

(hereinafter referred to as the Producer), on the one hand, and the International Alliance of Theatrical Stage Employes and Motion Picture Operators of the United States and Canada (hereinafter referred to as the Union), on the other hand, as follows:

ART. 1. **TERM OF AGREEMENT.**—The term of this agreement shall be from August 15, 1947, until August 14, 1948, and from year to year thereafter, provided that either party, by written notice given 90 days prior to August 14, 1948, or any anniversary date thereafter, may signify its intention to terminate or negotiate modifications in such agreement. If such notice is given the parties agree within 10 days to commence negotiations and to negotiate diligently and in good faith for a new or modified agreement, and this agreement shall continue in full force and effect until agreement is reached on such new or modified agreement: provided, that in the event no such new or modified agreement is reached within 60 days after such anniversary date, either party may terminate this agreement as so extended; and provided further, that in any event the provisions of Article 2 of this agreement shall finally terminate on August 14, 1948. Any new wage scales, hours of employment, or working conditions resulting from such new or modified agreement shall be effective as of the effective date of such agreement. The effective date of such agreement shall be the anniversary date or the date such new or modified agreement is finally reached, whichever is the later.

ART. 2. The Producer will employ for the performance of the work of erection of sets on stage (except all trim and millwork on sets and stages), and for the making of running repairs in the taking and recording of sound motion pictures (as all such work is determined to be within the Union's jurisdiction by the decision of the Executive Council Committee of the American Federation of Labor, dated December 26, 1946, and attached as Exhibit (A)) only workers who are members in good standing of the Union, and the Union will furnish competent men to perform the work and render the services required by the Producer at such rates and under such conditions as are herein provided for and in accordance with the provisions of this agreement.

ART. 3. In the event of any dispute between the Union or any of its members and the Producer with regard to wages, hours, or other conditions of employment under this agreement, or with regard to the interpretation of this agreement, the procedure shall be as follows:

Step One: The Representative of the Union and the Studio Representative of the Producer shall immediately discuss the matter and the dispute shall be settled if at all possible.

Step Two: In the event of a failure to settle the dispute under Step One, the International Representative of the IATSE and the Hollywood Representative of the Producers who are parties to the IATSE & MPMO Basic Agreement of 1944 shall immediately discuss the matter, and the dispute shall be settled if at all possible.

Step Three: In the event of a failure to settle the dispute under Step Two, the aggrieved party shall deliver to the other party a written statement of the grievance, and such grievance shall thereupon be presented to the Producer-IATSE Grievance Committee. Such Committee shall consist of one member designated by the Union and one member designated by the Producers who are parties to the IATSE & MPMO Basic Agreement of 1944. Such Grievance Committee shall immediately discuss the matter, and the dispute shall be settled if at all possible.

Step Four: If such Grievance Committee cannot settle the dispute, an Impartial Chairman shall be selected by the members of the Grievance Committee within five days, and such Grievance Committee and the Impartial Chairman shall promptly proceed to hear the matter and settle the dispute. The decision of the Grievance Committee and the Impartial Chairman shall be binding upon the parties hereto and upon the members of the Union. The Grievance Committee and the Impartial Chairman shall have power to interpret and apply the provisions of this agreement but shall not have power to amend or modify any of its provisions, nor shall they have power to effect a change in any of its provisions. The Grievance Committee and the Impartial Chairman shall not have power to determine jurisdictional disputes between the Union and other labor organizations. Fees and expenses of the Impartial Chairman shall be borne equally by the aggrieved Union and the Producers.

Any grievance not presented under Step One within thirty days after the occurrence of the subject matter of the grievance shall be deemed to be waived. Time spent on Distant Location shall not be included within this period.

Failure to settle the dispute within ten days after the invocation of Steps One, Two, and Three, respectively, entitles either party to proceed to the next step.

Producer: \_\_\_\_\_  
By \_\_\_\_\_.

IATSE & MPMO.  
By \_\_\_\_\_.

Mr. Cobb. Since those charges were filed, the Labor Board regional officer at Los Angeles has been most courteous to me in the various conferences that I have had with him. I wish the record to show my acknowledgment of their courtesy.

In fairness, however, to the locked-out carpenters, I also wish the record to show that in my opinion the Los Angeles regional office has not shown an adequate understanding of the issues and has not proceeded as I think the Labor Board should proceed under the law.

For instance, the regional office called for documents which we were glad to furnish. The regional office called for groups of carpenters to testify as to what occurred. These carpenters are laymen. They are as clean and wholesome a group of good citizens as it has ever been my privilege to meet in over 45 years of law practice. But they are not lawyers; they are not trained in judging the evidence to be related upon the technical questions on the law. So I asked the regional office at Los Angeles for the privilege of accompanying these carpenters to the hearing officer or to the preliminary examining officer, not to interfere in any way with the officer, but to see that inquiry was made of the witnesses to develop the material facts.

That privilege was denied me.

I then, in order to make a record of that request, did it by telegram to the regional office. Upon its denial I telegraphed a copy of it to the general counsel of the Labor Relations Board and received a denial from his office, signed by a subordinate. Copies of my telegram and of the denial are available in the files of the Labor Board.

Since being here attending these hearings I have received two letters from the regional director of the Labor Board at Los Angeles, dated March 2, 1948, one letter as to one group of charges against the IATSE, and the other letter, in similar form, as to the other group of charges.



I will now file these two letters for the record and would like to read them at this point. The letters are addressed to me. The first letter reads:

DEAR SIR: The above-captioned cases charging a violation under section 8 of the National Labor Relations Act, as amended, have been carefully investigated and considered.

As a result of the investigation, it does not appear that there is sufficient evidence of violations to warrant further proceedings at this time and I am, therefore, refusing to issue complaint in this matter.

It cannot be maintained that a jurisdictional controversy, the outcome of which is more successful to one union, is grounds for an 8 (b) (1) charge, and there is no evidence of discrimination by the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada (IATSE) against individual employees.

There is no evidence to sustain the 8 (b) (4) (A), (B), and (C) charges. The IATSE is not striking. Our investigation discloses that the IATSE insists upon the arbitration award of a committee of the A. F. of L. Executive Council. Further, it has not been shown that the IATSE caused the carpenters to strike.

No evidence has been submitted to discriminatory initiation fees or dues being charged by the IATSE or of feather-bedding tactics being employed by the IATSE, and hence the 8 (b) (5) and 8 (b) (6) charges cannot be sustained.

Pursuant to the National Labor Relations Board rules and regulations, you may obtain a review of this act by filing a request for such review with the general counsel of the National Labor Relations Board, Washington 25, D. C., and a copy with me. This request must contain a complete statement setting forth the facts and reasons upon which they are based. The request should be filed within 10 days from the date of receipt of this letter, except the general counsel may, upon good cause shown, grant special permission for a longer period within which to file.

I wish to call the committee's attention to these features of the letter:

\* \* \* there is no evidence of discrimination by the IATSE against individual employees.

At the time of the Los Angeles hearings of this committee I furnished the general counsel of the Labor Board with an official copy of the transcript of hearings before this committee. Later, when those were mimeographed, I furnished a complete mimeographed copy with the regional office of the labor board at the time of filing the charges, and asked that each and all material facts set forth therein be considered as evidence in their preliminary consideration of the case.

I wish also to call attention—

Mr. LANDIS. Would you read the whole letter?

Mr. COBB. I did, sir.

I wish also to call attention to the statement that the IATSE is not striking. We had made no charge that they were striking. It is not material to the issues in this cancer spot of American labor relations that the IATSE was not striking. The significant thing is that they had threatened to close the motion-picture theaters of America, so as to deny the production companies exhibition of their films, if their terms were not met by the production companies.

I call attention to the statement:

Further, it has not been shown that the IATSE caused the carpenters to strike.

We have not charged that they caused the carpenters to strike because the carpenters have no strike. The carpenters did not strike. The carpenters were locked out.

It is an improper statement for the regional office to say it has not been shown that the IATSE caused the carpenters to strike, when it

has been shown that the IATSE by their threats to the companies, and in their conspiracy with the companies, did cause the carpenters to be locked out.

I call attention also to the statement that—

No evidence has been submitted to discriminatory initiation fees or dues being charged by the IATSE or of feather-bedding tactics being employed by the IATSE. \* \* \*

Those facts are contained in the transcript of the hearings of this committee, copies of which I furnished both the general counsel in Washington and the regional office in Los Angeles.

Now, Mr. Chairman, under the same date a second letter was written pertaining to other cases against the IATSE.

The above-captioned cases charging a violation under section 8 of the National Labor Relations Act, as amended, have been carefully investigated and considered.

As a result of the investigation, it does not appear that there is sufficient evidence of violations to warrant further proceedings at this time and I am, therefore, refusing to issue complaint in this matter.

There is no evidence to sustain the 8 (b) (4) (B) charges because the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada (IATSE) is not striking. Our investigation discloses that the IATSE insists upon the arbitration award of a committee of the A. F. of L. executive council. Further, it has not been shown that the IATSE caused the carpenters to strike.

I wish to state, Mr. Chairman, that they do not insist upon that award, any more than the locked-out carpenters of Hollywood insist upon that award. The difference between us is that they insist upon a false construction of the award, while we insist upon the actual decision made by the three-man committee, as shown by the clarification, and as I shall show by book and page references from the record and by citation of court decisions in the written brief you have kindly authorized me to file.

Then there is the same paragraph in conclusion as the other with regard to our right to ask for review.

Referring back to the first letter:

Our investigation discloses that the IATSE insists upon the arbitration award \* \* \*.

There is no statement as to how that insistence was made. There is no statement as to when and how any conference was had with the IATSE. There is no statement to show what opportunity was afforded the locked-out carpenters to either cross-examine the IATSE or to be heard in answer to the insistence which the regional office apparently received from the IATSE.

It is an unfortunate condition, Mr. Chairman, when the agency of government charged with the responsibility of removing cancer spots from labor relations proceeds ex parte. Ex parte proceedings died with the star chamber under British jurisprudence. Ex parte proceedings in labor relations have no rightful place in our country or under our laws.

In support of this statement I have quoted a paragraph from an opinion written by the late Justice Cardozo. While pretending no superior knowledge as a lawyer, I have been a student of the decisions of the Supreme Court for 45 years. Sometimes we do not appreciate the man of our own day and time. But after I have read to you, sir, the language of this decision by Justice Cardozo, I believe that thought-

ful men, whether they be lawyers or laborers—thoughtful men of good will who don't want cancer spots in our country, thoughtful men who want solutions to conflicts, solutions that will be fair alike to all parties concerned—will agree with me in the statement that I make: From the beginning of the Supreme Court of our country, considering the most masterful opinions ever written by John Marshall, considering the high form of literature that is found in the opinions of our highest court, I do not believe that there is an opinion from the beginning of the Court to this day that is any clearer, that is any more concise, that is any more complete on a subject of vast importance to government and people, than this paragraph written by Justice Cardozo. I wish that it might have been my privilege to have paid him this tribute in his lifetime. I am happy to pay the tribute now and to bring to the attention of Congress and the country a statement of law by a master in learning and in the use of the English language.

That quotation comes at the conclusion of the letter which I wrote to Hon. Robert Robert N. Denham, general counsel, National Labor Relations Board, Washington, D. C., in re the cases mentioned. I wrote two letters, one for each group of cases, the two letters being identical in form.

I ask that this letter be inserted in the record at this point, following the letters from the regional director to me already read:

DEAR SIR: Receipt is acknowledged of notice from Mr. Howard F. LeBaron, regional director at Los Angeles, that the above cases were dismissed on the 2d instant upon the ground of insufficient evidence. Mr. LeBaron's letter states that we "may obtain a review of this act by filing a request for such review with the general counsel."

That request is now respectfully presented upon each of the issues made by the regional director, and upon the records and files of the Board in Washington and Los Angeles, and upon all evidence before the Board, in the above and each and all related cases, including:

1. The transcript of the Los Angeles hearings before the congressional special subcommittee of the House Committee on Education and Labor, showing the threats of the IATSE, and the conspiracy of the IATSE and the major motion-picture companies, to deprive all carpenter members of the United Brotherhood of Carpenters and Joiners of America, Hollywood Studio Local, No. 946, of all their work tasks, and right to work, under their existing contracts.

2. The application of the IATSE to be certified as bargaining agent for carpenters, while the IATSE trespasses upon the work tasks belonging to the carpenters under long-standing contracts, and while the bona fide carpenters are locked out of the studios, unless they waive their existing collectively bargained agreement and employment contract.

3. The so-called Komaroff charges, in case No. 21-CD-11, including our answer and prayer thereto.

Upon the review we respectfully request a fair and open hearing, before a fair and impartial hearing officer, with the right to subpoena, examine, and cross-examine witnesses. This request is based upon the law governing administration agencies, as determined by the Supreme Court in an opinion written by that unsurpassed jurist, the late Justice Cardozo (*Ohio Bell Teleph. Co. v. Public Utilities Com.*, 301 U. S. 292, 304; 81 L. ed. 1093, 1101):

"Regulatory commissions have been invested with broad powers within the sphere of duty assigned to them by law. Even in quasi-judicial proceedings their informed and expert judgment exacts and receives a proper deference from courts when it has been reached with due submission to constitutional restraints (citing cases). Indeed, much that they do within the realm of administrative discretion is exempt from supervision if those restraints have been obeyed. All the more insistent is the need, when power has been bestowed so freely, that the 'inexorable safeguard' (citing cases) of a fair and open hearing be maintained in its integrity (citing cases). The right to such a hearing is one of the

'rudiments of fair play' (citing cases) assured to every litigant by the fourteenth amendment as a minimal requirement (citing cases). There can be no compromise on the footing of convenience or expediency, or because of the natural desire to be rid of harassing delay, when that minimal requirement has been neglected or ignored."

Respectfully submitted.

ZACH LAMAR COBB,

*Attorney for the Complaining and Locked Out Carpenters of  
Hollywood, and their Carpenters Local Union No. 946.*

Now, Mr. Chairman, the question was very properly asked by Mr. Owens, of the committee, as to what had been done to bring a solution to this problem through the agency of the National Labor Relations Board. I have shown you what has been done by the carpenters.

Mr. LANDIS. Could you give us a date on that?

Mr. COBB. The charges were dated October 22, 1947, some 6 weeks after the hearing in Los Angeles. In making the charges you will note from the record I have placed before you, that all charges against the IATSE were embraced in one document for each of the studios.

A ruling has just come out from the Washington office that certain of the charges should be segregated from the others, so that those certain charges were refiled on October 25, 1947.

Now I understand, of course, that under the law the Labor Board cannot go back of 6 months, except where unfair labor practices that occurred more than 6 months prior to the date of the charges, have been kept alive and continued from their first occurrence, to within the 6 months' period.

And it is shown in the charges that the unfair labor practices were not only continued and kept alive up to the date of the charges, but the record before this committee, I submit and will submit by book and page reference and law in the written brief to be filed with you, are still being pursued as unfair labor practices.

Now, Mr. Chairman, I stated my desire to speak to you in calmness and in the spirit of good will. I have no quarrel with any person, either of counsel or of management. I have no interests except the interest of my clients, to get a square deal, and of course the public interest that the law of the square deal may prevail in labor-management relations.

In seeking this square deal what more can we do than apply to the Labor Board set up by law? And I now invite counsel for the IATSE and counsel for the major motion-picture production companies, not to put these gentlemen on the spot; I do not call for an immediate answer from them; they will have to consult their clients before they can answer the invitation I now extend. This is our country. This is our Government. This is all that is stable and sound and good in the government of the world. No man, no company, no human being is bigger than his country. No combination of companies is bigger than the law that protects them. No labor organization is bigger than the law that permits its existence.

Speaking for these locked-out carpenters in all good will, I now invite the IATSE and the motion-picture companies, to join in asking the Labor Board for a fair and open hearing before a fair and impartial hearing officer, with the right of subpoena, examination, and cross-examination of witnesses, alike for all parties concerned, in order that the cancer spot of America's labor relations may be removed in the orderly way of compliance with law.

I do not issue this as a challenge. I issue it as a good-will invitation. And with it I ask this good Congress, and this good committee, to take note that the locked-out carpenters of Hollywood, as clean and wholesome and patriotic a body of citizens as exists in this, our good country, are ready, willing, and anxious to have their rights determined by the proper constituted authorities and to be governed thereby.

Now, Mr. Owens, at another point in the record, made a number of inquiries as to why the parties hadn't gone to court. I am sorry I cannot point to those particular questions now so as to quote the language of the good Congressman, but I will do so in the written brief to be filed.

Why haven't the parties gone to court? Why hasn't industry permitted itself to be in the position that prevails today? Why has the IATSE permitted itself to be in the position it is in today?

They haven't sought a court interpretation of the contracts; they haven't sought a court interpretation of the October 1945 directive, nor of the December 26, 1945, decision of the three-man committee, nor of the clarification by this committee of August 16, 1946, nor of the interpretation by the executive council, as I recall, of April 21, 1947.

I am happy to inform the committee, however, that the law-abiding, locked-out carpenters of Hollywood do not hold themselves above the law of their country.

It was my privilege and honor to represent these wholesome workmen in the first labor case of my life, Mr. Chairman. I have never been a labor lawyer, but for 45 years in the law practice I have had a sense of justice, a sense of right, a sense of respect for the laws of my country, and a belief that there is no wrong that cannot be righted by proceeding properly in the courts of the United States.

Mr. LANDIS. Mr. Chairman, I wonder if the gentleman would yield at this point?

Mr. COBB. Yes, indeed; Mr. Landis.

Mr. LANDIS. You have mentioned the locked-out carpenters several times. I understand there are some carpenters working on the job. I understand the carpenters gave an ultimatum they were not going to work on the "hot" sets and in order for the producers to keep in business they went to another union to hire men and carpenters to do the work. I would like you to go into that lock-out business a little more, if you will, and tell me how it is a lock-out. I cannot see how it is a lock-out.

Mr. COBB. I thank you, Mr. Landis, and I will be happy to do so. May I ask that I come to that in an orderly way?

Mr. LANDIS. That will be all right.

Mr. COBB. I am not avoiding it; I appreciate the question by you, sir.

Mr. LANDIS. That will be all right.

Mr. KEARNS. At that point, the thing to determine is whether the men working as carpenters were men of local 946.

Mr. COBB. I shall answer that, sir.

Mr. LANDIS. I understand some of those carpenters can get a job if they go to the studio and make application for a job. Some of them have been taken off and some have not. Perhaps they have been thrown out of that carpenters' local after they have taken a job, but I would like to have that explained. I think it is very important.

Mr. COBB. I am very grateful to you for asking that question, because

I think it is very important, but I do want to come to it in an orderly way.

Mr. LANDIS. All right.

Mr. COBB. Now, the question is asked, Why we didn't go to court.

Volume 5 of the hearings before the Committee on Education and Labor during last March, commencing at page 2807, contains a copy of the complaint filed by Oscar Schatte and others, as plaintiffs, against the IATSE, each of the major motion picture companies, against their own union, their own brotherhood and their related officers, so as to have all parties in court.

In that complaint they did not ask one dollar of damages.

Their complaint, as shown by the prayer on page 2816 of the committee record, sought declaratory relief and nothing but declaratory relief.

Now, how could law-abiding citizens, having a controversy with the IATSE and with the major motion picture companies, over the construction to be given contracts, decisions, and clarifications; how could those law-abiding citizens do any better in patriotic observance of law than to ask the court to construe the contracts, the decision, and the clarification?

The companies and the IATSE challenged the jurisdiction of the Federal court. We had a fair hearing before the court, before a good judge. The judge took the view that the Federal court had no jurisdiction because there was no diversity of citizenship.

We think the court erred because where cases arise under the Constitution and laws of the United States, diversity of citizenship is not an essential element.

That case was appealed to the Ninth Circuit Court of Appeals at San Francisco and was heard by three eminent judges on that court.

I argued the case before them and for the half-hour of my argument I was never treated with greater consideration or attention, in a long law practice, than by those good judges. So I have no criticism of the circuit court of appeals. They concurred with the district court and affirmed the district court judgment that the Federal court had no jurisdiction because there was no diversity of citizenship.

I think that the circuit court—as able as those good judges are, and as highly as I respect them—I think they erred also.

For that reason, Mr. Chairman, I am now preparing a petition for certiorari to the Supreme Court of the United States, because in my conception of law no question affecting the rights and the privileges of people is ever settled until it is settled by the court of last resort.

Again I repeat to counsel for the IATSE, to counsel for the companies, and their respective clients—and without any challenge to them, in the spirit of good will—I invite them to join in asking the Supreme Court to grant a writ of certiorari in order that the contracts, the Cincinnati directive, the three-man committee decision of December 26, 1945, the clarification of August 16, 1946, and any and all other pertinent documents may be interpreted and determined by the courts of our country.

I think that that is the attitude of law-abiding citizens. I think it is a tribute to these carpenters that they are willing to submit their rights to the courts and abide by the court decision.

In connection with that, Mr. Chairman, as each of the committee knows, the decision of the Labor Board is not final. Under the wise

enactment of the Administrative Procedure Act, after the Labor Board has labored or failed to labor, we have our right of redress from the Labor Board to the courts. And speaking very calmly, if the good God gives me life, no decision of any administrative officer adverse to these locked-out carpenters shall stand until I have taken it to the court of last resort under the Constitution of our country.

I do not say that as a threat, but those whom I have the pleasure of knowing, those who know me in the law practice will take that statement at face value and that statement will be observed and lived up to by me at face value.

I expected to make this simple statement in less time.

Mr. LANDIS. Would you yield for a question, sir?

Mr. COBB. Mr. Landis, a question at any time is appreciated.

Mr. LANDIS. Would the carpenters be satisfied if the producers would follow the clarification?

Mr. COBB. The carpenters have always been willing to abide by the clarification, Mr. Landis.

Mr. KEARNS. Mr. Cobb, at that point, what about the interpretation of the clarification?

Mr. COBB. The clarification is not confusing. There isn't any problem in its interpretation; if the parties will agree to the decision of December as clarified in August, I think that as reasonable men in good will we can sit across the table from one another and interpret it without any difficulty.

Mr. KEARNS. Who asked for the interpretation of the clarification?

Mr. COBB. We asked for the interpretation of it in this suit in the court.

Mr. KEARNS. Didn't that originate from Mr. Hutcheson, the interpretation of the clarification?

Mr. COBB. Well, that originated in the executive council. On that I would not assume to speak where Mr. Hutcheson speaks himself.

You understand, Mr. Chairman, that I can speak with all my heart and soul for my carpenters in Hollywood. I say, "my carpenters" because I have stood before them repeatedly. I have seen their suffering; I have seen their fine spirit.

You stand before an audience in your district. The audience appreciates you, you appreciate the audience. An affection exists between a good Congressman and his constituents. There is an affection between me and the locked-out carpenters of Hollywood.

I am proud to be their lawyer. I know how fair and reasonable they are. I know there would be no problem in the meaning of the decision and the clarification if we sat across the table in good will.

But, if any problem arose, my carpenters have already asked the court to interpret it and the court interpretation could be had in short order. We could go to the Federal court in Los Angeles and have it interpreted in short order.

Now, I thank Mr. Landis for asking his question, and I invite any other questions because in the written brief to be filed I would like particularly to address that brief to any questions and all questions which the committee may have in mind.

Now, coming to the question of the lock-out. We have to go back to the agreement between Mr. Walsh and Mr. Nicholas Schenk, made in New York for the IA to take over all work in the studios. That

agreement is embodied in the hearings of this committee, first, in the speech that Mr. Walsh made before his IATSE convention, and second, in the testimony of Mr. Walsh himself before the committee at Los Angeles.

Mr. LANDIS. Do you know the date of the agreement?

Mr. COBB. It was in the spring, as I recall, in March of 1945. I don't want to quote it from memory, but I will provide the committee with book and page quotations on it, both as appear in the speech of Mr. Walsh and as confirmed by Mr. Walsh in his testimony at Los Angeles.

So that the understanding between the producers and the IATSE was of long standing. That was approximately 18 months before the occurrences of September 1946.

Then after the decision of December 1945 and the conflicts that continued making the clarification necessary, the Beverly Hills agreement was made on July 2. That agreement constitutes the agreement still in force. It was in the form of the minutes of a meeting held between the carpenters and other crafts, and the producers, and it is very significant that the IATSE was present in the meeting.

Now, here is a meeting with the producers, the carpenters, and the IATSE present and participating, reduced to minutes, with the agreement following it, that those minutes should constitute the agreement.

In this agreement the language is used, "contract for 2 years."

So we have an agreement made on July 2, 1946, providing for a contract for 2 years. Our contention is that that means a contract until July 1, 1948, and that that contract is in force and effect now.

Mr. KEARNS. Who signed that agreement?

Mr. COBB. That was signed by Pat Casey for the producers and Sorrell for the Conference of Studio Unions embracing the various crafts.

Mr. KEARNS. Are they duly authorized to sign that agreement?

Mr. COBB. The testimony in the record—which I shall bring out in my brief—is to the effect that they were authorized, and is also to the effect that they acted upon the agreement and worked under the agreement. First you have the agreement; second, you have testimony in the record that they were authorized; and, third, you have the ratification by actual use of the agreement; so that in my judgment there cannot be any question.

I think you will recall in the testimony of Mr. Benjamin a statement to the effect that the agreement was followed until September 23, 1946. I do not wish to make a quotation from the record. I will make the literal references to the record in my written brief.

Mr. LANDIS. Could you explain there where they broke their agreement, the details of it?

Mr. COBB. I will, sir.

Mr. KEARNS. Will counsel establish whether the testimony of Mr. Benjamin referred to is correct?

Mr. McCANN. I will find that, sir.

Mr. COBB. This is 6 months after the hearing, but I think you will find adequate testimony, adequate statements in the testimony of Mr. Mannix. You will recall, in effect, Mr. Mannix said the carpenters "only wanted to give us a contract for 1 year, and we made them give us a contract for 2 years." That is not literal, but that is my recollection of the substance.



Now, what was the nature of this contract? It provides for wage scales, hours of employment, and working conditions. It provides specifically for them. [Reading:]

For those employees associated with organizations of, or performing the duties of journeymen carpenters, woodworking-machine men, and wood turners.

Now, the members of this committee are familiar, of course, with the rule of law—

Mr. LANDIS. Are you through with that part? The part I want to know about is the "hot" sets.

Mr. COBB. I am coming to that.

Mr. LANDIS. All right, sir; proceed.

Mr. COBB. This committee, of course, is familiar with the rule of law that a contract governing wage scales, hours of employment, and working conditions is a collectively bargained agreement under section 7 of the Labor Act.

That rule is stated in the case of *J. I. Case Company v. National Labor Relations Board* (321 U. S. 332).

So here is a collectively bargained agreement, made July 2, 1946, for a period of 2 years, which we contend in law and in fact means to the second day of July 1948.

Now, in the case of *J. I. Case Company v. National Labor Relations Board*, in drawing the distinction between collective-bargaining agreements and the employment contracts, the court held that except in rare cases one contract would not cover both—that the collective-bargaining agreement is between union and management, that the employment is between management and individual labor; that the collective-bargaining agreement is for the benefit of the individual labor, but that the employment itself is directly between management and labor.

So this contract is one of those rare instances. It provides:

All crafts going back to work Wednesday a. m., July 3, 1946, without discrimination.

Now, the "all crafts" referred to included the carpenters in local 946. The record will show that the carpenters did go back to work on Wednesday, July 3, and did continue at work until September 23, except in those rare instances where some of them were locked out on varying dates on or about September 23, 1946.

So that this, in addition to being a collective-bargaining agreement, is also an employment contract. For how long? For 2 years.

I do not now represent to the committee that that meant every individual carpenter was to work every day of 2 years, but it does mean that as carpentry work was available all carpentry work was to be done by the members of local 946 during the period of the 2 years.

Now, it is very important to take up the question asked by Mr. Landis.

After this contract was made, and while the carpenters were working, the clarification was issued on August 16, 1946; and all parties concerned, the record will show, were notified of the clarification. Mr. Eric Johnston was notified by Mr. Green; Mr. Walsh was notified by Mr. Green; the carpenters were notified.

Mr. LANDIS. The clarification came after the 2-year contract was made?

Mr. COBB. That is right, Mr. Landis. All parties were notified of this clarification.

I think it is very important to bear in mind regarding the clarification that it does not set aside the December 26, 1945 decision. Congress passes a law in 1945, and maybe in a month, maybe in a year, or at any time the courts clarify that law. When the courts clarify an act of Congress, that is not a repeal of the act.

When the executive council clarified the decision of December 1945, it was not a repeal of the decision, it was a clarification of it, as a court decision would be a clarification of an enactment by Congress.

The record will show in the testimony before Mr. Pat Casey in the present hearing, speaking from memory, in effect that the producers went to Miami to ask the executive council for a clarification of the December decision.

The record will show that other crafts asked for clarification of the December decision.

When the carpenters at Hollywood asked Mr. Hutcheson to ask for clarification they were not doing any more than the producers had done than asking at Miami for clarification, and any more than any of the others had done, or any more than any litigant does who goes into court and asks for clarification of an act of Congress.

I would call attention to the fact that the clarification does not purport to repeal; it purports only to clarify.

Mr. LANDIS. Let's get back to this contract.

Mr. COBB. I am coming right to it.

So after this clarification—not changing, but telling what the December decision meant—who made the threat? They speak of an ultimatum being served by the carpenters on September 11. What threat was made before September 11? We have the letter of Mr. Walsh to the Association of Motion Picture Producers, dated August 31, 1946, closing with this paragraph:

If the committee's decision—

Meaning the December decision—

as originally rendered is not fully complied with by you, this international alliance will take such action as may be necessary to protect its interests.

Now, sir, what did they mean by "such action"?

There was a meeting in Hollywood of the Producers Labor Committee on August 22. That was more than 2 weeks, practically 3 weeks, before what has been called the ultimatum of the carpenters. Mr. Walsh, Mr. Cooper, and Mr. Brewer were present at that meeting representing the IATSE.

I make that statement by reading those shown to be present.

Mr. LANDIS. Could you tell me the difference between that statement or that letter and the carpenters' ultimatum?

Mr. COBB. Yes; I am doing that now.

I have read you the paragraph in the letter.

Then on August 22, 1 week after the clarification, they meet. The minutes are very short.

Discussed new A. F. of L. directive as to its effects on the existing conditions and what it may lead to.

Later:

Walsh advises that any company that makes one single change in the administration of the A. F. of L. directive in compliance with the new interpretation will have all work stopped in the studios, exchanges, and theaters.

That was nearly 3 weeks before Mr. Cambiano's appearance before the committee with what is termed the ultimatum. Here was an ultimatum that if they made one single change—

Mr. LANDIS. That was after the contract was signed?

Mr. COBB. That was after the contract was signed.

If they make one single change, all work will be stopped in the studios. That means a strike by the IA in the studios, in the exchanges; that means a strike in the distribution of the films, and in the theaters; that means a strike in the exhibition of the films.

Those four lines are of great significance.

Mr. LANDIS. Didn't the carpenters come along later and make about the same proposition?

Mr. COBB. I am taking it chronologically.

Mr. LANDIS. All right, proceed.

Mr. COBB. Here is the threat by the IA to strike in the studios, exchanges, and theaters.

Now, to strike upon what? Upon—

any one single change in the administration of the A. F. of L. directive in compliance with the new interpretation.

That is the same as if they said—an act of Congress was passed; a court has interpreted that act of Congress as to its meaning; but "we will close your studios, exchanges, and theaters if you accept that interpretation by the courts."

Because, mind you, the executive council of the A. F. of L. is its court.

Mr. McCANN. Off the record.

(Discussion off the record.)

Mr. COBB. Now, Mr. Landis, we asked that this threat—

Mr. LANDIS. They did not say strike?

Mr. COBB. Well, we said threat or strike.

Mr. McCANN. Mr. Landis, there is ample testimony received from the industry representatives to the effect that the way they interpreted that was that if they made the slightest change in the directive of December 26, 1945, the studios would be closed and the motion-picture theaters would be closed. They had to choose between the threat of the IA and the threat of the carpenters. That is in the record in different places.

Mr. LANDIS. There is no difference between their threat and the carpenters' threat. Here they put the employer in the middle.

Mr. COBB. No. What I want to make clear—

Mr. LANDIS. The point I want you to make clear to me is that there was certain work the carpenters were doing before the contract was made; there was certain work done after the contract was made, whether it was the same work they had been doing or not; and then up to the ultimatum, if the same work was carried on up to the ultimatum, the question I am asking is, How did the producers break the contract?

Now, if that work was carried on the same from the signing of the contract up until the ultimatum, that makes a different picture, but if the work was changed that is also a different picture.

Mr. COBB. I am very grateful for the question and I am happy to answer it.

The record will show—and I will show by careful quotations from the record, with book and page references—that there was not an acquiescence in the IA interpretation of the December 26, 1945, decision, but that there was a running controversy up until the clarification. That is No. 1.

No. 2 is that the clarification does not change the December agreement; it merely states what the December agreement meant.

Mr. LANDIS. Does it change the July agreement?

Mr. COBB. It does not change the July agreement because the December decision, the July agreement, and the clarification must all be considered and interpreted together.

Mr. McCANN. May I interrupt you there, Mr. Cobb?

Mr. COBB. Yes, sir.

Mr. McCANN. For the sake of the Chair I now have found the testimony which has been referred to and we will read it into the record. It is very brief.

Mr. LANDIS. Let us finish this point first.

Mr. McCANN. It is on this July 2 matter and I thought you would want to put it in here. [Reading:]

Mr. McCANN. Did the various companies observe the July 2, 1946, agreement up until the day the carpenters were ordered off the lots?

Mr. BENJAMIN. I am informed they did.

I have read from the testimony of Mr. Benjamin on pages 1513 and 1514 of the Hollywood hearings.

Mr. COBB. I thought my memory was correct on that.

Mr. LANDIS. The point I want to make is this: Wherein did the producers change the work or break the contract that was signed in July?

Mr. COBB. And I want to meet that directly in this way: First, what did the December decision mean?

Mr. LANDIS. Of course, they signed the contract in July.

Mr. COBB. I understand they signed the contract in July based upon the true meaning of the December decision.

Mr. LANDIS. All right; we will take that for granted.

Mr. COBB. I find as we go along, Mr. Landis, that there is going to be a happy community of thought between us.

Mr. KEARNS. We will adjourn now until 2 o'clock.

(Whereupon, at 12:10 p. m., a recess was taken until 2 p. m.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will come to order, please.

Mr. Cobb, you may proceed.

#### TESTIMONY OF ZACH LAMAR COBB—Continued

Mr. COBB. Thank you, Mr. Chairman.

Mr. KEARNS. We left off where you were establishing the point for Mr. Landis.

Mr. COBB. Yes. I would like to make a concise analysis of the controlling features of the several contracts, and then answer the question kindly asked by Mr. Landis and any other questions that may be asked, to the best of my ability.

The December 26, 1945, decision of the three-man committee commences with the quotation of the directive of October 1945. Point 2 in that directive provides that all employees return to work immediately. The evidence in the record, which I will point out by book and page in my written brief, will show that under this provision the carpenters, members of local 946, returned to the carpenters' work, and that the replacements, so-called, the IA designees who had temporarily occupied the work of the carpenters, were kept by the companies.

Mr. KEARNS. I think this is the point where we should get it straight. Before the directive was handed down who was doing the carpenters' work? You have the directive of December 26, 1945.

Mr. COBB. Yes, sir.

Mr. KEARNS. Prior to that directive who was doing the carpenters' work?

Mr. COBB. The carpenters' work, according to the record—and mind you in my statements, Mr. Landis, I want to confine myself to what the record of evidence is, I am not offering any hearsay testimony.

Mr. LANDIS. I understand.

Mr. COBB. I will point out in a written brief that prior to the Cincinnati agreement, the carpenters' work had been done by the carpenters, except during the period of the 1945 strike, from March until October, when under this agreement between Mr. Nicholas Schenck and Mr. Walsh, designees of the IATSE were used as replacements in the work of carpenters. So that when the companies, the IATSE and the crafts—

Mr. LANDIS. This was before the 1945 strike?

Mr. COBB. Yes, sir.

Mr. LANDIS. What happened after they settled the 1945 strike?

Mr. COBB. I have read this provision in paragraph 2 to show that when the companies, the carpenters, the IA and others met in Cincinnati, point 2 of the agreement was all employees return to work immediately. The evidence in the record shows that that meant that the carpenters returned to carpenters' work, as well as referring to other employees.

And the evidence in the record will show that the carpenters did return to the carpenters' work upon the execution of the Cincinnati agreement and that all of the work in question was done by the carpenters, up to the December decision.

During that period the IA designees, who had been temporarily working in carpenters' work—

Mr. LANDIS. That was in 1945?

Mr. COBB. During the 1945 strike.

Mr. LANDIS. They had some IA carpenters working there?

Mr. COBB. Under this agreement between Mr. Nicholas Schenck and Mr. Walsh, that the IA's were to take over all work in the studios. I will point that out in the written brief, book and page quotations. So that the IA's never did this carpenter's work, except during the 1945 strike, and that the basis of the agreement at Cincinnati, to which the companies and the IA were both parties, was that the carpenters

were to go back to the carpenters' work as in this sentence that "All employees shall return to work immediately"; that the carpenters did go back to their work and did occupy that work up to the December decision.

Mr. LANDIS. But when they went back to work there were already some IA men in there that they had hired while the carpenters were out on strike?

Mr. COBB. And they were taken out.

Mr. LANDIS. Oh, they took them out?

Mr. COBB. They took them out. That is the point I am seeking to make clear.

Mr. KEARNS. The studios, though, did not fire them; they gave them other assignments?

Mr. COBB. That is right, they took them out of the carpenters' work.

Mr. KEARNS. That is as I understand it.

Mr. COBB. I think the record shows this clearly: They took them out of carpenters' work and kept them on salary pending the December decision, but not in carpenters' work. They did no carpenters' work during that period.

Mr. LANDIS. What happened in 1946 after the directive?

Mr. COBB. I want to come to the directive of '45.

Mr. LANDIS. We have had that, haven't we?

Mr. COBB. Yes, but you haven't had this part of it, Mr. Landis.

In the decision of December 26, 1945, the basis of the decision, the decision itself, the intent of the decision was to follow the historic division of work.

Mr. LANDIS. What is the proof of that?

Mr. COBB. The language of the decision itself.

Mr. LANDIS. What part of the language?

Mr. COBB. I will read it to you.

Mr. LANDIS. Just that part.

Mr. COBB. Yes, sir. It reads in this way:

An analysis disclosed that three possible methods of solution could be utilized that is: (a) strict adherence to a craft or vertical line of demarcation in the motion picture studios;

(b) establishment of an industrial or horizontal union throughout the industry;

(c) a division of work designations within the industry patterned after previous agreements negotiated mutually by the various crafts.

After careful and thorough study the committee unanimously agreed that the latter plan is unquestionably the best method of approach. It is the committee's considered opinion that such procedure affords the only plausible solution to a most difficult and complex problem.

Accordingly this decision is based upon that premise.

Mr. LANDIS. That is one of the three plans they had, and they recommend that one as being the best one of the three?

Mr. COBB. Not only recommended it but unanimously adopted it.

Mr. LANDIS. Weren't all three of them in there?

Mr. COBB. No. They gave the alternatives of (a), (b) and (c), then they adopted (c).

After careful and thorough study the committee unanimously agreed that the latter plan is unquestionably the best method of approach. It is the committee's considered opinion that such procedure affords the only plausible solution to a most difficult and complex problem.

Mr. LANDIS. But they don't say they have to follow that?

Mr. COBB. Yes, sir.

Accordingly this decision is based upon that premise.

That is the language of the decision.

I will be very happy to show you that [showing a document to Mr. Landis].

So I submit to you that on the face of the decision, the true decision was to follow the historic division of work.

Later in the decision they use this language:

The committee rules—

Mr. LANDIS. I thought it was Hutcheson that wouldn't agree with the decision. That is the way I understood it. Wasn't that the decision there?

Mr. COBB. I am reading from the decision. I think if you will bear with me until I put this whole decision before you, you will see where it is the IA, and not the carpenters.

Mr. LANDIS. Hutcheson testified here, I believe, that he did not agree with that decision.

Mr. COBB. As I stated this morning. I am not going to assume to testify for Mr. Hutcheson.

Mr. LANDIS. Well, everybody knows it has been testified here that he did not agree with the decision. I think everybody knows that.

Mr. COBB. I don't think you will find any disagreement with the intent of the decision to follow the historical division.

Mr. LANDIS. You don't think the carpenters disagreed with the decision?

Mr. COBB. Not with the intent of the decision because the intent of the decision was to follow the historical division. I am going to give you that evidence right now.

Mr. LANDIS. All right.

Mr. COBB. Quoting from the decision:

The committee rules that the division of work agreement entered into between the United Brotherhood of Carpenters and Joiners of America and the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada, on February 5, 1925, and known as the 1936 agreement be placed on full force and effect immediately.

Now why? Why was that supposed agreement of February 1925, to be placed into effect immediately? Because the committee had already decided to follow the historic division and because they were led to believe that this supposed agreement of February 5, 1925, represented that historical division.

Now I want to call your attention to the peculiar language in the agreement of February 5, 1925, and known as the 1926 agreement.

So far as this record discloses and so far as I have been able to ascertain the 1925 supposed agreement was never known by anybody as the 1926 agreement.

Why should it be known as the 1926 agreement? Why should a contract or supposed contract bearing the date of February 5, 1925, be known as the 1926 agreement?

Mr. LANDIS. What directive would that be, the 1946 directive?

Mr. COBB. I am reading from the December 26, 1945, decision.

Mr. LANDIS. But I am asking you another question. Would you call it the 1945 directive or the 1946 directive?

Mr. COBB. I don't understand, Mr. Landis.

Mr. LANDIS. The directive that was given was adopted in December 1945, but really was not adopted until 1946, is that correct?

Mr. COBB. Oh, no, you are mistaken, sir. No one has ever referred to the December 26, 1945, decision by any other name. It is always referred to as the December 1945, decision.

Mr. LANDIS. Then that would be the 1925 agreement there.

Mr. COBB. Now when you come back to this supposed agreement of February 5, 1925, the decision says, "Known as the 1926 agreement."

And I state again that insofar as this record discloses and so far as I have been able to ascertain, the 1925 supposed agreement was never known by anybody as the 1926 agreement.

Now where did they get it? I am not attacking the three-man committee. I am giving the three-man committee credit for having decided to follow the historic division of work and having endeavored to follow the historic division of work.

Now where did they get this phraseology that the 1925 supposed agreement was known as the 1926 agreement? And with all the diligence that I try to have that was the mystery to me, until coming to this hearing. At this hearing for the first time I have seen the testimony taken by the three-man committee in Hollywood. I call your attention to the following quoted testimony from Mr. Walsh before the three-man committee in Hollywood on December 8, 1945, reading from page 7:

Committeeman BIRTHRIGHT. This is dated 1925.

Brother WALSH. Well, it's 1926. They call it the 1926 agreement.

Mr. LANDIS. Well, of course, I can't see where that makes very much difference.

Mr. COBB. But you will if you will be patient with me until I carry it through.

Committeeman BIRTHRIGHT. They entered into this thing in 1925.

Brother WALSH. That's right, that's what they call it, the 1926 agreement.

Now reading at the bottom of the page:

That is signed by the local unions out here and signed by our local out here also. This is the agreement that we worked under from 1926 until we went on strike in 1933.

Now I am not going to attack Mr. Walsh. I do not want to be in the position of attacking anyone, but within propriety I am privileged to analyze their testimony.

Nobody, so far as this record discloses and so far as I can ascertain, ever heard the 1925 supposed agreement referred to as the 1926 agreement, then just where did that confusion come in with Mr. Walsh? It came in in a confusion with the bona fide, basic agreement between the companies and both the IA and the carpenters that was executed in 1926.

Now there was a 1926 basic agreement between the companies and both of these unions. Of course the bona fide 1926 agreement was referred to constantly; of course they worked under the bona fide agreement of 1926 from its date on; of course that is true.

Mr. LANDIS. It mentions in the directive the 1926 agreement?

Mr. COBB. It uses the very language, Mr. Landis—

Mr. LANDIS. Is the 1926 agreement in there or 1925 agreement?



Mr. COBB. The language of the December 26, 1945, decision is:

The committee rules that the division of work agreement entered into between the Brotherhood of Carpenters and Joiners of America and the IA, et cetera, on February 5, 1925, and known as the "1926 agreement" be placed in full force and effect.

Now there was a confusion in confusing a 1925 supposed agreement that could not by any stretch of the imagination be called the 1926 agreement—in confusing it with the bona fide basic contract between management and labor that was executed in 1926.

Now it is true that they worked under the bona fide agreement of 1926 from its execution down to the time that the IA went on strike in 1933.

I have endeavored to point out that this statement of Mr. Walsh, tying the 1925 agreement in as the 1926 agreement, and confusing it with the bona fide agreement of 1926, was innocently adopted by the three-man committee and embodied in the decision for what? In the belief that it represented the historical division of work and to place into effect the decision previously stated that they would follow the historic division of work.

Now I want to call your attention to Mr. Walsh's testimony, "That's what they call it, the 1926 agreement."

The three-man decision executed February 5, 1925, and known as the 1926 agreement. I want that clarified.

Now I want to give you from the record proof sustaining the analysis that I have just given you.

Having decided to follow the historic division of work there would be no reason for any work to be taken from the Carpenters and given to the IA, because if they followed the historic division as they believed they were, the division would remain as it was and there would be no shifting of work.

Instead the testimony of various witnesses is that when the question was asked at Miami as to how many men were affected by this mistaken use of the 1925 supposed agreement, as I recall it was estimated at 350 jobs.

I call your attention to the testimony of Mr. Walsh at this hearing that the effect of the interpretation that he and the companies placed upon the December 1945 decision was to take the set erectors' work away from the carpenters and give it to the IA.

And what was the effect of the clarification? To restore the set erectors' work to the carpenters as it had existed before the December 1945 decision.

Now I have given you an analysis, sir. I do not like to impugn or criticize. I have given you an analysis in a fair spirit to show you the innocence of the three-man committee in using the language of the February 5, 1925, supposed contract, to carry out their purpose of maintaining the division of work, and I prefer to give you that in crediting the three-man committee.

Mr. LANDIS. Let's start with 1946 now.

Mr. COBB. I am coming right into 1946.

Now, what happened? By this mistake these set erectors were deprived of their work.

Mr. LANDIS. Beginning in 1946 they were deprived of their work?

Mr. COBB. Beginning immediately after December 26, 1945, going into January and the controversy went down to the contract on July 2, 1946.

So when we come to July 2, 1946, in legal effect we had a decision to maintain the historic division of work. We had an interpretation of that decision to violate the historic division by taking work away from the carpenters.

Mr. LANDIS. That was before the contract in July?

Mr. COBB. Yes, sir; that is correct.

Now, the contract of July we analyzed this morning, and I shall not repeat it.

Mr. LANDIS. Did the work change between the carpenters and the IA after the contract was signed in July? Was it any different than before the contract came out?

Mr. COBB. That is a very proper question, Mr. Landis. To the best of my information the carpenters continued to insist—

Mr. LANDIS. Now, we had the contract, what was in the contract?

Mr. COBB. I am getting to the contract. The carpenters continued to insist on the misinterpretation that had been given to the December decision, but with this dispute going on as to the meaning of the December decision they went to work and within 6 weeks from that time the clarification was announced to do what? To repeal the December decision? Not at all.

Mr. LANDIS. Now, wait a minute, don't get too far ahead. They made the July contract. I think you are a little bit ahead of me.

Was the work any different the day after the July contract was signed in 1946, than the day before they went out on strike?

Mr. COBB. Well, they were out on strike for 1 day.

Mr. LANDIS. Two days.

Mr. COBB. Two days, yes. So far as I know there was no difference between the division of work 2 days before the contract and the division of work following the contract, both being under the running controversy as to the meaning of the December decision.

Mr. LANDIS. They worked on that work until September 11, 1946, approximately?

Mr. COBB. They worked under that continuing controversy as to the meaning of the contract until the clarification.

Mr. LANDIS. The clarification came 6 weeks afterward?

Mr. COBB. Yes, sir; bear in mind this point, that the clarification did not repeal, the clarification did not substitute, the clarification stated what the intent had been in the December decision.

Immediately following the clarification the IA made its protest and its threat.

Now, what was that protest and threat?

Mr. LANDIS. After the clarification was made they wrote the letter and made the threat, or whatever you call it.

Mr. COBB. Well, they wrote the letter—

Mr. LANDIS. That they did not want the clarification?

Mr. KEARNS. The clarification was on the 16th of August; was it not?

Mr. COBB. On the 16th of August and on the 31st, 2 weeks later, Mr. Walsh wrote his letter to the association using this significant language:

If the committee's decision as originally rendered—

Now, our construction of that decision is that it preserved the historic division, meaning the division as it was just before the decision, as it was at the time the decision was rendered.

Their construction is that it took away from the carpenters and gave to the IA work that the carpenters had been doing before the decision. Now, Mr. Walsh writes:

If the committee's decision, as originally rendered, is not fully complied with by you, this International Alliance will take such action as may be necessary to protect its interest.

He does not specify in there what action, but "such action," definitely will take action, definitely action adequate to protect what? To protect the decision? No. To protect the contract? No. But to protect the IA interests. Now, what were the IA interests?

It has been testified very frankly by Mr. Walsh before this committee that the IA was out to get all work in the studio. That is what they call their "interests," to get all work.

It was testified by Mr. Hutcheson that the carpenters don't want any carpenters' work in the studios except the carpenters' work.

Mr. LANDIS. Then on August 16, the IA does not like the clarification?

Mr. McCANN. That is August 22, sir, when they came before the Labor Committee; August 31 was the date of the letter.

Mr. LANDIS. All right, they don't like the clarification. Then the carpenters come along on September 11 and say, "We want the clarification," and if they don't get the clarification they are given the ultimatum on September 11?

Mr. COBB. There are matters intervening that are too important to omit in coming to September 11.

On August 22, 1 week after the clarification and approximately 3 weeks before September 11, Mr. Walsh met with the producers and the minutes say that—

Walsh advises that any company that makes one single change—

Mr. LANDIS. Well, that would be a change of the work.

Mr. COBB. Let's translate it into just what it means.

"One single change," meaning that if the companies restored the companies' work to the carpenters as it historically existed at the time of the three-man committee decision—

Mr. LANDIS. I agree with that.

Mr. COBB. Of course. That if they do that "we will have all work stopped in the studios, exchanges, and theaters."

Now, I want to call the committee's attention to the fact that the companies did not create any incident against the IA. That was 3 weeks before any demand from the carpenters. There was no drastic action taken against the IA. There was no drastic action taken to create an incident to put the IA off the lots. Instead, they continued to meet with the IA.

It is most significant, sir, that in these meetings the IA representatives were present in communion with the carpenters. That did not exist with the carpenters. This was an ex parte procedure between the companies and the IA, a brotherhood between the companies and the IA. There was not that open fairness of dealing with the car-

penters; there was not any drastic action taken against the IA upon their threats to stop all work in the studios, exchanges, and theaters.

Mr. LANDIS. But weren't the carpenters working?

Mr. COBB. The carpenters were working, but—and bear in mind that from the December decision of 1945, right down on through the carpenters were not working in acceptance of the erroneous construction on the December decision, but were working pending the clarification of it, striving all the while for the clarification, and working in the goodness of their hearts not to injure the production companies.

I want to call your attention to something of the most striking significance in this meeting of August 22:

Discussed new A. F. of L. directive as to its effect on existing conditions and what it may lead to.

Who discussed it? The IA and the companies discussed it; a meeting of minds between the IA and the companies in the absence of the carpenters.

Now, let us turn to another meeting.

Mr. LANDIS. Well, wouldn't that be possible? What is wrong with talking to a union that is working for you?

Mr. COBB. I do not think there is anything in the world wrong for an employer to talk to any employee, as long as there is no wrong done in the talk. But where two men foregather and talk innocently, that is all right, but the minute they agree among themselves to do an injury to a third person, that becomes a conspiracy.

Now, let us turn to the meeting of September 3. That was a full week before the Cambiano letter. At that meeting the various members of the companies were present. Mr. Cooper, Mr. Brewer, and Mr. Walsh are shown as having been present.

Mr. KEARNS. That is not Mr. Richard Walsh, is it? I think that is Mr. Walsh of Metro-Goldwyn-Mayer.

Mr. COBB. Let us let it stand that it was Mr. William Walsh.

Mr. Cooper and Mr. Brewer of the IA were present. The Walsh mentioned appears in the minutes immediately below their names.

However, here the IA was represented in communion with them and here is the most significant language:

Also wire Eric Johnston "Still can't understand the directive or its interpretation."

Now, here were the companies in solemn meeting agreeing to wire Eric Johnston that "We can't understand that December decision or the August 16th clarification."

Is this a directive to compel us to abide, or what shall we do? Both carpenters and Walsh have given us opposite instructions.

Mr. LANDIS. That puts them in the middle?

Mr. COBB. Ah, that is the least part, Mr. Landis, that is the least part, "as we are between——"

Mr. LANDIS. Not to the employer, it isn't.

Mr. COBB. "As we are between"—except for the fact that they had been foregathering with the IA if they were in the middle they were certainly tilted by their association with the IA.

But the significant thing in their own minutes of the meeting of September 3 is, "as we are between, AFL counsel must tell us what to do."

Is that asking for a clarification?

Mr. KEARNS. Who said that?

Mr. COBB. The companies in their minutes of September 3. "The AFL counsel must tell us what to do," and that after all the protests about the clarification, "As we are between, AFL counsel must tell us what to do."

If that isn't a question of clarification from the council, what can language mean?

Mr. McCANN. May I interrupt a second, Mr. Cobb?

Mr. COBB. Yes, sir.

Mr. McCANN. Mr. Chairman, referring to the minutes furnished to the committee, I find the record shows that representing M-G-M on that occasion were Mr. Mannix and Mr. Walsh. Among the list of those obviously who are union men are shown Cooper, Brewer, and Walsh, so I think Mr. Walsh must have been present.

Mr. COBB. So both were present. My copy of the minutes show both present.

Mr. KEARNS. Yes; I just wondered for the moment.

Mr. COBB. I thank you, Mr. Kearns. I would rather falter in all that I say than to have one single inaccuracy in my statement to this committee.

Now, why shouldn't they ask for a clarification? It is no sin or disgrace that the three-man committee decision needed clarification. That is only human.

We have had Pat Casey's testimony that they asked for a clarification in January, and we have their minutes showing they were asking for a clarification in September.

Mr. LANDIS. The point it seems you are bringing out is: At first I thought you inferred the companies broke their July 1946 contract.

Mr. COBB. Oh, yes; I am coming to that.

Mr. LANDIS. You are saying now the carpenters wanted the clarification, and the IA didn't want the clarification, and that the trouble was over the clarification.

Mr. COBB. You misunderstood me. I said the companies wanted the clarification.

Mr. LANDIS. Now, you said the carpenters wanted a clarification.

Mr. COBB. The carpenters wanted a correct interpretation of the December decision which gave them their historic division of work, which was procured in the clarification.

Mr. LANDIS. That is what the carpenters wanted?

Mr. COBB. Yes, sir.

Mr. LANDIS. Then after the clarification was made, the IA didn't want it?

Mr. COBB. The IA said, "We've got a hold of your jobs that you had historically"—I am not speaking literally.

Mr. LANDIS. Who made these statements that the company wanted the A. F. of L. to make the clarification?

Mr. COBB. It is in the minutes, but it does not credit it to any individual.

Mr. LANDIS. No one person said it?

Mr. COBB. That is the general discussion of the companies.

Mr. KEARNS. There was much testimony given there that the companies had gone ahead and followed out the directive, that it was not

satisfactory, and they are willing to have an interpretation of it. That is why they went to Miami, wasn't it?

Mr. COBB. Yes.

Mr. LANDIS. That is why they were in the middle?

Mr. COBB. No; they were not in the middle; they were in bed with the IA, Mr. Landis. I don't mean to speak lightly when making that statement.

Mr. LANDIS. The point I am trying to make is that the companies tried to abide by the directive; the carpenters did not think they were, and they then asked in the meeting for the clarification, isn't that right?

Mr. COBB. You are mistaken in one sense, Mr. Landis. The companies did not try to abide by the directive. The companies tried to give the IA the set erectors' work to the carpenters and the companies were working in conspiracy with the IA to take the work away from the carpenters.

Mr. LANDIS. But the carpenters, under contract, under the contract of July, went ahead and gave the IA the set erectors' work, isn't that right?

Mr. COBB. Oh, no, indeed.

Mr. LANDIS. Who did that work before the July contract?

Mr. COBB. The work was being done in July under the continuing protest—

Mr. LANDIS. Let us say in June.

Mr. COBB. Let's say that the work was done from January to July and from July to September under the continuing protest of the carpenters, but in the goodness of their hearts, pending a decision on the meaning of the directive, the carpenters were not striking against the companies and were not closing down.

Mr. KEARNS. They were still working under the Beverly Hills agreement, were they not?

Mr. LANDIS. That is right.

Mr. COBB. And the Beverly Hills agreement—

Mr. LANDIS. In July.

Mr. COBB. That is right.

Mr. KEARNS. That cannot be overlooked. If Pat Casey had the authority to sign that agreement for the producers and Sorrell for the Conference of Studio Unions, it was an agreement, evidently.

Mr. COBB. Oh, certainly.

Mr. KEARNS. The producers wanted the work done at that time, that is why there was the Beverly Hills agreement.

Mr. LANDIS. I can't see where they broke the contract; that is what I can't see.

Mr. KEARNS. What I have never been able to see is where anybody, particularly, broke the Beverly Hills contract.

Mr. LANDIS. That is what I am trying to bring out.

Mr. COBB. I am coming to that.

Mr. MCCANN. Mr. Cobb, may I interrupt you to develop two things which I think Mr. Landis ought to understand before you come to the next subject? First we had repeated statements by the three-man committee in Los Angeles that it was their intent to give the work to the unions on historic lines.

Mr. Doherty, Mr. Knight, and Mr. Birthright, testifying before the committee, said that in the issuance of the directive of December 26, 1945, they thought that they were carrying out an agreement

which had been in operation between the IATSE and the carpenters, and that it was not until a long time afterward that they found out the 1925 agreement had never been in effect; and that it was their intention in making the original decision of December 26, 1945, to give the work to the unions on a historic basis.

Mr. COBB. That is correct.

Mr. KEARNS. Unfortunately there, Mr. Landis, what Mr. Knight especially said through his mouth in Los Angeles is not the language of the directive.

Mr. COBB. It is in the first part of the directive, Mr. Kearns. In the first part there is a definite statement that they agreed unanimously to follow the historic policy.

Mr. LANDIS. Now, let me get this clear once more.

I understand there is argument over the directive, and there is argument over the clarification. I want to go back to the contract. Here they go along under the directive, then they have a 2-day strike. They get together and sign a contract and work up until September 11 under this contract.

Mr. COBB. That is right.

Mr. LANDIS. Now, show me where they break the contract.

Mr. COBB. All right, sir; that is a fair question.

Mr. KEARNS. Before you give that, I have a telegram that is necessary to be read into the record at this time, then you may go on.

This is addressed to me:

California Senate Committee on Un-American Activities believes evidence overwhelming concerning Herbert K. Sorrell's Communist affiliation. Clark Sellers and John Harris, outstanding experts on questioned documents, independently and unequivocally identified Sorrell's handwriting on Communist Party documents. Witnesses available who can testify having seen Sorrell's Communist book in Sorrell's possession and who attended Communist Party Los Angeles convention with Sorrell. Sorrell affiliated with scores of Communist-front organizations and has openly supported Communist candidate for public office. His testimony before your committee should be cited to Federal grand jury for action and California committee respectfully urges you and your committee to thoroughly probe every allegation and denial made by Sorrell. California Legislature now in budgetary session for several weeks. Will welcome opportunity to appear before your committee as soon as California Legislature adjourns. Suggest you subpoena Frank Spector, admitted Communist functionary now facing deportation to his native Soviet Russia, and believed to be a Soviet secret agent, member of Sorrell's union, and strike strategist in Hollywood. Sorrell case of great importance to California. Please wire me immediately if arrangements can be made for my appearance before your committee following adjournment of California Legislature.

Senator JACK B. TENNEY.

Mr. LANDIS. There is nothing said in the contract pending the clarification, was there?

Mr. COBB. No, sir.

Mr. LANDIS. There is nothing in the contract that says anything about set erectors, is there?

Mr. COBB. No, nothing in the contract one way or the other about set erectors.

Mr. LANDIS. It is funny they didn't straighten that out. That is the place where it should have been straightened out, in the July contract.

Mr. COBB. Well, Mr. Landis, if you give the December 1945 decision the correct interpretation, based upon the statement on the face of it that they were carrying out the historic division—

Mr. KEARNS. What is the historic division of the Beverly Hills contract, have you read that?

Mr. LANDIS. No; I have not. I am just saying they do not agree with the directive up to the date of the contract; they go out on a 2-day strike. Then was the time to settle it. If they settled it and went back to work I could not understand what disturbed it except the clarification. If there had not been a clarification I am just wondering if there would have been any trouble after that.

Mr. COBB. Mr. Landis, just let me get this one thing clear.

Mr. LANDIS. All right.

Mr. COBB. Don't say the December decision. Please think in the terms of the company and IA interpretation of the December decision.

Mr. LANDIS. I agree that is what the carpenters did not like and that is what caused the 2-day strike in July. They went out, then I thought they came back and settled that part of it.

Mr. COBB. The carpenters have never yielded that the December decision gave anything to the IA that belonged to the carpenters. The July agreement did not waive anything.

Mr. LANDIS. Didn't they sign the July agreement?

Mr. COBB. Yes, but that does not waive their proper construction of the December decision. That is what I am perfectly willing to let the court determine. I am perfectly willing to let a court put the proper interpretation on the December decision.

It was not the December decision that caused them to take carpenters' work and give it to the IA, it was a misinterpretation of the December decision.

Mr. LANDIS. Do you have the Beverly Hills contract there?

Mr. COBB. Yes, sir; I have it before me right here.

Mr. LANDIS. Read something from that which says where the set erectors go.

Mr. COBB. I do not find anything in the July 1946 contract referring to set erectors.

Mr. LANDIS. That was over the machinists?

Mr. COBB. There isn't anything in the Beverly Hills agreement that affects the proper construction of the December decision.

Mr. LANDIS. The carpenters signed it, did they not?

Mr. COBB. But they signed it under the true interpretation of the December decision, as shown by the clarification. They never signed their rights to carpenters' work away.

Mr. LANDIS. Did they know there was going to be a clarification at that time?

Mr. COBB. They had been striving for it for all these months and they anticipated that there would be, of course.

Now let us come to the breach of contract.

Reading from the minutes of September 11:

Cambiano stated he had copies of the directive's interpretation and letter from Green stating copies had been sent to Johnston for the industry's information and that he was here to ask that it be put into effect on the first shift Thursday morning. Skelton stated he understands construction to include laying out of sets, laying flooring, cutting flooring, plumbing sets, et cetera. Assembly he thinks is same as prior to March 5, 1945, done by laborers and IA setting up a line.

Now I ask the committee to draw a contrast between the August 22 threat of Mr. Walsh that all work would be stopped in the studios,



exchanges, and theaters, and the language quoted from Cambiano on September 11, that he was "here to ask that it be put into effect on the first shift Thursday morning."

Mr. LANDIS. What else did he say?

Mr. COBB. That is the end of the quotation as to Cambiano.

Mr. LANDIS. That was not all the testimony given before the committee. He was going to walk out.

Mr. McCANN. I call you attention to the fourth paragraph there:

Mr. Kahane inquired what will carpenters do if we do not follow the interpretation. Cambiano answered, "If you do not follow it, sets will be declared hot, and we won't work on them."

Mr. COBB. "And we will not work on the sets."

Mr. LANDIS. That is right. That is the same as shutting them down.

Mr. COBB. No, indeed.

Mr. LANDIS. How can you run a studio without the sets?

Mr. COBB. Well, the testimony in the record, I think is clear that there would not have been any imminent closing down of the studios because of the sets. The testimony is clear that at either Columbia or Universal they had the IA build a set for the special purpose of creating an incident.

Mr. LANDIS. You mean you could finish a picture without a set?

Mr. COBB. No; but you could finish pictures on the sets they had. There was not any overnight danger of closing the studios.

I wish to go on now:

The lawyers were asked what our rights are as to firing men.

Mr. KEARNS. That is the producers' lawyers?

Mr. COBB. That is right—

for refusing to perform work assigned and what would be done or said in the matter. The following was decided upon. If any men refused to perform services, lay them off and pay them for their hours worked: put on card, "Laid off for refusal to perform work assigned." Each studio not represented was notified of above by telephone.

So that on September 11 the agreement was made between all the major studios.

If any men refused to perform the service, then lay them off for refusal to perform work assigned. \* \* \*

Kahane of one of the majors answered a phone call and on return stated, "Brewer says instructions to man the companies means furnish painters, carpenters, etc."

Now, Mr. Landis, does that say to furnish set erectors?

Mr. LANDIS. No; but I understand that is anticipating the carpenters would leave the job.

Mr. COBB. But the carpenters never left the job. There was the definite agreement between the companies and the IA, that the IA would furnish carpenters. That brings up this very important point. What carpenters? The carpenters to build sets? Or all carpenters?

There was never any issue in there except over carpenters' work on the sets. There was never any statement by Mr. Cambiano that he would declare the studios hot. There was never any statement by Mr. Cambiano that he would declare the mills hot or the maintenance work hot.

Yet here was the agreement between the companies and the IA for the IA to furnish carpenters, without qualification, without limita-

tion, which can only be construed to mean all carpenters, when you consider it in the light of the previous agreement between Mr. Walsh and Mr. Schenck way back a year and a half before that, that the IA was to take over all carpenters' work.

Then on the 12th when they met, the report of 10:50 a. m. indicates:

M-G-M has dismissed 12 carpenters, Fox 2, Columbia 2. At the meeting RKO reported 20 and Columbia and Fox each 2 additional.

Now that does not mean merely that M-G-M dismissed 12 carpenters, it means that by concerted agreement of all the companies, each of the companies were dismissing or were to dismiss the carpenters.

Mr. Kahane reported recent conversations with the presidents and Eric Johnston which contained the following recommendations: "Lay off carpenters if they refuse to perform the services to which they are assigned."

It does not say lay off with regard to set erection, "Lay off carpenters who refuse."

Now the question arises as to these maintenance men and as to these mill workers. That question is answered later in here.

Mr. LANDIS. Do you know on what date the picket line was set up?

Mr. COBB. Subsequent to September 23.

Mr. LANDIS. But no carpenter worked on a hot set from September 11 to September 23 when all of them were given their pay?

Mr. COBB. After September 12.

Mr. LANDIS. Well, September 12.

Mr. COBB. Well, the 1 day is significant because of the agreement made between the companies and the IA 1 day in advance.

Mr. LANDIS. But no carpenter worked on a hot set between September 12 and September 23 when the mass lay-off occurred on September 23?

Mr. COBB. That is correct.

Mr. LANDIS. Of course there was the anticipation of a lot of trouble between the 12th and the 23d?

Mr. COBB. Well, all the anticipation and all the trouble was made by the conspiracy of the companies and the IA. I say "by the conspiracy" because it was by agreement between them to injure the carpenters and that is what makes a conspiracy.

Mr. LANDIS. That is where I say the employers went to the IA to get fellows to keep the place open if the carpenters wouldn't work.

Mr. COBB. If that were a correct statement, Mr. Landis, that would be one picture, but they went to the IA, or rather they were already with the IA and they agreed not to get IA if the carpenters did not work, but as I will show later they agreed to create an incident to force the condition by which they could substitute IA's for carpenters.

In this meeting of the 12th it was decided to call in Brewer "and tell him of situation and find out from him if the IA is to furnish men to fill places vacated to keep the studios open." They then provided:

The producers' labor office will act as a central clearing house to receive daily reports from the studios as to the number of men laid off, number of companies shooting, and length of time each company can keep going—

showing the concerted action by them.

Mr. Al Wright is one of the able lawyers of Los Angeles and attorney for Twentieth-Century-Fox.

Al Wright submitted the following, copies of which were to be distributed to each studio representative with instructions to keep in hands of only one, and two in each studio.

There is your concerted action. There is your agreement between them:

1. Any employee who refuses to perform the work properly assigned—I want you to bear in mind the language of this able lawyer—properly assigned to him in accordance with his regular classification.

Now, Al Wright is one of our great lawyers of Los Angeles. I want you to read and consider the language of his advice to them, as distinguished from their actions.

Any employee who refuses to perform the work properly assigned to him in accordance with his regular classification of work should be requested to leave the premises.

Now reading from the minutes of September 23, the day of the lock-out:

Alfred Wright stated the studios cannot morally or legally assign maintenance men who never have worked as journeymen on sets, to set work.

Mr. LANDIS. But they claim they could.

Mr. COBB. I understand that.

Mr. LANDIS. The producers so testified.

Mr. COBB. Yes; they claimed they could but they did it over the advice of one of our great lawyers of Los Angeles as the counsel for one of the great companies.

Mr. LANDIS. That may be, but they testified there was nothing in the contract which said they had to do a certain specific job.

Mr. COBB. I understand their contention.

Mr. LANDIS. You heard that testimony?

Mr. COBB. Yes, sir; but that is one of the questions that we are willing to submit to the Labor Board and to the courts, and that we invite them to join in submitting.

Then it goes on—and mind you these instructions originally were limited to “those properly assigned in his regular classification.”

Now what happened? They assigned some to the sets who refused to work and they dismissed them. They assigned some mill men to the sets.

Mr. LANDIS. And they wouldn't work?

Mr. COBB. That is right, and when they wouldn't work they dismissed them.

They assigned some maintenance men and when they would not work on the hot sets they dismissed them.

But, that was not the full story because they dismissed every carpenter belonging to Local 946, some by assigning them to the hot sets and some without any pretense of assigning.

Mr. LANDIS. They claimed that was a lay-off?

Mr. COBB. They claimed it as a lay-off but they made another claim, and without wishing to be harsh—

Mr. LANDIS. Then they also claimed that they anticipated trouble and if they were going to have any trouble they wanted the trouble on the outside?

Mr. COBB. That of course being a pretense.

Mr. LANDIS. But that was the testimony?

Mr. COBB. I grant they claimed that, but that was all a pretense.

Now I want to read you from the minutes of September 16, an agreement that was absolutely clairvoyant. Unemployment compensation.

Mind you, every one of these carpenters had insurance premiums deducted from his pay to pay for his unemployment insurance:

Cregan of the Loab office wanted instructions for the controllers—

I assume the controllers of the companies—

as to what position the producers wanted to take on statement to be made to the State unemployment fund. It was agreed to say, "The employee left his work on account of a trade dispute," and to ask the department to disqualify him for unemployment insurance.

Mr. LANDIS. The State law of California does not allow compensation for people on strike, is that correct?

Mr. COBB. The language he has used here is taken from the statute. If an employee leaves his work on account of a trade dispute—

Mr. LANDIS. But the carpenter I talked to was not fired, he was laid off.

Mr. COBB. That was a pretense, Mr. Landis. I am very happy for you to bring that up. That was a pretense that they were laid off. But they have been laid off now for 18 months.

Mr. LANDIS. But this carpenter never went to ask for his job back.

Mr. COBB. Why not? I am so happy that you give me the opportunity to make that clear.

Mr. LANDIS. All right, then make it clear.

Mr. COBB. Because they were employed under a contract. That is definite and positive. They were employed under a contract.

Mr. KEARNS. Do you consider the carpenters have a contract with the producers today?

Mr. COBB. Oh, yes. The Beverly Hills agreement is a contract until the first day of next July.

Mr. KEARNS. That is the way I get that Beverly Hills agreement.

Mr. COBB. Of course.

Mr. LANDIS. It was a contract but then the carpenters said they would not work on the hot sets.

Mr. COBB. Ah, now, Mr. Landis, let's classify the carpenters now. For the moment let me speak of the mill man who never worked on a set; let's speak of the maintenance man who never worked on a set.

Now they agreed among themselves, 1 week before September 23, to represent to the State that "The employee left his work." Now there isn't one scintilla of evidence in this record and there cannot be on scintilla of honest evidence put into the record that any one of those carpenters left his work. Those carpenters were removed, some by being told to leave the studio and some by being physically removed from the studio.

There was not one carpenter that left his work.

Yet here a week in advance there was an agreement between them to represent to the State that a man had left his work when, according

to their own agreement that they were making, it was their intention and purpose to put him out of the studio.

Now you have asked very properly "Where is the conspiracy?" They agreed, according to their own minutes, to ask the department to disqualify him for unemployment insurance.

Now why should a man who has worked and paid his unemployment insurance premiums for years, be deprived of his unemployment insurance? What has he paid for? What is the value of his contract, if conspiring employers can make representations to the State without basis of fact and by conspiracy between themselves can cause the State to deny him that unemployment insurance?

I would like to state at this point that this matter is up now on appeal before the unemployment appeals board. I have filed a brief on that appeal which I do not think should be used to encumber the record, but I ask the privilege of filing it for reference purposes.

Mr. KEARNS. No objection.

(The document is filed with the committee.)

Mr. LANDIS. The point I do not have clear in my mind is: If there is nothing in a contract that says a carpenter on a maintenance job cannot be transferred to a set job or any other kind of a carpenter cannot be transferred, if there is nothing there to prevent him from doing that certain type of work, why then when they were transferred over to the sets didn't they work on the sets? The question in my mind is, did those carpenters who refused to work on the sets break the contract?

Mr. COBB. No, sir.

Mr. LANDIS. Well, tell me why.

Mr. COBB. Because they worked on the sets that belonged to the carpenters up to the date of the December decision. The work on the sets belonged to the carpenters under the decision to preserve the historic division of work. The work on the sets belonged to the carpenters under the clarification. That was the historic work belonging to the carpenters. So much for the carpenters who worked on the sets.

Now for the carpenters who never worked on the set.

Mr. Wright, their attorney, said they had no moral or legal right to assign them to it. At another point Mr. Benjamin, page 303-A of the record, states:

"Mr. Benjamin expressed belief that even though the NLRB might decide producers had engaged in unfair labor practice, there was a good chance the Board might not assess any back pay."

The question in their mind was not whether they had a right, the question in their mind was "Will we get caught for back pay?"

Now, sir, coming to those carpenters who were not involved in any way with the sets, and I think from the statement that there were 350 jobs involved in connection with the sets, and I think the record will show some 2,000 carpenters employed as a whole, that a substantial majority of them were not set workers.

There is not a thing in this record, in the contract or in actions taken, to justify the breach of contract. There is no issue with regard to the set work to justify the breach of contract with those carpenter employees who did not do set work.

Mr. LANDIS. If these carpenters had been doing set work for those other fellows under the contract, then they all at once decided not to do it, wouldn't that be a breach of contract?

Mr. COBB. I don't understand the question exactly.

Mr. LANDIS. All right. Here we are working together from July 3 to September 11. Some of those carpenters worked on the sets and some of those other fellows worked on the sets. Then on September 12 they decided to call them hot sets and they refused to work on the sets.

Mr. COBB. Who refused to work on the sets?

Mr. LANDIS. The carpenters.

Mr. COBB. What carpenters?

Mr. LANDIS. Local 946.

Mr. COBB. No, that isn't the record, Mr. Landis. The record is that certain carpenters were assigned to the hot sets and certain other carpenters were not assigned to the hot sets. I am trying to treat the two classifications.

Mr. LANDIS. All right, let's say the ones assigned to the hot sets refused to work on the hot sets and they belonged to 946.

Mr. COBB. All right.

Mr. LANDIS. The question in my mind is this: The ones who worked on the hot sets and who belonged to 946, they are the ones who raise the question in my mind as to whether they broke the contract or not.

Mr. COBB. All right. On that question we have asked the court, we have asked the Labor Board and the court to determine the issue you stated. We are ready and willing to have that determined by either the court or the Labor Board.

The law on that in my judgment is so clear that the carpenters were entitled to all that they asked under the terms of the December decision—let's go back, under the terms of the Cincinnati directive, the December decision, the July contract and the August clarification. We are so clear and confident that as a matter of law we are entitled to that work, that I—

Mr. LANDIS. Well, I say it should have been spelled out at some time as to what each one was to do. That is what caused the big dispute. It should have been spelled out long before this. It should have at least happened in July.

Mr. COBB. You cannot get things spelled out, as you stated they should be, when there is an agreement between the companies and the IA to take the work away from carpenters, when there has been that conspiracy from the spring of 1945 to deprive the carpenters of all work.

Mr. LANDIS. All work?

Mr. COBB. Yes, all carpenter's work. There was that conspiracy back in 1945 to deprive them of all carpenters' work. The issue here is not over the mere set erectors or over the carpenters who build sets, the issue is much wider, of the conspiracy to deprive carpenters of all carpenters' work.

It is for that reason that I have felt such great confidence in the decision to be made by the courts, and such great willingness to submit it to the Federal court for decision in the interpretation of the contract.

Mr. LANDIS. You never did finish the lock-out.

Mr. KEARNS. Just a moment. We will take a recess at this point to give the reporter a little rest.

(A short recess was taken.)

Mr. KEARNS. The hearing will come to order, please.

Mr. COBB. Now, Mr. Landis, I suggest that we distinguish between a strike and a lock-out in this way—

Mr. LANDIS. And a lay-off, don't forget that. It is testified here that this carpenter was laid off.

Mr. COBB. Let us distinguish first between a strike and a lay-off.

If the carpenter voluntarily strikes, that is a strike. If he quits of his own accord that is a strike.

Mr. LANDIS. That is not a strike if he quits.

Mr. KEARNS. If the man walks off the job that is a strike.

Mr. COBB. That is right, if a man walks off the job that is a strike, but if the men are put off the job they are locked out.

Mr. LANDIS. But we have the testimony where this fellow was laid off. He said they told him, "You are laid off temporarily," or something to that effect. He said, "Am I fired?" And they said, "No, you are not fired, you are laid off."

Mr. COBB. Now, let's take the distinction step by step. We have agreed on what is a strike.

Mr. LANDIS. Yes, we have agreed on that.

Mr. COBB. We will agree that if the studio decided to close down temporarily and said, "Boys, we don't need you, you can go home until we call you back," that is a lay-off.

Mr. LANDIS. But you could have another reason for that besides a lay-off.

Mr. COBB. What other reason, Mr. Landis?

Mr. LANDIS. If I anticipate trouble I would lay off until this trouble is over with, then I could start them back to work again.

Mr. COBB. All right, now let me take that as our basis.

Let us take the theory—and this is purely hypothetical because I have shown it is not sustained by the evidence—let us take the hypothetical theory that the companies laid off the men temporarily and until conditions would permit the companies to call them back. Is that a fair statement?

Mr. LANDIS. That is all right.

Mr. COBB. Now in answer to that in the minutes of September 12, 1946, this sentence appears:

It was agreed each studio would assign work to carpenters by Monday to create an incident.

Mr. LANDIS. Was that testimony sworn to?

Mr. COBB. This is the language of the minutes of the companies' committee.

Mr. LANDIS. That is not our testimony before the committee, sworn testimony before the committee?

Mr. COBB. There has not been a denial that I can recall. These minutes have been authenticated by company witnesses.

Mr. LANDIS. I don't know about that.

Mr. COBB. The minutes have been authenticated by Mr. Freeman.

Mr. LANDIS. It has been testified here under oath that these men were laid off temporarily to prevent the trouble, tearing up and destruction of property on the inside. Now that is the testimony. Isn't that correct? Haven't we heard that testimony?

Mr. COBB. I do not recall the testimony in that way. However, let us concede your recollection to be correct. That testimony is not sus-

tained by the facts, as shown by the minutes of the companies themselves.

The minutes show the agreement that "Each studio would assign work to carpenters by Monday to create an incident."

Mr. LANDIS. By Monday of what date?

Mr. COBB. The 23d.

Mr. LANDIS. Read the whole thing again.

Mr. COBB (reading):

It was agreed each studio would assign work to carpenters by Monday to create an incident.

That agreement was made on the 12th.

Mr. LANDIS. Could you interpret that? That was during the trouble. What date was that?

Mr. COBB. This was on the 12th.

Mr. LANDIS. Couldn't it be interpreted that they were going to try those fellows out and see if they meant what they said they were going to do?

Mr. COBB. No, Mr. Landis, that could not be it.

Mr. LANDIS. If I had been the employer I would have tried them out on that proposition.

Mr. COBB. No, sir, to the contrary, the evidence shows——

Mr. LANDIS. What do you think that means?

Mr. COBB. That means exactly what it states, that they agreed among themselves to create an incident as the means of putting the carpenters out, not the carpenters on sets, but all the carpenters, putting them out.

You will find in the testimony of the Los Angeles hearings, testimony of one executive of one studio, after another executive of another studio, showing that that pattern was carried out. That testimony was so uniform as to what they did that it was not deemed necessary to call every studio. The pattern was adopted and followed as shown by the testimony of the executives from each of the companies interrogated.

Mr. LANDIS. Now, we got a different interpretation right there on that one line.

Mr. COBB. If you have a different interpretation who is in any better position to determine that interpretation than the court? I have invited the gentlemen to leave that interpretation to the court.

Mr. LANDIS. They can interpret it in one way or they can interpret it in more than one way.

Mr. COBB. They would interpret that in connection with all the evidence. They would not interpret one isolated thing, they would interpret the whole together.

There is no variance in the testimony as to the agreement that they were to put all the carpenters out by creating this incident. There is no controversy over the fact that they did put all the carpenters out by this agreement.

Mr. LANDIS. No, because some of them are still working.

Mr. COBB. No. I am very glad indeed to hear you state that.

Mr. LANDIS. None working at all?

Mr. COBB. Oh, there are some——

Mr. LANDIS. I thought somebody said there were 150 or so.

Mr. COBB. Oh, not carpenters; no, no.



Mr. LANDIS. No carpenters at all?

Mr. COBB. They are some pretended IA carpenters.

Mr. LANDIS. No members of 946 at all?

Mr. COBB. Not one that we have ever heard of.

Mr. LANDIS. Just the outside carpenters?

Mr. COBB. I would not dignify them by calling them carpenters.

Mr. LANDIS. I don't know what kind of carpenters the IA has or whether they have any carpenters. I thought some of these carpenters went back through the picket line. I know some of them would not go back through the picket line.

Mr. COBB. So far as we know there has never been one single 946 carpenter go back into the studios. Now why?

Mr. LANDIS. Because they have to respect the picket line.

Mr. COBB. Oh, no, sir. You have heard the statement that the carpenters can come back to work any time they want.

Mr. LANDIS. I have heard that, yes.

I mean some of them, if they need them.

Mr. COBB. I pointed out where the carpenters had a contract both as to wages, hours, and working conditions, and a contract of employment. They said the carpenters can go back to work. They haven't said once that the carpenters can go back to work under that contract.

They have said the carpenters can come back to work under an open shop.

Mr. LANDIS. I believe one of them said they had an open shop.

Mr. COBB. The record is perfectly clear that they are operating under open shop—under closed shop for IA's and under open shop for carpenters. A sort of dual system of operation.

Mr. LANDIS. In other words, you could work there under 946 if they got it open shop, could you not?

Mr. COBB. No, sir. Call me a 946 carpenter. If I wanted to go back to work I would have to go back in an open shop.

Mr. LANDIS. But that would not prevent you from belonging to the union. You would have to work with IA members, and probably some nonunion members if you went back to work; isn't that right? In an open shop you could have IA, you could have carpenters, and you could have nonunion men.

Mr. COBB. I want to get this principle stated clearly, because it is so important.

The Supreme Court has held that a man's right to work under a contract is property, and I shall give you the quotation from the Supreme Court in my written brief.

The carpenters of 946 have a property right in their contract called the Beverly Hills agreement.

When the companies tell them that they can come back to work in an open shop, but not under that contract, that is depriving them of a property right in violation of the fifth amendment to the Constitution. I will brief that very thoroughly for the committee.

Now, let's take the "hot" sets. Under the contract—and the record here shows not only the original basic contract of 1926 and the various extensions of it, but the closed shop contract of 1935, which is still in effect as a part of the general contract carried forward, and which is binding under the Taft-Hartley law until the date of its expiration—that the carpenters have a closed-shop contract until the 1st of July to do all carpenters' work in the studios.

Now, the companies conspire among themselves and make an agreement in conspiracy with the IA, as appears in the minutes, the minutes being of September 17 [reading]:

Brewer said to put IA men on sets so carpenters and painters will quit.

In here I read you the minutes to create an incident. Brewer from the IA comes in and says to them, as the basis of the agreement between the IA and the companies:

Put IA men on sets so carpenters and painters will quit, provided IA is advised in advance when and where; (2) put on enough set erectors and painters in a group for self-protection; (3) keep procedure quiet so CSU cannot gang up on us at a spot.

Now, there is a secret agreement between the companies and the IA to put the IA on work belonging to carpenters under a valid existing closed-shop contract. That is conspiracy.

And in connection with that, to create an incident as a means for putting them off the lot.

Mr. LANDIS. I think the question is where you have a contract where they would not work on the sets.

Mr. COBB. Our contract gave the carpenters the right to do that carpentry work on the sets. If the carpenters had yielded that right they would have forfeited their contract and would have forfeited their property right in the contract, which is protected to them by the fifth amendment.

Mr. LANDIS. Why did they work under that condition?

Mr. COBB. They never worked under that condition except under the protest, pending the clarification of the December agreement. They contended at all times that they were entitled to it.

Mr. LANDIS. But they worked from January to July, then made a new contract in July and continued to work?

Mr. COBB. But they did not make a new contract giving any part of that set work to the IA, Mr. Landis.

Mr. LANDIS. No; but they should have made a contract clarifying that.

Mr. COBB. Who should have made the contract?

Mr. LANDIS. Well, the carpenters should have demanded it, I suppose.

Mr. COBB. The carpenters were demanding it at all times. It takes two to make a contract.

Mr. LANDIS. Before I would have signed the contract in July I would have tried to get that in the contract. I would have tried to get the job done, if I had been the carpenters.

I would have made that clear because they had all that trouble from January up to July, and I would have tried to get it in the agreement.

Mr. COBB. Now, Mr. Landis, let's get clear on this. Under the historic work that belonged to the carpenters, under the decision in December to respect the historic division, it belonged to the carpenters. Under the conspiracy between the IA and the companies it was taken away from the carpenters temporarily, over the carpenters' protest that lasted on until this clarification; that then when the clarification was made, not setting up anything new, but merely stating what was intended by the December decision, it was the IA who became the aggressor, not the carpenters; it was the IA who made threats, not the carpenters; it was the IA who entered into conspiracy with the com-

pany not the carpenters; it was the IA who breached the contracts and not the carpenters.

So when you come to the actual occurrences of September 23 the carpenters did not leave.

Mr. LANDIS. Did the IA men leave there?

Mr. COBB. The IA moved in on the carpenters' work.

Mr. LANDIS. Did they leave their work after the July 2 contract?

Mr. COBB. The IA's were in conspiracy with the companies, getting all that the companies would give them, so why should they leave? They threatened to leave if the companies—

Mr. LANDIS. Some of the carpenters left?

Mr. COBB. Oh, no.

Mr. LANDIS. Between September 12 and 23?

Mr. COBB. I don't know of one word of testimony in here to show that.

Mr. LANDIS. Well, I mean refused to work on the sets.

Mr. COBB. That is a vast distinction. I don't know of one word of testimony that any carpenter left, except this fraudulent representation of the company.

Mr. LANDIS. I mean because they would not work on the sets they were let out.

Mr. COBB. Because they would not abandon their contract to permit the IA to do work that belonged to the carpenters under the contract.

The breach of contract was on the part of the companies and the IA, not on the part of the carpenters.

Now, it is very important to bring this to your attention: In that old basic contract between the companies and the unions of 1926, the IA and carpenters both signed that agreement.

Under the closed shop of December 1935 the carpenters and the IA both signed that contract.

Mr. LANDIS. What kind of a contract did they have in '26; do you know?

Mr. COBB. Yes, sir, I have a copy of it. Will you excuse me for just a moment?

Mr. LANDIS. Yes, sir.

Mr. McCANN. Off the record.

(Discussion off the record.)

Mr. LANDIS. I am talking about the Beverly Hills agreement—

Any dispute other than wages should be submitted to arbitration. Skelton and Brewer will get together and make an agreement covering arbitration. Basis of arbitration will be the A. F. of L. three-man directive.

Now, get this:

It was agreed to let each studio interpret the directive and award the work where in its judgment it belongs under the directive and no work stoppage will be ordered for the next 30 days, or until the arbitration machinery is set up.

Mr. COBB. Well, now, sir, there was never any arbitration machinery set up, so far as I am informed.

Mr. LANDIS. There was no strike?

Mr. COBB. There has been no strike by the carpenters, sir, there has been a lock-out of the carpenters. The carpenters were put out; they did not go out.

Mr. LANDIS. The point was they should have gone ahead with the work until they set up some arbitration machinery.

Mr. COBB. It is a basic principle of law, which I am sure no lawyer would dispute, that when fraud and conspiracy enter those in the fraud and conspiracy are guilty of the breach of contract.

There was nothing in the Beverly Hills agreement upon which, by any stretch of the imagination, the carpenters were bound by any conspiracy between the IA and the companies. All agreements in law are made upon the basis and assumption of good faith.

Mr. LANDIS. What would you have done if you had been an employer and the carpenters had walked off your set? Would you have just sat down, or would you have hired more men to take their place?

Mr. COBB. There is a statement in these minutes regarding Mr. Cambiano that I want to call your attention to.

Mr. LANDIS. But I want you to answer my question.

Mr. COBB. I am going to answer that, too, sir. Let me answer this, if I may. You asked a question some while back as to whether the sets were closed down the following day. The minutes of September 11, at page 3313 contain this:

It was further stated by Cambiano that the sets were "hot" only after tomorrow.

What had been done up today was not "hot"—

only after tomorrow; that sets currently built would be finished by carpenters.

That any sets that were partially built, the carpenters would go in and finish the sets.

Mr. LANDIS. Now, you are the employer.

Mr. COBB. You asked me the question if I was the employer?

Mr. LANDIS. I am not going to say you are the boss, but you are running that end of it, the studio steward, or whatever it is, to keep the studio open. The boss directs you to keep the studio open and these carpenters will not work on the sets.

Mr. COBB. Let me know where you are casting me. Am I an employer, or am I a carpenter?

Mr. LANDIS. You are not a carpenter.

Mr. COBB. Now, if I put myself in the position of the employer, what would I do?

Mr. LANDIS. Well, your boss is over you, the owner or the fellow who furnishes the money is over you. He tells you, "I want you to keep the studios open."

Mr. COBB. All right. If Mr. Nicholas Schenck called me from New York and told me as vice president of his company in Los Angeles, "I want you to keep the studios open." what would I do?

Mr. LANDIS. Yes.

Mr. COBB. Well, I do not think there can be but one answer to that, Mr. Landis. I would consult my lawyer and I would ask him what was the lawful thing for me to do. If I consulted as good a lawyer as Al Wright and he told me that I would have no legal or moral right to carry out the wishes of Mr. Nicholas Schenck, I would tell Mr. Nicholas Schenck that I regretted that I could not carry out his unlawful purposes and if he said, "Well, you can't work for me any more." I would say, "Goodbye, Mr. Schenck."

I think that is what any man who is a law-abiding citizen would have done.

Mr. LANDIS. You mean in the United States in a free country—

Mr. COBB. No; it is not a free country when employers and others conspire against the workers under a contract.

Mr. LANDIS. Well, I have a business here and I want to keep this business going. If one union decides not to work on this certain work over here and in order to keep it going I have to work this part here open and running, and I cannot go out to another union, or if I cannot get union men, I have to get other men to come in here and finish the work—do you say I cannot do that?

Mr. COBB. I would say the employer has a legal right to protect himself within the law to the full extent of his interests and benefit, but that no employer is bigger than the law and no employer can justify his action in conspiring with other employers to deprive workers of contractual rights.

Mr. LANDIS. I don't mean that. I say, I would have the right as an employer to hire other men to do that job.

Mr. COBB. But you would be in violation of a contract when you did.

Mr. LANDIS. I don't think so.

Mr. COBB. That question I am willing to submit to a court.

Mr. LANDIS. Because they left the work.

Mr. COBB. I am willing to submit that question to a court.

Mr. LANDIS. Well, I am willing to, also.

Mr. COBB. I am not expressing any offense at the question, Mr. Landis. I welcome the question.

Mr. LANDIS. That is right. I believe there is a difference there between those fellows leaving the work or if I just go in there and try to take them out.

Mr. COBB. Mr. Landis, no carpenter ever left his work.

Mr. LANDIS. But he refused to work on the "hot" sets.

Mr. COBB. That was not leaving his work, that was maintaining his contract.

Mr. LANDIS. But he had been doing that work before.

Mr. COBB. The full time, practically a month, was allowed for them to accept the clarification.

Now, I want to call your attention to another thing, a thing of very great importance. In these minutes of September 17, this statement appears:

Set erectors: Brewer wanted to correct an erroneous opinion that independents were not being forced to use erectors; they are.

That presents a very ugly violation of the Sherman Act; for these companies to enter into this agreement with the IA that they should force independents to use the IA in carpenters' work under the Allen-Bradley case in the Supreme Court.

It was an act where the IA went out of character as a labor union and came into character as a co-conspirator with those not labor unions, in violation of the Sherman Act.

Then on September 17, page 3324, it was further shown by the minutes:

There is to be no hurry—

Mr. LANDIS. Off the record.

(Discussion off the record.)

Mr. COBB. I want to call your attention to one of the most significant passages in all the minutes. This appears in the minutes of September 17, at page 3324:

There is to be no hurry to clean out all carpenters and painters immediately, running into Friday or even Saturday, if necessary.

I call attention to the words "to clean out." That doesn't mean they are going to leave; that doesn't mean that they are going to—what was the word?

Mr. LANDIS. Lay-off.

Mr. COBB. Lay-off. "To clean out" doesn't mean to lay-off men. "To clean out" means to put them out and to put them out means to lock them out. It can't mean anything else.

And the phrase, "not to clean out those who do set-erection work, but to clean out all carpenters."

Now, gentlemen, bearing in mind that the carpenters' contract was a property right guaranteed by the fifth amendment, and that to deprive them of that right was in violation of the fifth amendment; and that any agreement between the companies and the IA to deprive them and clean them out, even in the generous fashion of "running into Friday or even Saturday, if necessary," to carry out the lock-out—I think, sir, completes the proof of the lock-out from the language of the minutes themselves.

There is other rich language in the minutes. I will pick that out in the written brief to be prepared.

I want to thank each of the committee for your kindness to me. I want to assure you of my confidence in your committee.

Mr. LANDIS. You understand my question?

Mr. COBB. Mr. Landis, if I did not know, like, and respect you, you would be the first one that I would tell. I want the record to show my appreciation of the very generous courtesy to me; my full and complete confidence in this committee. I want again to congratulate the committee upon rendering a great public service. I do not know that the hidden facts of this case would ever have come to public knowledge if it had not been for the courage and the wholesome public service rendered by the committee.

Now, I am going to ask just one thing. I have been coming to Washington for about 40 years. I hate to come to Washington and go away from Washington without asking some favor. Nearly everybody comes to ask a favor.

Mr. KEARNS. You don't want to be different.

Mr. COBB. I don't want to be segregated. So I am going to ask a favor.

I am going to ask each and every member of this good committee to draft any and every question that they think I should answer in the written brief to be prepared, and I assure you that I will answer it to the best of my ability.

Mr. LANDIS. That is fair enough.

Mr. COBB. If there are any questions I would be happy to answer them.

Mr. KEARNS. I thought so far as the attorneys are concerned we would not have cross questions, because you are more or less presenting your sides of the case and you do not particularly care to question each other.

Mr. ZORN. I have no questions.

Mr. COBB. May I add one thing about the attorneys?

Instead of abusing these attorneys I wish that for once these motion-picture companies would get some weak attorneys. I am getting tired fighting all the able attorneys in America. And that goes for the IA and my friend Mr. Levy.

Mr. KEARNS. Mr. Cobb, on behalf of the committee, I want to thank you for your patience, too, your contribution that has been made for your side of the problem. I know when we put this all together we may get a total sometime which might mean something to many disputes that might come up in the future.

We do not know what this might bring. I know that all the evidence you are giving here, each and every one of you, is something going into the record that may be good for the future.

Mr. COBB. I thank you, Mr. Chairman. May I just say one other word:

Come what may, I want this good committee to know at all times of my full respect and desire to cooperate.

Mr. KEARNS. Thank you, Mr. Cobb.

We stand adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 4:30 p. m., the subcommittee adjourned, to reconvene at 10 a. m. of the following day, Friday, March 12, 1948.)





# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

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FRIDAY, MARCH 12, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met, pursuant to adjournment, at 10 a. m., before Hon. Carroll D. Kearns, chairman of the special committee.

Mr. KEARNS. I have an announcement to read into the record this morning.

At the conclusion of the present hearings, which I hope will recess this morning until Tuesday, the chairman will notify all persons whose names have been mentioned as Communists, or as members of Communist-front organizations, or who have been in any way associated with Communist activity in the testimony before this committee, so that they may have an opportunity of appearing before the committee to clear all reference made in the record.

This committee will reconvene on Monday, May 17, 1948, to hear any and all such persons named in the testimony and appearing in the record.

Also on this date, Senator Jack B. Tenney of the Un-American Activities Committee of the State of California, will testify.

I will also set the date of Tuesday, May 25, 1948, as the day when the testimony of Westbrook Pegler will be heard.

Mr. McCANN. Have you any announcement to make, Mr. Chairman, with respect to the plans of the committee to get the testimony of Mr. Nicholas Schenck?

Mr. KEARNS. I have taken care of that personally.

Mr. Zorn has been sworn.

You may proceed, Mr. Zorn.

## TESTIMONY OF BURTON A. ZORN, COUNSEL FOR THE MOTION PICTURE PRODUCERS—Recalled

Mr. ZORN. Mr. Chairman and Congressman Landis, I would like to say that as I have sat through these hearings in Washington, I have had complete admiration for your infinite patience, and I hope when this report finally comes through, I will have equal admiration for your wisdom.

We have been here for many, many days. This case has gone into many side alleys and detours. I hope today to try to bring the case back to what I consider the main track, the track on which these frequently voiced, but never proved charges of conspiracy have been made against the producers.

Before I get into that, however, there are two things I would like to clear up.

I have sat here for many days listening to evidence of communism. I express no opinion on the question as to whether Mr. Sorrell is a Communist or not, but I do know one thing, that if he isn't he has certainly learned well the filthy art of smearing and character assassination which is a well-known Communist trick.

In his testimony the other day—and so there is no misunderstanding about this and because of the seriousness of it, I want to repeat it—at page 2583 of this record he testified, starting at page 2582:

Then they brought in a man by the name of Denham to act as trial examiner. I got reports that it was all in the bag now, that Denham would handle everything for the producers and everything would be all right.

Then in answer to Mr. Landis' question about Mr. Denham's first name, Sorrell said:

I don't know, but it is the Mr. Denham who is now head of the National Labor Relations Board.

Mr. Kearns corrected him to say, "chief counsel." Sorrell continues on page 2583:

We knew what was happening with Mr. Denham. We knew what kind of a deal we were getting, but after all there are three members on the Board, at least three, maybe more, because I was not there. Among them were Mr. Huston, Mr. Reilly, and Mr. Milletts.

He is obviously in error on Mr. Milletts, because he means Mr. Herzog and he corrected it the next day.

We have friends that work around that Board. They kept in touch with us and told us what was happening. Mr. Benjamin was sent to the Board by the producers, although they are in the middle they are very much interested in this, so they sent Mr. Benjamin there and he makes a lot of contacts. We have that and we know considerably about it.

Then he goes on to state:

I immediately called our attorneys. I told them a few things I knew. He knew some of these things, too, and they called the Board together.

They "called the Board together," says he.

Now, I am stating this from memory and I don't know which was which, but Mr. Huston and Mr. Riley, I believe it was, one admitted he had large stockholdings in a theatrical chain; the other was a trustee for a chain of theaters, or something of that kind. They were asked why they didn't disqualify themselves. There was a quick meeting held. I also contacted Ellis Patterson, Helen Gahagan Douglas and I can't think of all the Congressmen and Congresswomen. It seemed there was a calling together of the attorneys, there was a sit-down and a confab.

Then he says the attorney who attended had gone up to New York and he couldn't get him. Then he goes on:

But there was some kind of a deal cooked up whereby everybody would get a chance to vote. That is all we wanted because we knew that 100 percent of our people would vote for 1421. We knew the IATSE had none.

Then the following day he amplified that testimony at page 2673 of this record. He stated:

There are some things I said yesterday that should probably be made more clear.

I stated I was told that Mr. Denham was in the producers' pockets. I didn't say who stated that. I will tell you now that the notes I have made show that Mr. Benjamin stated at the producers' meeting—and this was in October—

Mr. KEARNS. What year?

Mr. SORRELL. October 1945, after he had returned from Washington—that Reilly was responsible for the appointment of Denham as trial examiner and that he had seen to it that the fix was in.

This was said in the producers' meeting. I don't want to tell you who told me, but if you desire—

And I think you, Mr. Kearns, indicated that you did not think much of his statement unless he told you. Later on—I do not have the page—he said he got that information from a man named Bart Guild.

Now, Mr. Sorrell also said certain other things in the course of his testimony.

If you will recall, when Mr. Landis asked him about certain statements in a letter which Mr. Landis had received from some of the expelled members of his union, concerning a Camel package with some thousand-dollar bills, Mr. Sorrell's comment was:

It's funny what queer people will say.

I think his own comment applies vividly to his own testimony.

Let me tell you how serious this thing is and how completely baseless it is. I will develop that because I can personally testify to these facts from personal knowledge.

Mr. Sorrell has taken men with the reputation of Mr. Riley, who is a man of well-known outstanding integrity, and I think well known to this Congress; he has taken the name of Mr. Denham, who is a man of national reputation; he has taken the name of Mr. Huston—apart from Mr. Benjamin, who he claims to have put a "fix in."

Now, on a completely smear basis, and on some alleged report that he picked up from somebody else, he has tried to drag the names of these outstanding people, whose integrity, honor, and decency have never been questioned, into the mud in this hearing. If that is the kind of testimony that he has given here, I think you can evaluate the rest of his testimony on that basis.

Let me tell you what happened. I was counsel for the producers in the famous Columbia Pictures case. I have before me the official volume of the National Labor Relations Board reports, volume 64. The decision in that case which involved the question as to whether the strikers and whether the replacements in this set dressers' controversy could vote, was decided in that particular case.

According to the report of the case, at page 493, in a statement of the procedural aspects, is the following:

Pursuant to the foregoing order a hearing was held upon due notice at Los Angeles, Calif., on various dates between July 9 and August 2, 1945, inclusive, before R. N. Denham, trial examiner.

Note those dates, July and August. Then it goes on to say leave was granted to file briefs.

On September 28, 1945, the producers, the painters, and the IATSE argued orally before the Board at Washington, D. C.

The date of the oral argument in this case in which I participated was on September 28, 1945.

Now, let me tell you what happened that day. Judge Levy appeared representing the IATSE. The painters were represented by Mr. Abe Isserman, a lawyer from New York, whose name has been mentioned in these proceedings. To refresh your recollection of Mr. Isserman, he has recently appeared as counsel for Eisler in his Communist proceedings. I do not believe in slinging mud, but if you want any references

as to Mr. Isserman and his connections, you might look into the files of the Un-American Activities Committee.

Mr. Pestano was with Mr. Isserman. Isserman had been retained especially for this case in a previous argument on the election which had occurred back in April of that year in which I participated. Mr. Pestano argued at that time the issue of strikers and replacements was not involved in the earlier case. The only issue involved in the earlier case was what kind of a unit the set dressers should be permitted to vote in and pursuant to that the Board ordered the election.

So at the September 28 oral argument was Mr. Isserman and Mr. Pestano for the Painters; as I said, Judge Levy, and I am not certain for the moment whether Mr. Luddy, of California, was with him or not, I don't recall that. Mr. Herbert Thatcher, who was an associate of Joseph Padway, represented the American Federation of Labor—rather, he was then representing the International Brotherhood of Painters. Isserman was representing local 1421, Sorrell's particular union.

On behalf of the producers were Homer Mitchell—you will remember him, Congressman Kearns, as counsel for the Producers Association on the coast—Mr. Al Wright and myself.

We appeared in the room at 10 o'clock in the morning for the argument on this case, in the regular Board room where arguments are heard. We were then advised, all of us, that the Board wanted to see us upstairs. We were taken up to Chairman Herzog's own office and with Chairman Herzog at the time was Mr. Huston and Mr. Reilly.

Now, I believe, though I am not certain, that the National Labor Relations Board kept a stenographic transcript of the discussion that took place at that meeting. If you have any questions about it, I would suggest that you might inquire for it. My recollection is that they did take a stenographic transcript.

This is what occurred—

Mr. McCANN. May I have that date, and I will inquire?

Mr. ZORN. September 28, 1945.

Mr. McCANN. On the Columbia Pictures case?

Mr. ZORN. Columbia Pictures Corp., et al.

Mr. McCANN. Would you like for us to inquire to see if they took stenographic notes of that hearing?

Mr. ZORN. I think in the interest of accuracy, if they have them they would be helpful to the committee.

Mr. KEARNS. Well, when Mr. Denham is notified of the charges made against him, which I will do by letter, he probably can submit something to that effect, or his statement will probably clear that up.

Mr. ZORN. The only reason I suggest it, and I don't know whether they have them, is that my recollection is pretty clear about it, and I got pretty mad at that time as to what had happened. But if there is any question about the accuracy or the detail of the testimony that did occur in 1945, I would like to have you have the complete transcript, if there is such, but that is entirely a matter for the committee.

Mr. Herzog opened the discussion by saying he was Chairman of the Board. He said:

This is a very unusual procedure, gentlemen, and we have called you in because this is an important case. It has received wide publicity and there are certain delicate matters here that we want to put right on the table and be completely frank with all of you.

He said:

For one reason or another—

I am giving you this in substance—

For one reason or another it may very well be that each member of this Board if we follow the canons of judicial ethics strictly, might be disqualified from sitting in this case. Now, we didn't do that, or take action on our own, because the case is an important case, and if we disqualified ourselves there would be no decision in a controversy that is a serious controversy, and that is why I have taken the liberty of calling you in so that we can frankly discuss the situation with all of you.

He said:

I am going to start with a statement of my own position, then we will go to the other members of the Board alphabetically, and they will state their own situations.

He said:

So far as I am concerned, I am a trustee of an estate. Among the holdings of that estate are stock in certain independent motion picture theaters in the east.

And he said:

If I were sitting as a judge, even though these theaters have no interest whatever in the producers, or are not associated with the producers in a sense except that they buy the products of the producers in Hollywood, I would feel so sensitive even about that connection that I would disqualify myself. But I want to put the facts frankly on the table and let you gentlemen decide whether you want me to disqualify myself or not.

Then he turned to Mr. Huston. Mr. Huston said:

Well, my situation is a little bit similar, and again a little bit different from Mr. Herzog's. A number of years ago I owned a fair amount of stock in some Midwest theater chains.

I think he said in Kansas:

The holdings of that chain expanded until I think it grew to 39 theaters. Then about 6 months ago I sold most of my holdings. I still have a very small interest. They are also independent exhibition companies, not related or associated with the producers.

That is what I recall he said. In addition to that he said:

However, some years ago the IA local in Washington gave me an honorary gold card.

He said:

I have never attended any of their meetings, and I have never attended any of their conventions, but I have that card.

Incidentally, Chairman Herzog had indicated the procedure he wanted to follow was to let each member of the Board speak and then have counsel go out separately and come back separately and make their own decisions or recommendations as to what should be done.

Then he turned to Mr. Reilly. Mr. Reilly said this, in substance:

This Board has received representations from its regional office in Los Angeles to the following effect; that a Mr. Pestano and a Mr. Margolis—

Mr. Margolis, I believe, has been identified as the same Margolis, of Katz, Gallagher & Margolis in the course of the testimony in this Record. Mr. Reilly went on to say:

That Mr. Pestano and Mr. Margolis had gone in to see someone in the regional board in Los Angeles, as had been reported to the National Board and to him, and they had told this person in the regional board that they had picked up some

information to the effect that at a producers meeting in Hollywood Mr. Benjamin had made some statement, that he had talked to myself—

Said Mr. Reilly—

and that a "fix was in in this case."

Mr. Herzog, as I recall, then stopped discussion and sent us out. Mr. Mitchell, Mr. Wright, and I conferred. We have known Mr. Benjamin for many years. He is a man of the highest professional integrity.

We knew the people on the other side we were dealing with. We knew the story was completely false. We did not have an opportunity at that moment to get a telephone call through to Los Angeles because they gave us a very limited time, but we knew, knowing the situation, that the thing was just a dastardly lie.

So we went back in the hearing. Mitchell was acting as our spokesman that day. We discussed it. We agreed that the thing was so brazen and so baseless, that we would take this position: that we would not discuss any question of the qualification or disqualification of Mr. Herzog and Mr. Huston, until we had gotten this thing cleared up.

When we went back in the room, apparently Mr. Isserman had gotten in a little ahead of us. I think Judge Levy had gotten in a little ahead of us, so Chairman Herzog said:

I will take your statements in the order in which you have come into the room.

Isserman said:

So far as Mr. Herzog and Mr. Huston are concerned, obviously in my judgment their small interest in independent theaters can't possibly affect their hearing on this case. So far as Mr. Reilly is concerned—

He said this—

we are making no charges, and on the facts as we know them—

And this is clear in my mind; I remember them very clearly—

on the facts as we know them we intend to make no charges and we are not making any motion here to have Mr. Reilly disqualify himself.

Isserman then went on to say that in his judgment the matter of disqualification of Mr. Reilly was entirely a matter for Mr. Reilly's conscience. But he did make it very clear that he was making no charges on the facts as they then knew them, and intended to make no charges.

Then they got to Judge Levy and, as I recall Judge Levy's statement, he said in effect that he was in a very embarrassing situation, that obviously he thought all members of the Board would act fairly in this case, and act properly, but in view of the fact that these interests were there, he was a little fearful that in an effort to lean backward, his situation might be prejudiced. But he made it very clear that he had no objection to any of the Board members.

Then speaking for us, Mr. Homer Mitchell used some very strong language about the charges that were made. He said, he knew they were falsehoods and he knew they were lies. He wanted to know from Mr. Isserman right then and there whether Mr. Isserman was making any representation to the Board at that time that those statements were true.

Isserman immediately said, "No." He said:

As I stated before, I am making no charges, and on the facts as we know them I don't intend to make any charges.

Then Mr. Mitchell said:

Because of the seriousness and gravity of the charge, there is one man in this room who knows whether they are true or false.

He attacked the charges as being loose rumors and a lot of other things, as I recall it.

He said:

That is Mr. Reilly. Before we, representing the producers, indicate our feeling about the qualification of the other two members of the Board, we want this thing cleared up, and since Mr. Reilly knows the facts and knows what the truth of the situation is, we insist on a ruling by him first as to whether he feels he should sit in this case or not.

Mr. Herzog then interrupted to say, "Well, couldn't we clear up the other thing?" And Mitchell with my prodding him alongside, held his ground.

So the three members of the board went out. Mr. Reilly came back. They were out a very short time.

As I recall it, he said this:

There isn't any truth whatever in any of these statements.

He said:

There have been times where in situations I have disqualified myself for different reasons, but here there is absolutely no truth in these statements. They are absolute falsehoods. I have never discussed the issues in this case, I have never discussed the votes of the members in this case with anyone except the members of the board, and those being the facts, I refuse to disqualify myself on a flimsy—

I think he said—

and false charge of this kind.

That was the end of it. Then we proceeded to go down and argue the case.

Now the significant thing about that whole situation is not so much this malicious attack, because knowing Mr. Reilly I think you men know he is completely unapproachable. He has a reputation for complete integrity. One of the difficulties in Mr. Reilly's career has been simply that the Communists don't like him and the left-wingers don't like him. You gentlemen who have been close to the National Labor Relations Board know a great deal more about that picture than I would like to put on this record.

But the significant thing is the fact that Sorrell by his own statement, rushed to Ellis Patterson. Ellis Patterson has been described in this record very fully. He rushed to Helen Gahagan Douglas, and he rushed to a lot of other people who began to put pressure on the Board.

Now Sorrell made that statement here himself. I don't want to testify to hearsay but since he made that statement let me tell you that from information I received from people at the Board they put on a relentless, ceaseless pressure campaign on the members of that Board to get them to make a decision their way, which is one of the most shameful, shocking things, I think, in the history of this country.

Mind you, I am not making the slightest suggestion here with respect to the integrity of any member of that Board.

I was general counsel for Mr. Herzog when he was a member of the New York State Labor Relations Board and I have the highest respect for his integrity. I am making no charge.

The charge I am making is that this business of rushing to people like this and having them put pressure on a quasijudicial agency is an admission that I certainly would have made for the record here. I think it is a shocking thing.

The outcome of the case was this—and I could also tell you gentlemen some things about this Mr. Bart Guild, who is the source of Mr. Sorrell's information. But like Mr. Cobb yesterday I don't want hearsay and secondary information. I have a great deal of information about him and I think you may be interested some day in running it down. I think that for many reasons he is one of the most thoroughly unreliable people who could have been quoted as a source of information.

Mr. KEARNS. Could you give the committee some of that data in confidence?

Mr. ZORN. I would be very glad to. Since the newspapers are here I would rather not testify to information I have received second-hand. I like to talk about things I know myself but I will be very glad to give you that and you can check that for yourselves.

Mr. KEARNS. We would just use it as a source of inquiry.

Mr. ZORN. Right.

Now an interesting thing about that whole situation is this: You may recall when Mr. Bodle was on the stand with Mr. Sorrell he read at great length from the report of the trial examiner with respect to this question of whether the strikers should vote and whether the replacements should vote, and the regional director recommended that the strikers' votes be counted and the replacement votes, as I recall it, be held up in some way for future decision.

That was not done. In the decision of the Board in the Columbia Pictures case the Board split 2 to 1 in the decision. The majority of the Board, that is, Mr. Herzog and Mr. Houston, decided that despite the fact—and this is all in the decision—despite the fact that there was a no-strike clause in the contract with the Society of Interior Decorators, which has been testified to here, and that they went out on strike in violation of that clause—despite the fact that they continued the strike in violation of the directions and orders of Mr. William Green, the telegram of which has been read in the record here; despite the fact that it was a violation of the no-strike pledge during wartime and despite the further fact that they walked out on strike right in the middle of a hearing which was set up to determine this very question of representation, and the further fact—and this is very important—the majority also found that the employers were not guilty of any unfair labor practices. Therefore it was not an unfair-labor-practice strike.

Now despite all those factors the majority came to the conclusion that the strikers should be permitted to vote, and so far as the replacements were concerned there was no question but that they were valid replacements and of course they had the right to vote.

Mr. Reilly, in his dissenting opinion—and I am not going to read too much into this record; I will give you the essence of it and I will give you the volume—Mr. Reilly, in his dissenting opinion, points out that that decision is completely contrary to former decisions of the Board; that the logic of the situation is inescapable; and that, under those circumstances, the strikers had lost their status and had absolutely no right to vote.



As a matter of fact, even the majority said this—and then came to the conclusion I indicated—

Mr. LANDIS. How was that divided?

Mr. ZORN. Mr. Herzog and Mr. Houston voted for the strikers' ballots to be counted; Mr. Reilly held the other way, held that the strikers had lost their status as employees and therefore should not be permitted to vote.

But even the majority had this to say. This appears at page 513 of the decision, which is in volume 64 of the Board reports:

It is true that the strike was called during the Board's hearing and investigation to resolve the questions at issue in this strike. Were we called upon to determine whether the action of the employees in striking was well-considered, we should say unhesitatingly that it was not. It showed a disregard for the orderly processes of the Board and an unwillingness to rely upon the machinery which Congress had made available as an alternative to the strike. It contributed materially to the prolongation of a dispute which the Board could otherwise have decided many months ago.

I won't bother to read in any of Mr. Reilly's decision except to point out—as I think I have done on a previous occasion, but probably while you were not here, Mr. Landis—that this Columbia Pictures' decision is referred to in the reports of the House committee and the reports of the Senate committee on Public Law 101. Those reports indicate Congress thoroughly disagreed with that proposition; that a striker who had gone out in a situation where the employer had not committed an unfair labor practice and had been replaced, should not have a right to vote. I think Congress was pretty mad about it, as a result of which Congress put this provision in Public Law 101. It is in section 9 (c) (3):

Employees on strike who are not entitled to reinstatement shall not be eligible to vote.

In the Columbia Pictures case the majority had held the other way.

I do want to say one further thing about—

Mr. McCANN. Just at that point, if I may. As a matter of fact in the conference report on this bill, isn't it a fact, Mr. Zorn, that reference is specifically made to the Columbia Pictures' case?

Mr. ZORN. That is quite correct. They point out that they want to reverse that rule.

Mr. McCANN. I think that pinpoints what he has just said.

Mr. LANDIS. Where was the pressure there on the Board?

Was the pressure on the Board to let them vote or just what influenced the decision?

Mr. ZORN. Sorrell, I think, made it very clear that he wanted his strikers to vote and if they didn't vote obviously he was out of luck.

He admitted on the witness stand that he put the heat on Patterson, Mrs. Douglas, and the others to put the heat on the Board to get a decision to that effect.

Now the majority of the Board did decide that the strikers should vote, with Reilly dissenting. The strikers did vote and Sorrell's union won.

But I want to make this very clear. I am saying that as a fact pressure was put on, but I am saying that I have regard for the integrity of those gentlemen and I think they did what they considered to be an honest job.

The other interesting thing about it is that in this muddled-up testimony of Sorrell's about what happened, he talks about Denham having been appointed by Reilly as a trial examiner. As a matter of fact—and I am very familiar with the procedure of the Board—the Board members have nothing to do with the appointment of a trial examiner. The trial examiner is appointed by the Chief Trial Examiner. At that time he was a gentleman named Frank Bloom, about whom I would rather tell you some things privately than publicly. Frank Bloom appointed him in that case and you can check that with the members of the Board.

As a matter of fact, Mr. Denham had been appointed way back to sit in this case in March and April. According to Mr. Sorrell's testimony all these statements occurred in a producers' meeting in October 1945.

I think on its face it is transparently sham and I think it is just a dirty smear attack that cannot possibly stand the light of day.

Mr. McCANN. Mr. ZORN, when did Mr. Denham first become identified with the Board, if you know?

Mr. ZORN. I wouldn't know, Mr. McCann. I think he had been with the Board for some time. At least several years is my recollection.

Mr. McCANN. Do you know at what time the Board adopted the policy that the Chief Trial Examiner should appoint trial examiners.

Mr. ZORN. I know it was definitely sometime prior to April of 1945. It had been in existence. I had many matters before the Board and that is why I can state this with some authority.

Mr. McCANN. The reason I asked was that in the earlier days the Board did appoint trial examiners.

Mr. ZORN. In the very early days that is correct.

Mr. McCANN. I wondered if you had any information you could give us as to the time when that authority was transferred to the Chief Trial Examiner?

Mr. ZORN. I am sorry, I do not know the precise date. I know it had been in effect for some time prior to July of 1945, when Mr. Denham was appointed on this case.

Mr. McCANN. I think this is rather important, Mr. Chairman. Could you do this for us, if it is available to you, find out when Mr. Denham was appointed, by whom he was appointed—

Mr. ZORN. In this particular case?

Mr. McCANN. So that we would have that question answered definitely as to any appointments by Mr. Reilly. I am inclined to think there is a good deal of merit in what you have said here but I would like for you to document it if you will, so that we will have that definitely established in the record.

Mr. ZORN. I will try to get it for you, Mr. McCann.

Mr. McCANN. All right.

Mr. LANDIS. When you get the information on Mr. Reilly's side of the picture, I mean his minority report—did he write a minority report?

Mr. ZORN. Oh, yes; he wrote an opinion. I did not want to read it into the record, but if you want it I would be glad to.

He wrote a very full minority opinion in which he said he considered the action of the majority in permitting strikers to vote to be

completely illogical; that it was completely contrary to a rule they had already established in a similar case.

Mr. LANDIS. Did he say one case or more than one?

Mr. ZORN. Several of them. You might be interested in the opinion.

Mr. LANDIS. It looks to me there like the pressure worked.

Mr. ZORN. I won't say that, Mr. Landis. You can draw your own conclusions on that.

Mr. LANDIS. That is the conclusion I draw from it, that if that had not been done in the past the pressure they put on them worked.

Mr. ZORN. Answering your question directly on this question of authorities, I will give you just a few quotations. I will not read it all.

Mr. Reilly says, starting at page 522:

"Since that portion of the majority decision which requires the vote of the discharged strikers to be opened and counted, seems to me contrary to well settled legal principles, I feel constrained to indicate the grounds of my disagreement.

Then he refers to the provisions of the act and the procedures of the Board where employees discharged for cause lose all status as employees.

Then he goes on to say:

At the time of the strike the petition of the producers and several petitions of the painters were pending before the Board.

I am skipping some lines, so I will not clutter the record.

The producers without espousing the cause of either union had presented these conflicting claims to the Board for determination in the matter prescribed by the Board's rules and regulations. The Board was employing its processes to determine the questions thus raised. Painters, however, were not content to allow the questions to be determined through the orderly processes of the only governmental agency in power to resolve such matters. Notwithstanding it had invoked the act and the processes of the Board to determine the question, the painters struck to compel the producers to recognize it immediately as the majority representative under the act. Now after flouting the same law and processes through its efforts by strike action designed to compel the producers also to ignore the act and the Board by violating the established law which prohibited the producers from recognizing and bargaining with any union as the exclusive representative of the decorators while there was pending a very real question concerning representation, over which the board had assumed jurisdiction, and was at the time actively investigating by means of a hearing then in progress, a hearing in which the painters were an active participant, the painters contend that the strikers were discharged without cause and therefore the strikers are entitled to cast valid ballots.

The producers state in their brief:

"The producers refused to determine at their peril the conflicting claims of IA Local 44 and Painters Local 1421 as to the unit in which set dressers should be included for purposes of collective bargaining."

Then he goes on to say:

It was the producers' obligation to take this position and to refuse to deal with either union as the bargaining representative of the decorators, especially after the petition had been filed, if they hoped to remain within the law and not be subjected to the remedial processes of the Board.

Then he quotes matter of Elastic Stop Nut Corp., a Board case in which the Board reached a conclusion contrary to the majority here. He cites matter of Phelps-Dodge, giving the citation of the case.

They are all in this opinion. He quotes the Midwest Piping & Supply Co. case and several others, including the American News Co. case which was the most recent of the cases where the Board held

that employees who struck to compel an employer to do an illegal act lost their status as employees.

I am skipping some of this. I am just giving you the high spots.

Then he quotes an admission from the painters' brief in which they say—they were then set designers, 1421:

The position of the set designers as to the reason for this strike has been constant. It is expressed in the strike notice which is on file with the Board: The reason, refusal of recognition by producers.

Then Mr. Reilly goes on to say:

This admission in the painters' brief reveals that the avowed objective of the strike was to compel the producers to commit an act which we have repeatedly held is an unfair labor practice in direct contravention of the purposes and provisions of the act it is our duty to administer. If we may not ignore strike attempts to compel violation of other congressional legislation it would seem absurd to deem a strike which had no other purpose than to bring about a violation of this very statute within the scope of the concerted activity which the Congress meant to protect. The majority's avoidance of what seems to me the inexorable logic of the decided cases, rests in large part upon the assumption that the producers' motive for discharging the strikers were not based upon the American News docket."

Then he goes on to show why, in his opinion, the majority was entirely wrong about it.

He winds up with this conclusion:

I also have difficulty in understanding how the policy of the act is promoted by this kind of decision, since one of the express objectives of the act is to promote industrial peace, it would seem to me our duty to encourage resort to the administrative processes, rather than resort to economic warfare. The practical effect of this decision accomplishes the very opposite.

You can see that Mr. Reilly felt pretty strongly about that.

Mr. LANDIS. You do not recall the number that were allowed to vote?

Mr. ZORN. Yes, I can give you that, sir. That is right in here. It is on page 492 of this decision.

The tally shows that of approximately 118 eligible voters, 112 cast ballots.

In other words, between the strikers and the replacements there were an over-all total of 118 and 112 actually voted.

Mr. KEARNS. They were originally 70-some members?

Mr. ZORN. That is my recollection. Originally there were some 77 over-all, but at the time the strike occurred it is my recollection from the testimony that some forty or fifty odd were actually working. But the over-all total of the members of the society at that time was 77.

Mr. KEARNS. The claim was that there were only 77 legitimate members?

Mr. LANDIS. Yes.

Mr. ZORN. These are the figures, Mr. Landis, I think, that you want. The decision goes on to state:

The regional director's report reveals that 62 ballots were challenged by the IATSE and the producers and 52 by the painters.

In other words, there were 62 by strikers, because the producers and the IATSE were challenging the strikers' ballots on the theory that they were no longer employees.

Mr. LANDIS. Do you remember the result of the vote?

Mr. ZORN. My recollection is it was somewhere around 54 to 51.

Mr. LANDIS. Then if this decision had not been in their favor they would have lost the election, is that right?

Mr. ZORN. There is no question about that. I think that again disproves a great many of the statements Mr. Sorrell made here. I am not going to attempt to disprove all of them. He made the statement that everybody was working there and they were all voting. Obviously it was a very close election.

Mr. KEARNS. This recognition of the 1421 local has been almost a criteria in the thing, has it not? I mean you can date back to that fight for recognition there.

Mr. ZORN. That is right. A little later on I will try to cover very briefly that 1945 strike, but I think you gentlemen are primarily interested in the 1946 situation.

The 1945 strike was started by the strike instituted by the painters when they walked out of the National Labor Relations Board hearings on March 12, 1945, and were joined by all the other Conference of Studio Union—

Mr. LEVY. Three years ago today.

Mr. ZORN. It is an anniversary date.

Then the carpenters, as you will recall, Mr. Kearns, were not then members of the Conference of Studio Unions but they supported the strike. The testimony has been gone over time and time again. The testimony, as you will recall very briefly just to take us back to that time, was that the carpenters then insisted on straightening out their jurisdictional questions, and that is what prolonged the strike, right through until the time of the October Cincinnati meeting of the American Federation of Labor.

The thing that touched it off, of course, was the set dressers' strike and this argument about recognition.

In that connection also—and perhaps it will save a little time while we are on that subject—I do not think it has been made clear enough in the discussions here about this 1945 strike. But both Mr. Walsh and Mr. Casey testified that in 1942 that an IA negotiation in New York the IA demanded recognition for the set dressers, who at that time were under this independent society contract which had been signed shortly before, sometime in 1942 and which ran for 5 years.

They were told by the producers that they had a contract with the society and when Mr. Walsh, according to his testimony—which was corroborated by Mr. Casey—said, "Well, if they ever go any place else, I am going to demand them," he was then told by the producers that they would abide by a certification of the Labor Relations Board. The same thing occurred at the IA meetings with the producers in 1944, when the IA again made a demand for these people and the producers said they would go along only with a representative duly certified by the National Labor Relations Board.

That is why, when you get all this testimony about this Thomas Tongue award, which was put in the record by Mr. Bodle the other day, the producers took the position that the matter was one for the National Labor Relations Board and that the War Labor Board was without jurisdiction.

The Tongue report makes it very clear that the question was really a representation question, because the producers were again in the middle. There was another issue involved which Mr. Bodle has skipped over entirely.

There was not only a question involved—and I give you this because it stems directly from this decision of the Board—there was not only a question involved as to how many men were represented, but the IA had constantly taken the position that you could not take the set dressers as a separate group. They could not constitute an appropriate bargaining unit within the meaning of the law; that they were part of the property men's set-up; that the work was property men's that they were associated with them; they were right together with them and therefore you had to include all the property men.

That is the argument incidentally which the IA made before the National Labor Relations Board in the case previous to the one which I read in which the Board ordered an election. The Board did not agree with them but the IA had raised that issue.

So that as of that time, as Mr. Reilly points out in his decision, the producers were at their peril. It may be perfectly true that Mr. Sorrell and the painters had a lot of cards from these painters but it is equally true the IA was claiming them and also claiming the producers could not recognize them as an appropriate unit.

Mr. Reilly points out in his dissent very effectively that as the law stood the producers were at their peril in not recognizing the painters and that the painters had ignored all the orderly processes of Government by going out on strike when the very issue that they wanted settled was before the Board for settlement.

Mr. McCANN. Mr. Zorn, could you help us on this point? I think somewhere in the testimony there is a statement to the effect—I cannot place it, but maybe the chairman will remember—that the IA stated they would not make an issue of the set dressers or set decorators as long as they were an independent affiliation, but that they would resist the set dressers or set decorators being identified with the painters.

Now somebody somewhere in the testimony gave that evidence. Do you recall who that was?

Mr. ZORN. I recall that testimony and I think that is right, Mr. McCann. It was given either by Mr. Walsh, Mr. Casey, or both. That is my recollection.

Mr. McCANN. It seems to me it came from the producers.

There is another thought that came in there in that same connection and I would like for you to straighten us out on that if I am wrong. I do not remember whether it was Mr. Casey, Mr. Kahane, or who it was that made the further statement that the companies involved in this dispute had a contract with the independent guild or society which obligated them to either breach the contract or to negotiate with any organization with which the society should affiliate. That is correct, is it not?

Mr. ZORN. That is right. Mr. Bodle quoted my testimony on that.

Mr. McCANN. I am not sure who it was but I know there was some such testimony.

Mr. ZORN. I would like to clear that up right now while we are on it.

Mr. McCANN. I think that is very important.

Mr. KEARNS. While you are on that thought, the producers evidently came to the decision they would not continue the contract by changing the name from "Society" to "1421" until after they knew they had an affiliation, after they were recognized as an affiliate, is that right?

Mr. ZORN. That is right. My answer does not give you all of the facts.

Mr. Bodle quoted certain portions of it in which I said perhaps technically legally the producers might have been remiss in their duty by not following the strict terms of the contract.

Since he has mentioned that instead of my trying to recall it from memory this is my testimony on page 1158 of the Los Angeles hearings:

Mr. McCANN. That is, if you can give an answer to the question why the producers, when they had an obligation to either substitute the painters' union and recognize that union as a party in this contract, or else that they should declare this agreement null and void, did not take any action of either kind?

Mr. ZORN. I think I can answer that for you, Mr. McCann, not out of my own personal knowledge, but out of all the conversations and the attitudes that were taken at that time. I think the answer is a very simple one.

The producers were faced, having had claims made by the IA for this group of people, know what the position of the IA was with respect to this group, knowing that the IA claimed these men, and on the other hand having the claim of the painters' union in complete and violent conflict with the IA, the producers were trying to duck a really serious situation. If they had canceled the contract, there might have been sparks ignited by the painters' union. If they had recognized local 1421 on the affiliation of the independent society, they knew perfectly well that the IA would not take that lying down. They were in the middle at that time, and they knew that both groups were contending and fighting for this small group of set dressers. They also knew that this was the spark that would ignite this whole jurisdictional situation, which Mr. Kahane testified to yesterday.

For that reason they may have been remiss, perhaps, strictly legally, in their duty. They might have taken the position, but they knew that any position they took would blow the top off things in Hollywood.

Mr. McCANN. Mr. Zorn, I think that you would want to help us on this problem and I think the chairman and Mr. Landis would want an answer from you because you represent the companies.

In the testimony of Mr. Boren, Mr. Zorn, if you are familiar with that—and I am quite sure you are—there are numerous illustrations of jurisdictional strife in the studios. This testimony is not by the representatives of the IA or the carpenters, but by the producers. So far as I have been able to find there isn't a single illustration in that record of where any CSU union demanded a job that had belonged to the IA. Yet in that 100 to 150 pages there is one illustration after another where the IA says:

If you don't give us this job from today on we won't service your set. And time after time, according to your own witnesses, the producers say:

From then on we took that work from the carpenters, we took that work from the painters, we took that work from the electricians and gave it to the IA.

Now would you explain that? Was that the same sort of thing that happened in this case? Were you just afraid to make an issue? I want you to meet that because to me that is the most important testimony in the record.

Mr. ZORN. Though I have not read that particular testimony in some time my recollection differs pretty sharply with yours.

It is true that in that statement which Mr. Borin had prepared—and I think you are referring to that—

Mr. McCANN. Yes.

Mr. ZORN. In which he got into these jurisdictional squabbles all the time. It is true there were many demands made by the IA and many

situations created by the IA, but I think that that record—I would like to read it to be sure, but this is my recollection—that record indicates also that the IA were not the only guilty parties, that the other unions were doing the same thing.

I will agree with you that there were many instances of IA demands for this, that, and the other thing.

Mr. KEARNS. It was a grab all the way around?

Mr. ZORN. That is my recollection of that testimony very clearly.

Mr. McCANN. Mr. Chairman, I want to challenge that solely from the standpoint of facts. I want the truth.

Mr. ZORN. I think we all want the truth, Mr. McCann.

Mr. McCANN. This testimony came from Mr. Walsh of M-G-M; it came from Mr. Somebody else of Paramount; it came from Mr. Somebody else of another place, and so far as I have been able to find in the reading of that—and I have read it very carefully—I do not recall a single case where your own representatives of the companies claimed that any CSU union attempted to take away from the IA any of its work. And in case after case it is specifically said by your men that thereafter, because of the threat by the IA, the work was given to the IA.

I think that there is the biggest job the producers have here to help us, if you can help us. I want help.

Mr. ZORN. We cannot argue about that. What is in the record is in the record. All I am saying is that my recollection differs from yours. That could be solved very quickly if we get that particular set of minutes. It is a difference of recollection. I do not recall the page off-hand where that occurs but if it is important we will get it in.

Mr. KEARNS. It is in the list of incidents, as we listed them in the hearings there, that have been submitted for the committee. We did not have him read them all on the stand. We just took them for reference.

Mr. McCANN. They were accepted in testimony, to save the time of reading them.

Mr. KEARNS. That is right.

Mr. McCANN. Mr. Borin submitted all of these statements.

Mr. ZORN. Let me make one other thing clear, Mr. McCann, so there is no misunderstanding between us.

I am not here defending the IA. I will tell you on various occasions—and the record is clear on that—the IA did make threats against us and the IA had a very powerful hold on this industry. There is no denying that fact.

However, the incidents you refer to relate to particular kinds of work. When we are talking about the set-dressers' controversy we are talking about the demand for representation for a certain group of men, even though it was a small group.

Now, the incidents that you refer to in that testimony—and I recall that you or the chairman asked for incidents where this work was so cut up that we were really being ruined by it.

Mr. KEARNS. It took him about a week to prepare for it, as I recall it, then he submitted it.

Mr. McCANN. Mr. Chairman, I want to make it plain, I am not riding Mr. Zorn.

Mr. KEARNS. I understand that.



Mr. McCANN. I am trying to give Mr. Zorn the benefit of what is in our record so he can help us get it clear.

Mr. ZORN. I have no criticism of that question at all. I am glad to answer it.

My only point is this, that when you get into that set-dressers' controversy maybe there is some ground for criticizing the producers for not having exercised either one of those actions under that contract, but in making that criticism you have to recognize the fact that they were in the middle, as they have always been in the middle, and as we go through the rest of it you will find they have been the battleground for competing contests for power all the way through this thing.

Mr. KEARNS. Right on that point—and I think Mr. Landis would be much more of an authority than I am on this—but what I could never understand with respect to 1421, when they wanted to change from society to a union and be identified, why they did not have the independent right to affiliate with whom they wanted to affiliate? If they wanted to name the IA or the painters, why they did not have the right to make the decision. I am not criticizing the producers. They had the option of crossing out "Society" and putting in "1421."

Mr. ZORN. I think I can clear that up for you very easily.

Mr. LANDIS. Of course, the contract was signed.

Mr. ZORN. There is no question about that, Mr. Landis. I am not attempting to defend something here which cannot be defended, but the facts are simple.

I believe it was in April 1942 that the producers signed a contract with the Independent Society of Set Decorators and that was a 5-year contract.

Mr. KEARNS. 1942 that was?

Mr. ZORN. 1942; and it was to run, I think, until April 1947.

That contract contained various provisions, including the no-strike provision and the provision we are talking about now, that if the society or the members affiliated with another group and so notified the producers, the producers would have either the option to cancel the contract or they would be required to insert the name of the new affiliation in the contract.

The testimony is also clear that both in 1942 and in 1944, at meetings with the producers on the discussion and negotiation with the IA, the IA insisted on recognition for these very same set dressers.

Mr. KEARNS. And the painters then insisted?

Mr. ZORN. The painters began at the end of 1943. That is when they started. The affiliation was sometime in the latter part of 1943 and that is when 1421 began to insist. But the record, I think, is clear, both in the testimony of Mr. Walsh and Mr. Casey, that as early as 1942 the IA was insisting that the set dressers belonged to them. The producers had taken the position that they had this independent contract and the IA statement was:

So long as they are independent we probably won't bother you.

The producers made the commitment at those meetings as testified to in the record, that if any other organization claimed them the matter would have to be settled by the National Labor Relations Board, because that was the only agency to settle it.

Mr. KEARNS. I want to get this straight. When they wanted to change from the society to 1421, when they first appeared before the

producers committee, or whatever it might have been, didn't they at that time want to affiliate with the painters?

Mr. ZORN. There is no question, Mr. Chairman, that the Society had by a majority vote actually affiliated with the painters sometime in the latter part of 1943.

Mr. KEARNS. That is right.

Mr. ZORN. There is no question either that the thing was dilly-dallied by the producers over a considerable period of time.

Mr. KEARNS. Because you did not know what to do?

Mr. ZORN. As I read my testimony before, we were in the middle and we knew this was the spark. If we recognized the one or if we canceled the contract, which would have been the IA pressure on us, then the painters would have blown the top off. If we inserted the name of the painters in view of the IA demands, the IA would have blown the top off things, and that is the only explanation for this dilly-dally course of conduct.

Mr. LANDIS. That is one reason we changed the law. Under the old law they could call an election any time during the year, any time during the contract, or even twice in a year, so we put something in the law that they could only have an election at a stipulated time so that there would not be so many and thereby put the employer in the middle by having two unions or two different crafts fighting among themselves as to who was going to be the agency.

That was a National Labor Relations Board problem. They could have held an election and changed it.

Mr. ZORN. They could have done that.

While we are on that point and just to clear it up so I will not have to go back to it, Mr. Sorrell made repeated statements that 1421—that is, after the October 1944 strike—rather prior to the October 1944 strike. I do not have the precise date. The testimony is clear but I do not recall the exact date—the painters had filed a representation petition before the Board. The IA intervened in that petition and the painters withdrew.

Mr. Sorrell's explanation was that he had been told by the Board they would not take the case because it involved a controversy between two A. F. of L. unions.

I don't know personally whether that happened or whether it did not happen, but Mr. Bodle introduced the Tongue award in this record. In his findings with respect to that representation petition Mr. Tongue in his award—and I am reading now from the part of the award which appears at page 2538 of the record—said this:

On August 30, 1944, local 1421 withdrew its petition, claiming it to be an unnecessary step for the reason that there was no question of representation.

Now I do not know the exact facts, but Mr. Tongue's finding is contrary, it seems to me, to Mr. Sorrell's repeated statement that he withdrew because the Board told him they would not handle the case. I don't know whether they told him that or whether they did not, but apparently Mr. Tongue on the evidence thought otherwise.

So far as the set dressers' controversy is concerned the evidence also shows—and I do not have the precise page—that when that War Labor award came down from Mr. Tongue the IA immediately notified the producers. The IA had consistently taken the position that the War Labor Board was without jurisdiction to determine this kind

of a case, that it was a matter for the National Labor Relations Board.

The record is clear that the IA at that time advised the producers that they would be bound by it; that they would ignore the War Labor Board order claiming it was without jurisdiction, but they would accept a decision under the National Labor Relations Act, which they claimed and which we also claimed was the only proper agency to determine this issue.

As Mr. Reilly points out very clearly in his opinion, this was the way to get this problem settled. It was already before the Board. They were right in the midst of hearings. They could have settled it a lot faster that way than by going out on strike. That, of course, touched off the whole 1945 situation.

MR. KEARNS. But the reason you did not recognize them when they wanted to affiliate with the painters was because you were fearful that would cause a strike just as much as any other decision?

MR. ZORN. That was the basic reason. I say that with complete candor; that as I understand those facts we were afraid that whichever way we turned the lid would be blown off everything and we wanted peace.

MR. LANDIS. But they could have applied to the National Labor Relations Board.

MR. McCANN. There is one thing I do not understand that I would like to have Mr. Zorn clear up for us, Mr. Chairman.

I believe that in the decision by Mr. Reilly, Mr. Reilly calls attention to the fact, does he not, Mr. Zorn, that if the painters had not struck and had consented to this election and gone on through with it, that they could have disposed of it many months sooner? Is that not true?

MR. ZORN. Very definitely that is right.

MR. McCANN. Now tell me this: Is it not a fact that the petition for certification by the company was made just before the strike and was then before the Board?

MR. ZORN. The petition on representation filed by the company was filed, as I recall it, on February 17, 1945, on the same date on which we also appealed to the National War Labor Board from the Tongue award.

MR. McCANN. Why didn't the National Labor Relations Board then process the petition for an election or certification by the company more speedily than they did? Can you give me that answer?

MR. ZORN. Well, I think they were moving fairly rapidly. The petition was filed on February 17. The actual hearings—the trial examiner was appointed and the hearings were held very early in March. You will recall there were several days of hearing before the painters walked out of the Board hearings and struck, which was on March 12. I think they probably must have struck around March 8, 9, or 10.

That is less than a month.

MR. McCANN. That is right.

MR. ZORN. They could not get a consent election. Mr. McCann, and I will tell you why.

It was a contest of unions. The IA was claiming, and they claimed subsequently throughout the Board proceedings, that you could not have a separate unit of set dressers alone, that the appropriate unit

must also include property men, so you could not have a consent election.

If the unions had agreed on what was an appropriate unit we would have gone along immediately for a very speedy election, but the IA was making that claim and the painters on the other hand were arguing—and they argued before the Board—that the set dressers should be included with all the other members or a substantial number of the other members of local 1421.

Mr. McCANN. On that point the Board unanimously found against it, did it?

Mr. ZORN. That is right. They did not find against us, they found against both the painters, who wanted this broad unit; and against the IA, who wanted another broad unit, and they said that historically we had bargained with the society for set dressers, and they constituted an appropriate unit.

But there was an issue on which you could not get consent.

Mr. McCANN. On that point that the set dressers did constitute an appropriate unit, the Board found with the painters?

Mr. ZORN. No, they did not, because the painters were not making that argument, Mr. McCann.

Mr. McCANN. They were not?

Mr. ZORN. I do not have the prior decision but my recollection is that in this case, because I was in the case.

Mr. LANDIS. I think under the old law they could have petitioned for an election.

Mr. ZORN. When we were faced with claims of rival unions after some period the Board issued a rule that where two conflicting unions claimed representation—and only in that case—

Mr. LANDIS. We had so much trouble on that we put in the new law that definitely the employers could petition for an election.

Mr. ZORN. You put in the new law that the employer could petition for an election which is something the old law never had?

Mr. LANDIS. That is right.

Mr. ZORN. Under the Board at that time if you had conflicting unions the employer might claim a petition, but it was not until 1941 that it otherwise became effective.

Just to answer Mr. McCann there, the painters were also insisting when they got to the National Labor Relations Board that the unit should not consist of set dressers alone, but should consist of the scenic artists and about a dozen other groups, all of whom were part of 1941, so the Board in effect did not sustain either one of the parties. The Board in effect said, "You are both wrong and the appropriate unit is the historical unit based on the society of decorators case."

Mr. McCANN. That is fine. I wanted to get that clear.

Mr. LANDIS. Who organized the office workers?

Mr. ZORN. That came later and the testimony on that has been pretty full. I had not intended to go into that.

The painters organized the office workers.

Mr. LANDIS. I think it shows there is a fight on by both sides to get control of more unions and more crafts.

Mr. ZORN. Mr. Landis, there has been a fight for power among these unions going on for years there, and I think that the picture has unfolded itself so completely in these hearings before you, by everything that has been said. It has been said by Mr. Hutcheson and clearly

admitted time after time here, clearly stated, that no matter how long this thing lasted he would not stand for any encroachment on what he considers the rightful jurisdiction of the carpenters.

Mr. Walsh made the statement he believed the IA was entitled to all the work in the studios. I mean that has been going on for years. There has been this contest for power.

The only conspiracy, when we get right down to it and analyze this testimony—I think it is clear in your minds right now even without analysis—the only conspiracy we can see is the conspiracy of being caught between these contending forces and trying to run our business. That is what it gets down to in the ultimate result.

Mr. LANDIS. Just a minute, we will take a 5-minute recess.

(A short recess was taken.)

Mr. KEARNS. The hearing will be in order, please.

Mr. ZORN. You know, Mr. Chairman, these recesses are a little dangerous, because you always remember something that you meant to say.

In connection with these Sorrell charges against Mr. Benjamin, I wanted to add this: that if there were any basis for them or any truth in them whatever, any conduct of that kind by Mr. Benjamin would have clearly been a disbarable offense and if there were the slightest truth in these charges I am wondering why Mr. Sorrell did not follow them up.

I know, and I think the record shows, that they are completely baseless and untrue.

I want to say further I would stake my life on the personal integrity of Mr. Benjamin. But I am wondering, in view of Mr. Sorrell raising this whole chestnut that was laid to rest as far back as 1945, he is such an aggressive fellow, why he did not do something about it at that time instead of raising it now 3 years after it had been laid to rest.

I want to turn to another subject now, which I think is a matter of major significance in this entire hearing.

Mr. Cobb yesterday spent a great deal of time on the question of the National Labor Relations Board, and on the Board's recent dismissal of certain of his charges. Mr. Cobb did not like what the Board did. Mr. Cobb also told us yesterday he did not like what the courts did in another suit he brought.

Mr. Cobb also admitted, though he is a very effective orator, that he had had very little experience with the labor law.

I think on his own statement—and I mean no offense whatever to Mr. Cobb, because I respect him—on his own statement I think you ought to consider many of the statements he made to you on what the labor law is or should be, with an understanding that he has not had very much experience in that field.

Now, the significance of the National Labor Relations Board charges is this: You gentlemen in Congress have set up an administrative agency known as the National Labor Relations Board under Public Law 101. You have changed certain rules of the game in the operation of that law.

You have also taken from the Board the old role which it had as prosecutor, judge, and jury, by giving to the general counsel of the Board the final authority to investigate and prosecute cases of unfair labor practices.

Now, Mr. Cobb very frankly said yesterday that he had taken these very voluminous charges of his, which were filed 6 weeks after the conclusion of this committee's hearings in Los Angeles, and which charges have been made a part of this record, and which charges contain a complete résumé of all testimony in the Los Angeles hearings. Those he said he submitted to the regional director of the Board in Los Angeles and submitted them to the general counsel, Mr. Denham, in Washington.

Now, in view of that fact, and in view of the procedure of the Board that the regional attorney normally will not dismiss the case, though the dismissal is under his signature, without consultation or direction or advice from the general counsel. I don't know, but I assume that Mr. LeBaron's action in dismissing these cases, which were read into the record yesterday, and which I will come to in a moment, was done, of course, with the advice of the general counsel, who had all of the record of the Los Angeles hearings.

The significant thing is this: that under the procedures of the Board, if there is a claim of violation and any facts to justify a violation, the Board is required to issue a complaint and conduct hearings. After hearings are had and a record is taken, a trial examiner makes his report. The report goes to the Board for final action.

But if in the judgment of the regional director and in the judgment of the general counsel, there are not sufficient facts presented to warrant or justify any further proceedings, then the case is dismissed without the issuance of a complaint. That is what happened to the charges that Mr. Cobb said were dismissed by the Board.

In the judgment of the regional director and in the judgment of the general counsel of the Board, with all of the evidence taken in the Los Angeles hearings, those gentlemen who are experts and trained in the law, came to the conclusion that there were not enough facts to even warrant the issuance of a complaint.

Those are the men who are charged with the administration by Congress of the National Labor Relations Act.

I do not have to defend Mr. Denham here. If Mr. Sorrell had introduced these, he probably would have said that Mr. Denham had been fixed. Mr. Cobb made no such statement. Mr. Cobb is a gentleman and would not make any such statement, because Mr. Denham, we know, is completely unapproachable.

So that I say an agency of experts, set up by this Congress to determine whether or not there has been an illegal lock-out or a conspiracy to create a lock-out—these gentlemen had everything before them, all the testimony you have, the testimony of Mr. Cobb's own carpenters which he testified to here yesterday, and yet the board threw the cases out and said they were not even fit to issue a complaint on; that it would be a waste of the Government's money to go any further.

Mr. Cobb has properly said he filed an appeal to the general counsel. I cannot predict what the general counsel is going to do about it, but if the general counsel has, as I believe under the procedures of the Board, he may, and without any direct information, but if the general counsel has already come to the conclusion that the case should be dismissed, I would just like to make a little bet with Mr. Cobb that his appeal will be denied.

Mr. LANDIS. You disagree with Mr. Cobb that there is a lock-out?

Mr. ZORN. I will come to that, Mr. Landis. I am glad you asked that question, because in the two dismissals which Mr. Cobb read into the record yesterday concerning certain of his charges, one involving Mr. Cobb's charges in cases 21-CD-1 through 21-CD-10, this is what the regional director says. Incidentally, these are dismissal letters. They are not intended under the practice of the Board to be a complete review of all the evidence. These are the conclusions of the regional director, and I believe the general counsel.

This is Mr. LeBaron's letter. He says:

Our investigation discloses that the IATSE insists upon the arbitration award of a committee of the A. F. of L. executive council. Further, it has not been shown that the IATSE caused the carpenters to strike.

Now, there is your National Labor Relations Board completely repudiating Mr. Cobb's consistent charge, made not only here, made not only before the National Board, but made in his \$48,000,000 conspiracy civil suit on the coast started prior to this investigation on precisely the same theory. Here is the National Labor Relations Board saying that the carpenters did strike, and the inference, of course, is clear that they were not locked out, because if they were locked out obviously they could not strike.

In the second letter involving another set of his charges, the regional director goes on to say—

Mr. LANDIS. What proof is there on the strike?

Mr. ZORN. He says:

Further, it has not been shown that the IATSE caused the carpenters to strike.

There is one other dismissal that Mr. Cobb did not read into the record, which I think ought to be in the record to make it complete.

A gentleman named Michael Komaroff, a former employee of the National Labor Relations Board at the regional office in Los Angeles, filed a set of charges on behalf of a group of individuals asking the National Labor Relations Board to invoke the provisions of the act with respect to settling jurisdictional strikes. That is a matter with which you gentlemen are so familiar I do not have to go into it. In other words, to call a hearing and determine the issue of jurisdiction, and so on.

Now, Mr. Komaroff who filed these charges—and I will ask that these be made a part of the appendix to the record after I call your attention to certain facts in them. These amended charges were filed in December of 1947, considerably after the hearings of this committee in Los Angeles had been completed. They were preceded by an original charge in which he had about 15 or 20 men, and then I think he added about 100 men to the charges. They asked the Board to take jurisdiction of this thing.

Mr. Komaroff is the gentleman, by the way, who was referred to in the articles read into the record here by Father Dunne as one of the sources of Father Dunne's information with respect to the Hollywood strike.

Mr. Komaroff is no longer employed by the Board. I point this out because Mr. Bodle placed a great deal of reliance on certain statements of Father Dunne.

Mr. Komaroff, to my information, was brought up on charges of subversive activity before the National Labor Relations Board. He is no longer employed by the Board. I cannot tell you whether he resigned, or what happened, but I know he was under investigation on those charges. You can get that information from the Board.

In any event, I mention that as the source of the kind of information that has crept into this record.

On the same day, March 2, 1948, the day on which Mr. LeBaron dismissed Mr. Cobb's charges, he also dismissed Mr. Komaroff's charges. I will ask that this letter be put into the record at this point. It is the letter dated March 2, 1948, in re Carpenters and Joiners of America, A. F. of L., and the Studio Carpenters, Local 946, et al., case No. 21-CD-11. I will not read it all. I just want to read one or two paragraphs which I think are pertinent:

The charge against the International Alliance—

I withdraw that. I might say that I do not want to read these charges in detail. I would like them to be made an appendix to the record.

When you come to look at these charges, gentlemen, you will find they are a résumé. They are a little bit short, but they contain every claim Mr. Cobb has made in his charges of conspiracy, lock-out, and every other thing. They review all the facts. They have reference to the Los Angeles testimony of this committee also.

This is what Mr. LeBaron's letter says:

The charge against the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada and its locals is dismissed, as their acts cannot be urged as encouraging or coercing the carpenters to violate the act by striking.

There is no equivocation about that. The National Board has found that at this stage of the procedure the carpenters are on strike. There is no lock-out.

Further:

While there is no provision in the act itself limiting the ability of any person to file a charge, it is my opinion that, in order for an S (b) (4) (D) charge to be properly filed, the individual so filing must have a real interest or direct personal stake in the dispute involved, without at the time time having been a party in and supporter of the precipitation of the strike. Any other conclusion would subject the processes of the Board to endless misuse in resolving jurisdictional disputes under section 10 (d).

An individual may not charge himself with violating section S (b) (4) (D), as he would be requesting the Board to restrain him from committing an unfair labor practice. Clearly, the charging party could effectuate such restraint himself. In the instant case we have strikers as the charging parties.

Incidentally, the individuals involved in this are striking carpenters, striking painters, and others. But in everyone of these letters of dismissal, the Board has come to the conclusion, with all of the voluminous information that Mr. Cobb and Mr. Komaroff have submitted to them, that the painters and the carpenters are strikers, and not locked-out employees.

Mr. McCANN, Mr. Chairman, I ask that the letter from which he has read be reproduced in full in the record.

Mr. KEARNS, No objection.

(The letter referred to is as follows:)



## NATIONAL LABOR RELATIONS BOARD,

*March 2, 1948.*

In re Carpenters and Joiners of America, AFL, and its Studio Carpenters, Local No. 946, et al., case No. 21-CD-11

DEAR SIR: The above-captioned case charging a violation under section 8 of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, it does not appear that there is sufficient evidence of violations to warrant further proceedings at this time and I am, therefore, refusing to issue complaint in this matter.

The charge against the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada and its locals is dismissed, as their acts cannot be urged as encouraging or coercing the carpenters to violate the act by striking.

The charge against the International Association of Machinists is dismissed because the International Association of Machinists has not been connected with any of the alleged activities.

The charge against the remaining unions is dismissed on the ground that the charging parties are in no position to invoke the Board's procedures, for they can hardly be heard to complain to the Board of a jurisdictional strike situation which they themselves have called or are supporting or in which they have no interest whatsoever.

While there is no provision in the act itself limiting the ability of any person to file a charge, it is my opinion that, in order for an 8 (b) (4) (D) charge to be properly filed, the individual so filing must have a real interest or direct personal stake in the dispute involved, without at the same time having been a party in and supporter of the precipitation of the strike. Any other conclusion would subject the processes of the Board to endless misuse in resolving jurisdictional disputes under section 10 (d).

An individual may not charge himself with violating section 8 (b) (4) (D), as he would be requesting the Board to restrain him from committing an unfair labor practice. Clearly, the charging party could effectuate such restraint himself. In the instant case we have strikers as the charging parties.

Pursuant to the National Labor Relations Board rules and regulations, you may obtain a review of this action by filing a request for such review with the general counsel of the National Labor Relations Board, Washington 25, D. C., and a copy with me. This request must contain a complete statement setting forth the facts and reasons upon which they are based. The request should be filed within 10 days from the date of receipt of this letter, except the general counsel may, upon good cause shown, grant special permission for a longer period within which to file.

Very truly yours,

HOWARD F. LEBARON, *Regional Director.*

Just to complete the record on the National Labor Relations Board's activities, there was a charge filed back in October 1946 against the major motion-picture producers. The charge was filed on behalf of all the unions, which were then members of the Conference of Studio Unions, including the carpenters, the painters, the electrical workers, the screen set designers, the screen story analysts, the screen cartoonists guild, and the International Association of Machinists.

I would like to enter this into the record at this point without reading it all, except to call your attention to this: that in that charge filed by the Conference of Studio Unions, they alleged that for the past 2 years, the employers have been engaged in an illegal conspiracy with the IATSE and in a shorter way make the same charges that have been hashed over time and time again here.

Those charges were dismissed by the regional director.

On January 6, 1948, Mr. Denham, as general counsel, sustained the regional director's dismissal of those charges in a letter to the charging parties, copy of which was sent to the producers, in which Mr. Denham

says—and the letter is addressed to Pestana and Esterman, dated January 6, 1948. Mr. Denham refers to Matter of Columbia Pictures Corp., case No. 21-C-2901:

Your appeal from the regional director's refusal to issue a complaint in the above-captioned case, charging a violation of sections 8 (1) and 8 (5) of the National Labor Relations Act, has been duly considered.

Like the regional director, I find that there is not sufficient evidence of violations to warrant further proceedings at this time.

Very truly yours,

ROBERT N. DENHAM, *General Counsel.*

I would like that to be entered in the record at this point, and I would like to point out also that those charges were charges under the old act before it was amended by Public Law 101.

Here you have a charge that for the past 2 years the producers have been engaged in a conspiracy, and the charges kicked out by the Board on the ground that there has not been sufficient evidence even to justify the issuance of a complaint and to have the hearing on the matter.

I think the record of the National Labor Relations Board itself is probably the most important thing that you gentlemen can rely on in determining whether or not there has been any violation of law.

I would like to say this, contrary to some of the things Mr. Cobb said yesterday:

If there is anything illegal in the conduct of the producers, the only illegality that can stem out of it—that is, in any relations they have with the unions or the employees—the only illegality can stem out of the provisions of the Labor-Management Relations Act, because in the absence of that act, employers were free to do anything they pleased with respect to employees. They could fire them, they could discriminate, they could do anything.

So that if we did anything illegally, we would have to violate some particular provision of the act, or we would have to be engaged in a conspiracy to violate some provision of the Labor Relations Act. That is the only basis on which a charge of conspiracy could possibly be sustained.

Now, the Labor Board is your own expert agency trained to investigate cases of violation of law, and repeatedly on the very same charges that have been hashed over here time and time again, your Labor Board, with its expert knowledge, has refused to even go to the point of having a hearing.

I say that is the most conclusive evidence in the world that if there were any conspiracy here you would not have had these results from the Board.

Mr. McCANN. Mr. Zorn, at this time I would like to interrupt you to ask if it would be agreeable to you to reproduce the two letters referred to, and omit the addresses of the representatives of the various industries and unions attached here, which it seems to me do not contribute any to the record?

Mr. ZORN. That is entirely satisfactory.

Mr. McCANN. Mr. Chairman, I move these two letters be reproduced in the record at this point, omitting these two pages of names and addresses.

Mr. KEARNS. No objection.

(The letters referred to above are as follows:)

NATIONAL LABOR RELATIONS BOARD,  
Washington, D. C., January 6, 1948.

Re: Matter of Columbia Pictures Corp., et al., Case No. 21-C-2901.

PESTANA & ESTERMAN, ESQS.  
Hollywood 27, California.

Attention (William B. Esterman, Esq.)

GENTLEMEN: Your appeal from the Regional Director's refusal to issue a complaint in the above-captioned case, charging a violation of sections 8 (1) and 8 (5) of the National Labor Relations Act, has been duly considered.

Like the Regional Director, I find that there is not sufficient evidence of violations to warrant further proceedings at this time.

Very truly yours,

ROBERT N. DENHAM, *General Counsel*.

cc: See attached copy.

Registered mail—Return receipt requested.

NATIONAL LABOR RELATIONS BOARD,  
TWENTY-FIRST REGION,  
Los Angeles 14, Calif., October 3, 1946.

Re: Columbia Pictures Corp., et al.  
Case No. 21-C-2901

LOEW'S, INC.,  
Culver City, Calif.

GENTLEMEN: The charge in the above-noted case which has been filed with us involves the following motion-picture producers: Columbia Pictures Corp.; Loew's Inc.; Paramount Pictures, Inc.; RKO Radio Pictures, Inc.; Republic Productions, Inc.; Twentieth Century-Fox Film Corp.; Universal Pictures Co., Inc.; Warner Bros. Pictures, Inc.; Samuel Goldwyn doing business under the name of Samuel Goldwyn Studios; Hal Roach Studios.

It is filed by the following labor organizations: Studio Carpenters Local 946 of International Brotherhood of Carpenters and Joiners of America, A. F. L.; Moving Picture Painters Local 644 of the Brotherhood of Painters, Paperhangers and Decorators of America, A. F. of L.; International Brotherhood of Electrical Workers, Local 40; Screen Set Designers, Illustrators and Decorators, Local 1421; Screen Story Analysts, Local 1489; Screen Cartoonists Guild, Local 852; International Association of Machinists, Cinema Lodge 1185.

It alleges that the producers named have engaged in unfair labor practices within the meaning of section 8, subsections (1) and (5) of the National Labor Relations Act in that they have, since on or about October 24, 1945, refused to bargain collectively with the labor organizations named and in that said employers for 2 years and more last past have engaged and are engaging in a conspiracy and a course of conduct for the purpose and with the effect of denying to the members of said undersigned labor organizations the rights and benefits guaranteed to them by sections 7 and 8 of the National Labor Relations Act; that said employers have engaged in said conspiracy and course of conduct by and through certain authorized representatives, including particularly Eric Johnston, Edward J. Mannix, B. B. Kahane, Nicholas Schenck, Cliff Work, Pat Casey, Fred Felton, and Y. Frank Freeman, who have conspired with certain representatives of the organization known as the International Alliance of Theatrical and Stage Employees, including particularly Richard Walsh, Roy Brewer, Carl Cooper, Cappy Duval, and William Schiffman.

This charge is now under investigation and consideration. If you have any information which you wish to submit in connection with the investigation, we would be glad to receive it.

Sincerely yours,

STEWART MEACHAM, *Regional Director*.

Mr. ZORN: Now, I think I would like to get down to the brass tacks as to what this case is all about. We have had many weeks of hearings on the west coast. This is the fourth week of our hearings here.

We have heard witnesses from all sides. You have heard practically all the producer witnesses.

I think there are many things that have been gone into here that I would have preferred not to go into, but I think that committee in doing its duty felt they should go into them.

We have listened for weeks and weeks to a very sordid story of dispute, unrest, trouble, and alleged dirty dealing in Hollywood.

Now, all of the detours we have taken in the various directions during the course of this investigation, cannot blind us to one simple set of facts. They are so utterly simple I think we ought to get back on that main track again and stay with that because so far as the producers are concerned that is the only issue; The constant cry of conspiracy, the constant cry of lock-out; the constant cry of criminality and other things.

I would challenge any fair and unbiased person to read this record of producers' activity and come to any conclusion other than the conclusion that we have done one thing: that in the face of powerful union rivalry, in the face of threat after threat we have done the best we could to run our businesses and to keep our businesses open. If that is a conspiracy, gentlemen, we are guilty; and if that is a conspiracy then I think we ought to amend the labor laws, change them in some way, because I believe, and believe sincerely, that any employer has a right to stay in business; any employer who is beset with threats, strikes, and trouble constantly has simply got to try to operate his business as he sees fit, without any violation of law.

Now, when we come down to the basic, simple facts of this whole controversy, I think we have covered—and I do not want to repeat it in any detail here—the genesis and the history of the 1945 strike.

The producers did not start that strike. The producers did not ask Mr. Sorrell to take his painters out of the National Labor Relations Board hearing and set up picket lines. The producers did not ask Mr. Hutcheson to assert, as he did in conferences at New York and prior to the conferences at New York by his letter of February 17, 1945, which is in the record—they did not ask Mr. Hutcheson to insist that he wanted all carpenter work in their studios, despite the fact that the IA had been doing grip and prop work over a period of many years concededly; they did not ask Mr. Hutcheson when an effort was made to settle that strike at the meetings in the Commodore, which has been testified to here, and after Mr. Walsh had gone over these so-called hundreds of pictures of whose work was what—they did not task Mr. Hutcheson to rear back in his chair and say, "That's enough, I want all woodwork, all wood substitutes, and all woodworking machinery." That has been Mr. Hutcheson's consistent position. He did not do that at the stimulation of the producers or at the request of the producers.

If you will remember that testimony, it was Mr. Schenk who begged and pleaded with him in time of war not to do a thing like this. Certainly we did not ask Mr. Sorrell to take his painters out on strike, because the National Labor Relations Board proceeding would have ended it.

Nevertheless, the strike occurred and all the Conference of Studio Unions joined that strike.

Mr. McCann referred yesterday—and let us get this very clear—Mr. McCann referred yesterday to certain testimony; that in the

1945 strike—and the testimony is the testimony of Mr. Walsh—Mr. Casey was also present at those conferences in New York in March of 1945 when Mr. Hutcheson sat with Mr. Walsh, a couple of their own representatives, and in the original conferences—this testimony is so far back, Mr. Kearns, I do not think Mr. Landis has ever heard it, so I will summarize it very briefly, but it is all in the record.

When Mr. Schenck had persuaded Hutcheson to meet with Walsh they sat with him the first day and it looked as if the carpenters and the IA dispute would be worked out, then the two union heads said, "We don't want you producing fellows around any more." Mr. Casey was at that meeting and he has testified to it.

The meeting broke up the second day when the producers' representatives were not there when Mr. Hutcheson insisted he wanted all this woodwork, wood substitutes, and all woodworking machinery.

As Mr. Walsh pointed out, that would have practically destroyed the IA.

We were not taking sides. We were trying as best we could to get those men together.

In the course of yesterday's testimony there was some claim made—not a claim, but Mr. McCann properly referred to certain testimony here in which, after that New York meeting broke up, Mr. Walsh left the Commodore and was walking down with Mr. Schenck.

MR. KEARNS. Who was it testified to the discussion between Mr. Walsh and Mr. Schenck?

MR. ZORN. That was testified to in Los Angeles. Mr. Landis, I do not think, has had any part of this, and I want to clear that up.

MR. MCCANN. Isn't it true, Mr. Zorn, that that was put in the record out there from the proceedings of the IA convention of that year and the speech of Mr. Walsh before that convention?

MR. ZORN. Two things were done. That was put in and Mr. Walsh affirmatively testified in these proceedings.

That testimony appears at pages 3095 through 3104 of the Los Angeles hearings, and again at pages 3172 through 3179 of the Los Angeles hearings.

Let me just read a very short part of that, particularly for the benefit of Mr. Landis.

They talked about this meeting at the Hotel Commodore. Mr. Schenck, when the strike came on, asked Mr. Hutcheson whether he wouldn't meet with Mr. Walsh and try to settle this thing. I am not going into all the details, but finally they had this meeting at the Hotel Commodore in New York sometime in the latter part of March 1945. This is a quotation from Mr. Walsh's testimony.

Mr. Casey also testified in substance to the same thing, but I do not have that page reference handy. Walsh quotes Hutcheson as stating in that meeting:

"I want all woodwork and all work on wood and wood substitutes, and all woodworking machinery." I, Walsh, stated, "And do you mean to tell me after we have sat here and tried to agree on what the jurisdiction might be, you are telling me you want it all?"

He said, referring to Hutcheson, "I have to protect my jurisdiction. I want all woodwork, all woodworking machinery and all work on wood and wood substitutes," and I said that is when he made his mistake, because there is a little bit of Irish left in me and I said, "Hutch, you get nothing. Now, let's agree to what we have done here and let's carry it out, or else you get nothing."

Then after that occurred, Mr. Schenck and Mr. Casey were called back into the meeting the third day in an effort to try to pull it together again.

Mr. Hutcheson, according to the testimony, repeated the same statement of what his jurisdictional claim was.

Mr. Schenck turned to him, according to Walsh's testimony, and said:

"Hutch, do you mean to tell me that you sit there like a man of iron and you won't bend in any way, shape, manner or form? I understand yesterday that Dick Walsh here gave away jurisdiction which he has had for a long time, and you tell me that you won't give away any jurisdiction and that you won't settle this; that you know the studios are closed down and you won't help to get them open?"

Hutch said, "I want all woodwork, all woodworking machinery, and all work on wood and wood substitutes. That is my jurisdiction and that is what I think I should have." He said, "Hutch, we have done business for many years and I have never asked you for anything. I have never had to ask you for anything. You have always been asking me and every time that you ask I try to deliver to you, and I did."

Then there is some testimony of Schenck asking Mr. Hutcheson if he did not realize that a war was on and that some of these pictures were of vital importance to the boys overseas.

Apparently, according to the testimony of both Mr. Walsh and Mr. Casey thus far, they could get nowhere with Mr. Hutcheson at that time.

Then Mr. Walsh testified that as they walked out, Mr. Schenck said to him—

We are going to make the decision now that we are going to run the motion-picture studios in Hollywood.

He asked Walsh, "Do you think you can run the studios?"

Mr. Walsh said, "I don't know, it's quite a job. There are some several thousands of people out of the studios; there is quite a strike on out there. In the first place, I don't want to fill the jobs of these people out there, so long as they want to go back to work."

"I said," this is Walsh "I think we should go back to Hollywood and see if we can get the people back to work in Hollywood, and then if you can't get the people back to work in Hollywood, I think we will try to run the studios."

Then there is some further testimony that at that time Mr. Walsh also stated:

We will try to get the people back, but if they don't go back and you producers cancel your contracts with these other unions, we will then come in and help you out.

In fact, that is what we did.

We gave the unions notice early in April of 1944, that the strike was in complete violation of the contracts and gave them I believe, 48 hours to put the men back to work. They did not put the men back to work and we canceled the contracts.

Mr. McCANN. Mr. Zorn, what was the date of the New York conference? Could you give us that?

Mr. ZORN. I believe it was March 26. That is my recollection. It was very close to that time. It was either March 25 or 26—I am sorry, March 26 and March 27, 1945.

There we were in that 1945 strike which nobody in the world can claim we precipitated, with the same choice we had in 1946. We had

a strike called on us. We were anxious and eager to run our businesses. The other men were out on the picket line. They refused to come to work.

What choice did we have in that situation? We had no choice, we had to operate and we turned to the IA and asked the IA to help us. They helped us to operate during that strike.

That brings us down to the next major bit of warfare, the 1946 strike.

Mr. McCANN. Mr. Zorn, at that point do you have the minutes for that period of the producers between February 15 and the end of March, so that we might receive those in the record?

Mr. ZORN. I meant to tell you I have a lot of things you have wanted, and I will put them in, but there were no minutes taken of this meeting with Mr. Hutcheson.

Mr. McCANN. I know that, but I am talking about the Labor Committee in Los Angeles between the 15th of February and the end of January.

Mr. ZORN. I think you requested those, did you not?

Mr. McCANN. Yes, I did.

Mr. ZORN. I have everything here that is in existence, and I will put that in the record.

Mr. LANDIS. Mr. Chairman, before we recess for noon, I would like to make a request. There seems to be an important letter that appeared in Seller's handwriting, and I think it is in the hands of one of the producers. I think we should have a copy of that letter.

Mr. ZORN. You mean in connection with this Communist card, sir?

Mr. LANDIS. That is right.

Mr. ZORN. After the recess, I will ask you specifically. If it is available and can be gotten, I will be glad to call today, as a matter of fact, and try to get it. When we recess I will ask you more specifically what letter you have in mind, so that I will have some idea what we are to look for.

Mr. Hutcheson was on the stand here for several days. He never made a denial of the statements that were testified to with respect to his demands for jurisdiction back in 1945 because at page 1012 of this record, the Washington record, I submitted a question through Mr. McCann, reading as follows:

In March 1945, at your New York meetings with Mr. Walsh, did you not insist that the carpenters be given jurisdiction over all work on wood, wood substitutes, and woodworking machinery in the studios?

Mr. HUTCHESON. I requested and insisted that we have jurisdiction over all carpenter work.

I think it is a fair assumption there is no denial that that is what he intended.

I might point out that in various other places in the record, so far as Mr. Hutcheson is concerned—and I am not going to clutter up the record with a great deal of repetition—I want to point out that throughout his testimony here and in response to questions of this committee as to what he would do to settle this strike, his constant answer was:

I will settle it on the basis of the rightful jurisdiction of the carpenters.

Now, I don't know today what the rightful jurisdiction of the carpenters means. All the carpenter work in the studio which would

involve throwing all the IA prop and grip men out, I don't know whether it means that or whether it means giving him back the set erectors that the December 26, 1945, decision of the three-man committee gave to the IA.

I will give you a couple of references to that testimony I am frankly puzzled about what Mr. Hutcheson meant. He said: He will—

continue to object to encroachments on his jurisdiction just as long as they last.

That is on page 1373.

When he was asked whether he would settle this strike or what he could do about settling it, his answer in effect was, at page 1384:

When the carpenters get what rightfully belongs to them.

Again, when Mr. Owens questioned him about his obligations to the American public continuing this kind of warfare, he answered, in effect, that the carpenters were also members of the American public and—

I will try to do everything within my power to be helpful to the people I represent.

That is at page 1087 of the record.

There is one further statement, Mr. Landis, which Mr. Kearns has heard, but which I do not believe you have ever heard before, made in the Los Angeles hearings. There Mr. Casey testified to a meeting he had had with Mr. Hutcheson in Washington in July of 1947, just shortly before, about 3 weeks before we had our Los Angeles hearings.

The 1946 strike, as you recall, started in September 1946.

Now, this conversation of Mr. Hutcheson here in Washington between Casey and Hutcheson, took place in July of 1947. This is Mr. Casey's account of that testimony. Mr. Casey had met him there, not for any formal purpose of settling the strike, but he had run into him in Washington, and they got talking about the strike. Mr. Casey said:

Hutcheson said, "Pat, we are not going to get anywhere. I am going to stand on my jurisdiction."

and Casey said:

I said, "Let us not jump too fast, here; let's see if we can get together and straighten this thing out. For 25 years we have gotten together and we have straightened out difficulties."

I am skipping. I am not trying to cover it all. Casey went on to say:

This thing is causing a lot of trouble and it is going to continue to cause a lot of trouble. Mr. Hutcheson's reply was, "That is O. K. with me." He said, "Some day these producers will want to build a theater or remodel a theater or build something in the studios, and when they do they will come down my alley."

Just to give you a synopsis of it, and I think my memory is very clear, because I read it only recently, Casey began to talk about these poor devils who had been out of work for so long, fellows who had been working in the studios for 25 and 30 years; they were all out. He asked Mr. Hutcheson whether he didn't have any consideration for them, and whether he didn't think he ought to do something to get them back.

Mr. Hutcheson's answer was, "That's their trouble."



I give you that as an indication of the attitudes that we producers are up against in this whole situation, attitudes of adamancy by these unions over which we have no control and cannot do anything about.

I think if it is all right, Mr. Chairman, I can stop at this point.

Mr. KEARNS. I wanted to ask Mr. Landis what would be the position now under the act supposing the producers wanted to put an addition on a studio or build a new studio, could Hutcheson still refuse to build that?

Mr. LANDIS. Well, he would have the right not to work under that.

Mr. KEARNS. They could build it themselves within the studio, could they not, with their own men?

Mr. LANDIS. They could build it with any nonunion labor or any other union carpenter labor.

Mr. ZORN. There is a possibility, I think, that we might be able to go after that on a secondary-boycott charge. We have not been confronted with that problem, so we have not done anything.

Mr. KEARNS. I just wondered if that case should come up what would happen.

We will stand in recess until 2 o'clock.

(Whereupon, at 12 noon, a recess was taken until 2 p. m. of the same day.)

#### AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will be in order, please.

#### TESTIMONY OF BURTON A. ZORN—Continued

Mr. ZORN. I am trying very hard, sir, to streamline this because there has been such a volume of testimony. I thought the only way I could be helpful to the committee would be to try to get down to the basic issues and show what is involved here by reference to the testimony.

Now the 1946 strike, I believe, can be explained on the basis of the following broad lines.

First, the Cincinnati agreement or directive of the executive council of the A. F. of L. in October 1945;

Second, the decision of the three-man arbitration committee on December 26, 1945;

The illumination that is given to that decision by the Miami meeting of the executive council of the A. F. of L. in 1946;

The so-called clarification that came down from the executive council on August 16, 1946; and

Finally, the ultimatum of the carpenters made by Cambiano on September 11, 1946.

Mr. LANDIS. Could I ask a question?

Mr. ZORN. Surely.

Mr. LANDIS. The first point I want to clear up is this: How much did the producers have to do with knowing what was exactly right in the directive?

Mr. ZORN. Absolutely nothing, Mr. Landis. I will answer that question directly. I had intended to cover it, but I prefer to answer your questions right on the spot.

The testimony is clear and it is undenied that there was absolutely no participation of any kind whatever by any representative of the producers in connection with the meetings or hearings before this three-man committee when they came to Hollywood in December of 1945.

I think Mr. McCann only the other day made the same statement. They sought none of the producers, none of the producers participated in any of the hearings, and the only thing they did with the producers was to ask to go through one studio, and the producers had absolutely nothing whatever to do with that decision.

Mr. LANDIS. In other words, whatever decision they made was not going to suit both sides?

Mr. ZORN. Precisely.

The producers wanted the thing settled. That leads me into a summary statement of the background of this dispute.

The testimony is uncontradicted that when Mr. Eric Johnston became president of the Motion Picture Producers Association in September of 1945 he became very much concerned about this situation in Hollywood. There was a great deal of violence there and he was afraid somebody would be killed and it would be very bad for the industry.

He testified to the efforts he made. He went out there himself, talked to the principals, talked to Mr. Walsh, to Sorrell and the others.

Finally he did a completely unprecedented thing in his anxiety to settle the strike. You will recall also he testified and the others testified that when he came into the picture the producers gave him full authority, on their behalf, to work out a settlement.

He requested permission from William Green to go to the Cincinnati executive council meeting which was being held in Cincinnati in October of 1945. The minutes of that hearing are in the record. They show that Mr. Johnston made a very strong and very urgent plea to have this thing settled within the house of labor.

The testimony is that Mr. Walsh of course was there. Mr. Walsh was not a member of the executive council but the records of those meetings show very clearly—and I do not intend to reread them into the record—that every person there, every president of the seven international unions involved, including Mr. Hutcheson, agreed that this committee—and it is described by Mr. Bates, one of the vice presidents of the A. F. of L. in those minutes as an arbitration board—they all agreed they would accept and abide by the final decision of that committee.

Mr. Johnston on behalf of the producers and Mr. Donald Nelson on behalf of the independent producers similarly agreed they would accept any decision which was made within the 30-day period which was prescribed. So there is no issue here and even Mr. Hutcheson does not deny that he agreed to be bound by that directive.

Mr. Hutcheson's only complaint is, as I understood his testimony and as appears from the minutes of these various meetings, that he should have been given the opportunity personally to appear in Hollywood. I will come in a moment to some of the telegrams introduced here by Mr. Doherty the other day, and the facts which are in the record, which indicate that his representatives Cambiano and Skelton had a complete opportunity to present every argument they had. They presented 75 pages of written material and they presented the case very fully.

Now when the Cincinnati directive was issued and the strike was settled—without rehashing it again—they provided for an immediate termination of the strike: the immediate return of all the striking employees to work. It gave the interested international unions, seven of them involved in the dispute, 30 days within which to try to work out a voluntary settlement of the jurisdictional disputes, remembering that this strike had been going on since March of 1945. The strike had been going on already for a period, I think, of about 7 or 8 months, something around there.

The directive on the consent of all the parties provided that after the expiration of 30 days a committee of three members of the executive council of the American Federation of Labor shall investigate and determine within 30 days all jurisdictional questions still involved.

It provided in paragraph 5 that all the parties concerned, naming all the international unions, including the carpenters, accept as final and binding such decisions and determinations as the executive council committee of three may finally render.

There just cannot be any doubt and there is no argument about the fact that this committee was given full authority by the parties to make its decision and the parties all agreed that that decision would be binding. It was not given 6 months to do it, it was given a limited period of 30 days.

Mr. LANDIS. Then in January of 1946 they started to work?

Mr. ZORN. You mean the men in the studios?

Mr. LANDIS. Yes.

Mr. ZORN. Yes; I will come to this in sequence as I expect to cover all of this.

The men went back to work in October. This directive provided for the men to go back to work. It also provided for a 60-day period—

Mr. LANDIS. You mean they went back to work before the directive?

Mr. ZORN. We have been confused here, Mr. Landis, because we have called both things a directive. Actually the so-called directive I am talking about was the October executive council appointment, the actual appointment of the three men and the directive to terminate the strike and for the men to go back to work.

Mr. LANDIS. What date was that now when the 30 days was up?

Mr. ZORN. I cannot put my fingers on it but I think it was October 31, 1945, that the executive council issued this directive terminating the strike and providing for the appointment of this committee. That was October 31, 1945.

It provided for the immediate return to work of all the striking employees. It provided that there be 30 days after that, which would have been the end of November, roughly, for the unions to work out their own agreement, and then an additional 30 days which would roughly have been the 28th or 29th of December. I have not calculated the date. So the decision made by the committee was made within a day or two of the expiration of their 30-day period.

Mr. LANDIS. They worked November and December and on up into 1946 then?

Mr. ZORN. Yes.

Mr. LANDIS. Then when did they pull out in 1946, in July?

Mr. ZORN. There was this 2-day strike in July; that is right.

Mr. LANDIS. But they worked up until July?

Mr. ZORN. They worked right through. There were some minor stoppages but no strike. After they went back to work as of October 31 they worked right through until June 30 or July 1. They had a short 2-day strike at that time and then some time late in September—I do not recall the precise date—after this “hot set” situation had developed they put up the picket lines and started their second strike, that is the 1946 strike.

Mr. LANDIS. The directive was made and the carpenters went to work also in that period?

Mr. ZORN. That is correct.

Mr. LANDIS. Then in the Beverly Hills it gives that one clause that I read to Mr. Cobb yesterday?

Mr. ZORN. Yes, sir. I would like to review that in sequence because I think I can get all the salient parts of this picture in sequence so that when you come to read the record you will have it in orderly fashion, in chronological fashion without repetition and without my reading a lot of stuff back into the record.

Mr. LANDIS. All right.

Mr. ZORN. Now the decision was made on December 26. It clearly and definitely awarded the erection of sets on stages to the carpenters. There was no ambiguity in the language. There was no mystery about it whatsoever.

Mr. McCANN. Now just a moment, I think you made a mistake. It gave it to the IATSE.

Mr. ZORN. I beg your pardon, to the IATSE. That is quite a mistake.

Then immediately the carpenters began to protest. The testimony I want to review briefly now will demonstrate beyond any possible doubt that there was not even the slightest question as to what this committee met to do and what it did. There was no confusion in the minds of the producers, there was no confusion in the mind of Mr. Hutcheson, there was no confusion in the minds of the committee itself. They definitely knew what they were doing and intended to award the erection of sets on stages.

We were not concerned with that. It would have made no difference whatever if they had awarded it to the carpenters or if they had cut up the jurisdiction in any other way. The producers had agreed that anything these fellows did wholly without our participation we would abide by and agreed to. We had made that definite commitment which was both a moral and a legal commitment.

There was a lot said yesterday by Mr. Cobb, and I think in previous days of the hearing, that this was a very confusing directive; that nobody understood what it meant.

Mr. LANDIS. On that one section, did the producers feel like they understood who was to get that work?

Mr. ZORN. That is exactly what I am coming to now.

The producers went to Miami in January of 1946. There has been some testimony here that they went there because they were completely confused as to what this thing meant. Let me correct that by the record evidence here.

Mr. Johnston testified as to why they went to Miami. He participated in that meeting. This is not long, so I will read it so that it will be fresh in our minds.

He said—and this is on page 12 of the Washington hearings:

On December 26, 1945, the arbitration committee rendered its decision. Among other things, the erection of sets on stages, exclusive of mill and trim work, was awarded to the IATSE. The directive was put into effect.

That is even before the January 26 meeting.

In a moment I will read to you Mr. Hutcheson's own statement in the Miami meeting that he had received word that set erection had been given to the IA and that 150 of his men had already been laid off.

So that as of that time, and before they went to Miami, there was no confusion about what the decision meant. Mr. Johnston goes on:

Almost immediately, Mr. Hutcheson informed us he would not accept this decision, notwithstanding his prior agreement. Work stoppages followed. In view of this situation we turned again to the executive council of the American Federation of Labor, which was in session in Miami, Fla. We met with the council, including Mr. Hutcheson and two members of the arbitration committee. Mr. Walsh was also present. We informed the council that Mr. Hutcheson had repudiated the arbitration committee's award, and asked the council whether it would stand back of the decision.

In other words, Mr. Johnston did not go to Miami for the purpose of getting a clarification or an interpretation of that award. Everybody understood what it meant. He went there because Hutcheson had sent word out that he would not abide by that decision and that there was going to be trouble. The producers' representatives went to Miami to find out whether the council would stand back of the decision which had been agreed to by all the parties.

Now let me give you Mr. Hutcheson's own statement on that.

In the record of the Miami's meetings his statement appears at page 206 of the record. It is a very short quote, sir:

Vice President Hutcheson stated that as he understands it the report of this committee is given to the council as information but he contended that the report has already created chaos out there. He reported that last Monday some of the producers informed him that they were putting into effect the provisions of this report.

He calls it a report.

And on Monday a week ago they laid off and discharged 125 members of the carpenters' union.

Although it does not say so here it was during that that he made his threat that he would not be bound.

It is perfectly clear from his testimony, from Mr. Johnston's testimony, and further clear from the testimony of Mr. Kahane, which is at page 206 and page 235 of the Washington hearings—that about a week before they went to Miami they had needed a certain amount of time—and the testimony is clear on that—to change the method of their operation so that the IA men would do the work which prior to December 26 had been done by the carpenters.

Actually on about January 21 they actually put IA men on those jobs. That is when the trouble started and that is when they went to Miami.

Now so far as the Miami meeting is concerned I see no necessity for reading into this record again the arguments and discussion which took place there, except to point this out. There is no controversy about it because those are the original records of the meeting and nobody has denied it or challenged anything.

Mr. Hutcheson took this position, and there was quite an argument. He wanted to set aside this decision. He did not like it or like any part of it.

The committee members, Messrs. Doherty, Knight and Birthright, insisted throughout those meetings that that was a final decision; that the parties had agreed to be bound by it and that the executive council of the A. F. of L. had absolutely no authority to change it. They said they had had a tough job to do and they had done it to the best of their ability.

Then the producers were questioned as to what was involved in the transfer of this work of set erection on stages, from the carpenters to the IA, because that was the effect of the decision. Questions were asked of Mr. Mannix. It is very clear in the record. There is no denial of this anywhere.

It was explained to the executive council by the producers' representatives that the change or the transfer of the work from the carpenters union to the IA would involve the loss of from 300 to 400 jobs to the carpenters.

That makes it completely clear that there was no confusion about it. They were not talking about assembly of sets on stages. Everybody in that executive council meeting—which will be clear from a reading of the minutes—everybody knew the effect of that decision was to take work which the carpenters had done, transfer it to the IA and that it would have meant a loss of from 300 to 400 men to the carpenters.

Despite that Mr. Green made the statement then that the executive council had no authority to change the decision and he instructed the producers to go back, and that the executive council would stand back of that decision.

As a matter of fact the producers had no choice. They had agreed to that decision and it was a final and binding decision.

If there is any further doubt about whether it was final or binding all you have to do is to look at the decision itself, the decision of December 26, 1945, in which this committee recites the fact that all parties agreed to accept the decision of the committee and to be bound thereby.

They wind up with the statement :

Accordingly this statement is based on that premise and the below listed conclusions are final and binding on all the parties concerned.

So that there was not any confusion in the minds of the producers as to what that decision meant and there has never been any confusion in anybody's mind as to what that decision meant, because if you will read the minutes of the Miami executive council meeting and if you will read the minutes of the Washington executive council meeting which took place in May of 1946, and the minutes of the Chicago meeting, all you see there is Mr. Hutcheson's protesting constantly that the committee had taken work away from him that belonged in his jurisdiction and that he would not go along with the decision despite the fact that he had agreed to do so, because he had not had an opportunity to be heard.

At this point I want to refer to the statements of Mr. Doherty who, in the Washington hearings, has been a completely frank and honest witness. In Los Angeles the minutes of these various A. F. of L. meetings were not available and his testimony was not as clear as it has been in this particular hearing.

Mr. Doherty has made it clear that from the first time Mr. Hutcheson attacked that decision, he and his conferees insisted throughout that the executive council was without authority to change the decision; they insisted they had done the best job they could; that they had not been misled by anybody and if they had to do the job all over again, Mr. Doherty has stated over and over here repeatedly, they would do it the same way.

Curiously enough, one of the things that surprised me here was that Mr. Sorrell testified he thought it was a pretty good decision and a sound decision. I have a reference to that but I do not think it is necessary to state it here.

Let me refer briefly to the testimony of Mr. Doherty. I believe in this whole picture, Mr. Landis, the testimony of Mr. Doherty makes one thing so completely clear you can never have any doubt about it again, and that is that they heard the parties; they gave them all a full opportunity to present their case; they knew exactly what they were doing when they made this decision that if they had to do it again they would do the same thing and it is a story of constant and unceasing pressure by Mr. Hutcheson in the executive council meetings of the A. F. of L. to try by hook or crook to get this decision which he did not like removed.

Now the exchange of telegrams between Mr. Hutcheson and Mr. Knight of the committee on September 3 and 4, 1945, to which I have referred, you will find at pages 2780 and 2781 of the record. Those are the telegrams in which the committee asked Mr. Hutcheson to send a representative to these hearings and he wired back and said "Mr. Cambiano will represent us and give you every aid and assistance."

Mr. Sorrell's testimony, which I just mentioned, that the award of set erection to the IA was a good decision, you will find at page 2592 of the Washington record.

Mr. Bødle, in the course of his presentation, made some rather curious remarks about the effect of this December 1945 decision. He said that the authority of that decision stemmed from the executive council of the A. F. of L. and therefore the executive council had a right to reverse it.

I do not have to rely upon myself or rely upon the record to the fact that all of the parties had agreed to accept a final and binding directive. More than that, the executive council would have been wholly without any authority to appoint a committee to decide these things without the consent of the parties, and the record is replete with everybody's agreement on one thing, that everybody agreed before the executive council issued this directive that they would agree to the appointment of this committee and that they would agree to accept as final and binding any decision that that committee made within the 30-day period.

Mr. Doherty, who lived all through this thing, made a very strong statement on it. He said this on page 2840 of these minutes:

So this directive, Mr. Chairman and members of the committee, was even more powerful than anything that could have been handled through a board of arbitration. We were told to go out there to investigate, to examine, and to hand down a final and binding decision, and that we did. Whether it is good, bad, or indifferent, that is beside the point; we carried out our instructions.

So that any claim here that the executive council of the American Federation of Labor had any authority to upset a final and binding

arbitration award is utterly without any basis at all. They never had any such power, despite the fact that Mr. Hutcheson finally persuaded them to issue such instructions.

Now I think we are clear at this point that first all the parties had agreed to be bound and were bound by their agreement in Cincinnati in October of 1945.

I think we are clear on the point that when the three-man committee handed down its decision in December of 1945 awarding the set erection work to the IA, there was no doubt, misunderstanding, or fraud or anything of that kind in connection with that decision, and that they knew exactly what they were doing and everybody else knew what they were doing.

From that point on the maneuvering started.

Mr. KEARNS. May I interrupt at that point, Mr. Zorn?

Mr. ZORN. Surely, Mr. Chairman.

Mr. KEARNS. Members of the committee, I have a very important report from the Federal Bureau of Investigation, United States Department of Justice, Washington, D. C., under the date of March 12, 1948.

MEMORANDUM IN THE CASE OF HERBERT K. SORRELL

There follows a report from the FBI laboratory on the examination of evidence submitted to this Bureau by Congressman Carroll D. Kearns in connection with the above-entitled matter. This evidence was delivered to this Bureau by Mr. Manley Shepherd. Specimens: Q-1. Receipt for a membership book No. 60622 bearing the signature of "Herb Stewart."

As I show it to the committee, that is this one right here [indicating], the blue card passed to Mr. Sorrell when he was on the witness stand.

Q-2. Control card for first half of 1937; Book No. 74282, bearing the name "Herbert Stewart."

That I demonstrate to the committee was the one passed to him by Mr. Owens, as I recall. Mr. Fisher and members of the committee, that was the card that was passed to Mr. Sorrell.

K-1. The known signature of Herbert K. Sorrell written in pencil on the letterhead of the Committee on Education and Labor, House of Representatives.

You will recall this is the piece of paper we passed him and asked him to write his signature on in the opening hearing here, which he returned to me.

RESULT OF EXAMINATION

It was concluded that the Herb Stewart signature on Q-1 and all the handwriting on the face of Q-2, were written by Herbert K. Sorrell whose known handwriting for comparison consists of K-1 and other known handwriting obtained by the FBI. No conclusion could be reached with reference to the remainder of the writing on Q-1. The folder containing questioned specimens is here attached.

I would like to make this report, with the consent of the committee, that the findings of the Federal Bureau of Investigation will be presented to the chairman of the full committee, the Honorable Fred A. Hartley, Jr., and members of the full committee for their consideration of action.

You may proceed, sir.

Mr. ZORN. I guess I am anticlimax now.

Mr. McCANN. May I ask you a question before you go on?

Mr. ZORN. Yes, sir.



Mr. McCANN. There is just one thing that does not exactly jibe in the testimony which you offered, and in the minutes of the Miami meeting, to which you may refer.

The inference as I gathered it from what you were just testifying was to this effect: That Johnston's appearance in Miami was not for the purpose of finding out what the directive was nor what the decision of the council was, but he was going down to Miami because of the fact, as I recall it, you stated the council wanted him to come down there?

Mr. ZORN. No.

Mr. McCANN. Let us get that clear.

Mr. ZORN. I said there was some misunderstanding in the testimony. The testimony of Mr. Freeman, Mr. Johnston, and Mr. Kahane—I do not recall any others—is very clear and Mr. Hutcheson's own statement is very clear that there was no misunderstanding by anybody as to what the directive actually meant or the decision actually meant with respect to the award of set erection on stages to the IATSE.

The reason they went down to Miami—I do not say that that is their testimony—the reason they went down was that Hutcheson had repudiated the decision and threatened trouble. They went down to find out whether the executive council was going to back up the decision and avoid trouble. That is the reason I say they went down there as testified to by them.

Mr. McCANN. They did not go down then for the purpose of securing further action from the executive council on the directive?

Mr. ZORN. They went down, as I read their testimony, in a situation where a decision had been made and in a situation where a decision under which Mr. Hutcheson had agreed to be bound, he had informed the producers that he was not going to be bound, that he would not take the decision and naturally they expected a lot of trouble.

There is testimony that there were some work stoppages during this period.

Therefore they went down to the executive council to get the backing of the executive council to stop Bill Hutcheson from making trouble and making him accept this award—putting it in a different way.

Mr. McCANN. As a matter of fact then they went down for either a decision or a directive from the executive council?

Mr. ZORN. No, they did not, Mr. McCann. They went down there to get the support of the executive council of the American Federation of Labor to prevent Hutcheson from repudiating his decision under his agreement.

Mr. McCANN. All right. I read into the record—

Mr. ZORN. May I ask this question, Mr. Chairman, I notice when Mr. Bodle is on the stand and Mr. Cobb is on the stand they are given full opportunity to present their case. When I am here I am being cross-questioned. I have a limited time and I would like permission to continue. If Mr. McCann wants to give me another day he can cross-examine me to his heart's content.

Mr. McCANN. Mr. Chairman, I beg your pardon, there has not been an interruption except to supplement this information. He was referring to a statement made down there and I want to read this one little paragraph and give him an opportunity to answer it. If he doesn't want to hear it, I have no desire to ask him the question.

Mr. ZORN. Mr. Chairman, I have a limited time here. I have a tremendous amount of ground to cover. If you are willing to sit for 3 or 4 days I will be delighted to go on for 3 or 4 days and answer any question that anybody has.

Mr. KEARNS. Mr. Zorn, at my request I should say, more or less eliminated 3 tons of testimony he was going to give. He had 5 tons. I would say this, that we hold any question of material evidence down to the minimum, as long as we can go over the ground and cover it sufficiently, Mr. Counsel.

Mr. McCANN. I wanted to call his attention because he was dealing with this issue, to something Mr. Johnston said so that he could meet it. I have tried to supplement his statement two or three times this morning because I thought it needed to be supplemented.

If he doesn't want to have it, I am perfectly willing not to ask him.

Mr. KEARNS. You do not wish to answer?

Mr. ZORN. I will answer any question, Mr. Chairman. All I am saying is I have such a limited time here—

Mr. KEARNS. Well, I missed the first part of it, so maybe we can start you here.

Mr. ZORN. I do not object to answering questions but I do say if you are going to give me enough time then I will answer any questions at all. But I have a great deal of ground to cover here.

Mr. McCANN. This is not a question. It is an opportunity for him to meet this paragraph and see if there is anything in this which he thinks is contrary to what he just said.

Quoting from page 124 of the record at the Miami meeting:

Mr. Johnston stated that it seems to me that this is the problem of the executive council and if the council can reach a decision now it will avoid difficulty which will settle the management-labor strife in Hollywood, so that they can continue to produce, and by doing this will deserve the continued admiration of the American people.

Mr. KEARNS. I remember Mr. Johnston challenged the council on that.

Mr. ZORN. That is right. You can read that statement, and if you want to give it one interpretation you can, but it seems to me a very simple thing.

Here was a situation where a decision had been made and a threat had been made by Mr. Hutcheson. They had had trouble. He was going to repudiate it and he was not going to be bound.

Now even though it was a binding legal agreement we were there to stay in business, we were there to operate the studios and the only body we could turn to to get this issue cleared up—we did not want a clarification of the decision—we wanted to find out what the executive council was going to do about Mr. Hutcheson's threat of repudiation.

The thing that has been confusing here is—and I think it may still be confusing to Mr. McCann in view of that question, is this: There has been testimony or there have been statements made by some people here that they were completely befuddled as to the meaning of this decision; that we did not understand it, despite the fact that the words "set erection" are so clear there is no doubt about it.

While you were out, Mr. Chairman, I was showing that they had already put the decision into effect before they went to Miami; that Mr. Hutcheson himself stated at the Miami meeting that he had had word 150 of his carpenters had already been laid off and that the set

erection had been awarded under the decision to the IA, and he was repudiating that.

So the producers went to Miami not to get a clarification or an interpretation, but to find out—

Mr. KEARNS. Pardon me just a minute.

(Discussion off the record.)

Mr. ZORN. That is not a verbatim transcript incidentally, it is a digest. When Mr. Johnston used the word "decision" he was asking the A. F. of L., as I see it from the testimony, what they were going to do about it. He was not asking him to clarify the decision, he wanted their support to get Hutcheson to go along with it. That is what they were there for, and I think the testimony is very clear on that.

Now I will not review here—because as I say I have a limited time—the history of all these various executive council meetings of the A. F. of L. in which time after time Mr. Hutcheson tried one maneuver, then another maneuver, then a third maneuver for the purpose of getting this award set aside. I will not review the testimony and what appears in these minutes, showing that the three-man committee stood their ground; they said they had made this final decision and they would be damned if they were going to change it. But he kept persisting.

Finally in August, as the testimony stands, he finally persuaded the A. F. of L. executive council not to get the committee to change its decision, but to instruct the committee to issue a clarification.

The testimony through this entire record—and neither you, Mr. Landis, nor you, Mr. Fisher, were in Los Angeles, so I will not attempt to review it—but there was a three-way conversation. The actors' committee had gone to Chicago.

The three-man committee had told the actors in Chicago that they were pressured into this thing, that they had no intention whatever to change their original decision. Mr. Doherty in these proceedings here in Washington very honestly and very frankly testified that pursuant to the instructions of the council they issued the so-called clarification. But they wrote it in such a way that they made it clear that they did not intend—that is, the committee did not—that they were doing this pursuant to the direction of the council itself. That is the document which I will not bother to read.

Mr. Doherty also testified that they fought violent against it, and finally had to take orders and issue that clarification.

Now, it is that clarification which created all the trouble.

Now, I want to go back for a moment to before the clarification in response to a question that Mr. Landis asked.

You have asked about this "treaty of Beverly Hills," the interim agreement of July 2, 1946.

Mr. LANDIS. Could I just break in there?

Mr. ZORN. Certainly.

Mr. LANDIS. Was there an interpretation before the Beverly Hills agreement?

Mr. ZORN. No, sir. That is just what I am going to come to. I think this sequence makes this thing crystal clear.

The strike started on March 12, 1945. I am talking now about the 1945 strike.

Prior to that time and for a number of years, there was no question that the carpenter's union did the work of set erection on stages.

There is testimony and some conflicting testimony as to whether at a certain earlier period the IA people had done it. There has been testimony both ways on that, but certainly for a number of years before the March 12, 1945, strike, the carpenters always did this work.

Then during the strike, of course, IA men came in and did that work.

When the strike was settled in October, the IA men were taken off all carpenter work, including set erection on stages, that is, within a short period, and the carpenters continued to do set erection on stages until after the December 1945 decision.

Then in January of 1946—and the testimony is that the producers needed certain time to realize their operations so that they could switch their work from the carpenters to the IA—but beginning on or about January 21, 1946, IA men and IA men alone, did set erection on stages, the carpenters doing the mill and trim work, but the actual erection being done, pursuant to the decision, by the IA men.

That started in January of 1946, and continued right through. As a matter of fact, it has never been changed. It certainly continued through July and through August, when the clarification came down, and it has never been changed, as a matter of fact.

When they had this 2-day strike in July, that did not involve any issue whatever of set erection or interpretation of the decision. The carpenters were working in accordance with that decision, and they were not doing set erection.

The strike was over some entirely different thing. There was some trouble about the machinist situation. Sorrell had issued an ultimatum with respect to wage demands. There were a combination of factors which produced that 2-day strike.

When they got to this interim agreement, the "treaty of Beverly Hills," the carpenters were a party to it.

As you asked Mr. Cobb yesterday, there isn't anything in that agreement whatever, which indicates there is any question as to who is to do set-erection work on stages.

At that point, everybody had accepted and was working under the decision and the award of December 1945.

Interestingly enough, none of the contracts the producers have had with either the carpenters, the painters, or the IA have spelled out in any detail just what jurisdiction there is to be. That has always been a matter to be handled by the labor unions where we have been in the middle and have taken a terrific amount of grief over a period of years. There have always been jurisdictional difficulties, but the contracts do not spell it out.

Now, let me give you some background on the interim agreement, and on some very bad law which Mr. Cobb tried to give you yesterday.

In a moment I will read into the record some testimony that the producers had signed contracts and were always stalling.

The history of the situation is very clear.

Most of the contracts made with all these crafts, except the IA, had expiration dates of January 1, 1944, or December 31, 1943.

There were no written agreements extending those contracts. They were extended by handshakes. There is testimony here by Mr. Casey and Mr. Boren, and everybody agreed and accepted that those old contracts would continue.

Then when the March 1945 strike came along the producers in order to be removed of the obligation of the closed-shop agreements—those were closed-shop agreements and if the painters and the carpenters would not work and those contracts were in existence at that time we probably might have been or would have been in possible violation of the closed-shop agreements of those contracts if we had hired IA men or other men.

So the producers then proceeded on April 2, 1945, to cancel those contracts. That was the reason it was done and that was the reason on the statements I made this morning that Mr. Walsh said if we canceled those contracts he would then attempt to supply us with workers.

Everybody has been yelling "conspiracy," but that was a very simple situation. These fellows had gone out on strike. We were trying to operate our studios. We had contracts with them under which we probably had some closed-shop obligations.

In order to be free from any possible legal question, we then proceeded to cancel those contracts in order to operate the studios and in order to work. If that is a conspiracy we were guilty of a conspiracy. What we were guilty of was trying to run our business.

There were no contracts in existence during the period of the strike. When the men went back to work in October 1945 there were no formal agreements signed, but it was understood that the old contracts were reinstated. Then subsequent to that there were some discussions with respect to wage increases, but no formal agreements of any kind, a complete understanding by all parties, that those old contracts were reffective until this strike of July 1946.

As a matter of fact, if you will look at the "treaty of Beverly Hills," the letter which accompanies it is a letter to Sorrell from Casey. It is dated July 2, 1946:

MY DEAR HERB: Pending the completion of contracts between the individual unions, members of the CSU and the major studios, these minutes shall constitute an interim agreement.

Now, there is no question that we made a contract, and that was a contract on July 2, 1946, the Beverly Hills agreement. It contemplated more complete contracts later on. But nobody will claim on our side that we had not entered into an agreement at that time.

I would like to point this out to you, particularly in view of many of Mr. Sorrell's statements here:

All retroactive payments from expiration of previous contracts, most of which expired January 1, 1946—

et cetera. So that here is clear evidence all of the parties, regardless of prior contracts in effect understood they were to have expired on January 1, 1946, and that this new contract was to replace those old contracts, because it made the payments retroactive to January.

We say this about the "treaty of Beverly Hills": We made that contract. Certainly, we made a contract that we expected to live up to.

MR. LANDIS. The carpenters signed that, didn't they?

MR. ZORN. Yes.

MR. McCANN. Sorrell signed it for the Conference of Studio Unions.

MR. ZORN. That is correct. It was a Conference of Studio Unions negotiation. They were all there, and Sorrell signed on their behalf. It included the CSU as representing painters, carpenters, machinists,

electricians, plumbers, and so on and so on, so the carpenters are clearly a part of this agreement. And their representatives, the testimony shows, were present and participated in these discussions.

So we made this contract with them. Under the continuation of the old contracts, gentlemen, there was always an obligation on the part of the union to furnish men to do the work.

There is another provision that was called to your attention yesterday, the provision which says, in discussing possible arbitration:

Any dispute other than wages should be submitted to arbitration. Skelton and Brewer—

Skelton being of the carpenters—

will get together and make an agreement covering arbitration. Basis of arbitration will be the A. F. of L. three-man directive.

Now, yesterday when you questioned Mr. Cobb about that, Mr. Landis, he did a little fancy footwork on those questions because he said:

Yes, the men had worked under that decision and the carpenters had accepted the fact that the IA men were doing set erection, but he said they had a continuing protest.

Well, they may have had a continuing protest through Mr. Hutcheson's efforts to set aside the decision, but here is a contract which they signed in which they say the basis of arbitration will be the A. F. of L. three-man directive.

In other words, here is a clear contractual agreement on their part recognizing that directive as being binding on them. There cannot be any question about that.

Mr. LANDIS. Then every carpenter that walked off the set broke the contract?

Mr. ZORN. That is correct, that is what I am coming to.

Then it goes on:

It was agreed to let each studio interpret the directive and award the work where in its judgment it belonged under the directive.

They are talking only about one directive. There was only one directive in existence at this time.

And no work stoppage will be ordered for the next 30 days or until the arbitration machinery is set up.

Now, if that were limited to 30 days, it would not have said, "or until arbitration machinery is set up." I think you can interpret this possibly several ways, but certainly it lends itself to the interpretation that until all efforts to set up arbitration machinery had been completely exhausted, they had bound themselves definitely not to strike.

An additional point being that under their prior contracts they had always had the obligation of supplying workers to the studio in the crafts in which they were recognized under contract.

Mr. LANDIS. And no arbitration machinery was ever set up?

Mr. ZORN. No. There has been a great deal of testimony about that, and I do not want to review it. Various efforts were made. Mr. Levy went into that very thoroughly as to why it broke down.

One of the reasons was that in order to have effective arbitration the international presidents had to go along with it. Apparently there was no agreement ever on the part of Mr. Hutcheson to go along with

the arbitration machinery. There is some considerable testimony on that.

Mr. LANDIS. I have another question. I do not know just where it comes in, but I want to know just how much change in the work the clarification caused, and if the producers understood the clarification. I don't know whether you are up to that point or not, but when you get to the point on the clarification I would like to have a little information on it.

Mr. ZORN. All right, I will try to get into that right away.

In connection with the Beverly Hills agreement, I do want to say this:

Mr. Cobb made an argument yesterday which, during 10 or 15 years when I have been doing work almost exclusively under the labor law, I just could not follow.

As I understand him, he said this Beverly Hills treaty constituted a 2-year contract of employment for each of the carpenters, that it was an employment agreement with each of the carpenters, or something to that effect. It was something close to it.

Mr. LANDIS. He meant it was not employing all the carpenters, but it was a carpenters' contract.

Mr. KEARNS. He said it was not steady employment.

Mr. ZORN. Not steady employment, but an agreement to employ men. Obviously, a collective-bargaining agreement is not an employment agreement. This Beverly Hills treaty was.

A collective-bargaining agreement prescribes the conditions under which men shall work. It does not give any particular individual any rights, but the important factor—and that is unimportant—the important factor is that when the ultimatum on the "hot" sets came down and these men absolutely refused to work on "hot" sets, they were breaking the contract by refusing to do that work. There isn't any doubt as a matter of law, that if a man refuses to work you have a perfect right to fire him. Actually, they were not fired. They were laid off.

They were given the opportunity if they wanted to work on "hot" sets or do the work to which they were assigned, to come back at any time.

So that any claim here that there has been a violation of the contract on our part, I think is utterly without foundation at all.

Finally, the clarification came down. You will recall without my reading it into the record again, that I believe under the date of August 18, Mr. Hutcheson wrote a letter to Mr. Eric Johnston, enclosing a copy of the clarification. In that letter he asked that the producers abide by the clarification and all future interpretations which may be issued.

A short time after that Mr. Green sent a similar letter.

So far as the clarification is concerned, Mr. Landis, you have to be a pretty fancy lawyer to be able to understand it.

Mr. LANDIS. Who wrote that clarification? Did the three fellows write it, or did some lawyer write it for them?

Mr. ZORN. The testimony isn't clear about that. The testimony is not too clear as to who wrote this.

Mr. McCANN. May I interrupt there?

Mr. ZORN. Surely.

Mr. McCANN. These men said they wrote it. They went out first and wrote one clarification; the council did not like it so they went out in the anteroom and wrote another clarification, which was accepted, so the record shows they wrote it.

Mr. KEARNS. We even had testimony there were three of them written before there was acceptance.

Mr. McCANN. I only remember two, sir, but I remember they said they wrote it.

Mr. ZORN. Well, this is the point of it—

Mr. LANDIS. I was interested in the set-erection part of it.

Mr. ZORN. I will come to that.

Mr. LANDIS. All right, proceed.

Mr. ZORN. They start out in the clarification of August 16, 1945, with this statement, that:

Pursuant to instructions handed down by the executive council at its session August 15, 1946, the Hollywood jurisdictional committee reviewed the work division applicable to the Brotherhood of Carpenters and Joiners of America as set forth in the committee's decision dated December 26, 1945, and reaffirmed its previous decision.

Note that language.

Mr. LANDIS. Yes.

Mr. ZORN. Then there is a statement that they took cognizance of statements made in Mr. Flanagan's report, Mr. Flanagan having been the man sent out by Mr. Green.

This is the language they used:

Jurisdiction over the erection of sets on stages was awarded to the International Alliance of Theatrical Stage Employees and Motion Picture Operators of the United States and Canada, under the provisions set forth in section 8 of the decision, which specifically excluded trim and mill work on said sets and stages. The word "erection" is construed to mean "assemblage" of such sets on stages or locations. It is to be clearly understood that the committee recognizes the jurisdiction over construction work on such sets as coming within the purview of the United Brotherhood of Carpenters and Joiners' jurisdiction.

Then it goes on to say:

The committee directs that all participants in the Hollywood motion-picture studios strictly adhere to the provisions of the directive handed down on December 26, 1945.

I pointed out to you before that there wasn't any doubt in anybody's mind that that decision of December 1945 gave the erection of sets to the IA, jobs or jurisdiction which they had not had for years.

They had always, as I understood the testimony, had the right to assemble the sets. There was never any question about that. I mean, there is a completely clear line of distinction. I am not technically competent to give it, but there is a completely clear line of distinction between the erection or construction of sets and the assembly of sets after they have been erected or constructed.

You will recall also, Mr. Landis, that throughout this testimony there are references by various witnesses to Hutcheson's statement. I think Mr. Doherty has testified to that.

I do not have the reference handy but my recollection is very clear.

Mr. Hutcheson wanted a barrel of words in order to create confusion. That is not the accurate testimony, but that is the effect of it.

So they have a barrage of words in here to create confusion, but the net effect of what they say is that when they say "set erection" they



mean "assemblage" and they do not mean "construction." That is a clear reversal. Despite the other language that is a completely clear reversal of what they did. I think Mr. Doherty made that clear, although I think he did some hedging on that. That is the way we understand it.

Mr. KEARNS. You made an expression there that interested me, that the writing must have been done by a fancy lawyer. I just wondered what you meant by a "fancy lawyer." I have contacted so many lawyers—

Mr. ZORN. I guess you are thoroughly fed up with them now?

Mr. KEARNS. No, not at all.

Mr. ZORN. I meant, it was very cute in this respect: They purport in one breath to say, "We are not touching our old decision; that still stands," and in the next breath they reverse it. It is obvious.

Mr. LANDIS. They really reversed the set erection in the clarification?

Mr. ZORN. Precisely.

Mr. LANDIS. Here is the final point on the clarification: If the producers are to abide by the directive, then are the producers to abide by the clarification?

Mr. ZORN. No; there is testimony in the record that is very clear on that, Mr. Landis. When the issue came up in the course of discussions of the problem that was created by this clarification, the producers were advised by their counsel that they had made a binding agreement to abide by a decision, and a decision which could be made at the end of this 30-day period; but the committee that had made that decision was completely without any authority to change it. They had 30 days to finally determine this jurisdictional dispute. They did it within 30 days. There was no confusion about what they intended to do, as I pointed out before.

The producers were advised by counsel that having made a definite agreement, which was the agreement that Mr. Johnston made in Cincinnati in October, the producers had to follow the original decision and this committee had no authority to make any further changes.

Mr. LANDIS. Also, couldn't you go back to the Beverly Hills 2-year agreement and go over that one paragraph that the producers were to go by the directive?

Mr. ZORN. You are perfectly right. I am glad you pointed that out to me, because that was a further contractual affirmation by the producers, because Pat Casey signed this agreement on behalf of the producers, and the unions, that the A. F. of L. directive—and there was only one in existence—was the basis for any arbitration under this contract. You are perfectly right about that.

Now, what happened when this clarification came down? There has been considerable discussion here in the last couple of days about how precipitously we acted in taking action when these men refused to work on "hot" sets.

Actually we were not precipitous at all. In the first place, we got this ultimatum at 4 o'clock in the afternoon of September 11, and it was to be effective at 6 o'clock the next morning.

Now, there were several things we did in order to avoid trouble.

The record of the Los Angeles hearings at page 1300 contains either a letter or a telegram dated September 11. I believe it is a telegram; from Pat Casey to the producers for Cambiano, Sprowl, and Vance of the carpenter's local 946. Cambiano is international representative. I think I ought to read that, because it is not very long:

GENTLEMEN: Today, we as representatives of the major motion-picture producing studios in Hollywood met with you and other representatives of the above unions, pursuant to your telegraphic request. At that meeting you advised us that unless commencing with 6 o'clock a. m. on September 12, 1946, all construction and erection of sets in our studios be performed by members of local 946, all such sets would be declared "hot" and would not be further handled or processed. The basis of your request was stated to be a clarification order issued by a three-man committee appointed by the executive council of the American Federation of Labor, the contents of which are hereafter referred to.

Our reply which we promised to make promptly to your demand is as follows: "At a meeting of the executive council of the American Federation of Labor held in Cincinnati in October 1945 in settlement of the then existing strike, it was agreed that if the unions involved could not settle existing jurisdictional questions between themselves, a committee of three members of the executive council should investigate and determine all such questions, that all parties concerned, including the producers, the United Brotherhood of Carpenters and Joiners, and the International Alliance of Theatrical Stage Employees of the United States and Canada, would accept as final and binding the determination of the committee. In carrying out the above, the executive council committee of the American Federation of Labor appointed a three-man committee composed of three international vice presidents. According to the language of the committee after exhaustive hearings and investigation in Hollywood they, on December 26, issued a directive to be final and binding on all parties. Such directive set forth that the IATSE should have jurisdiction over the erection of sets on stages except trim and mill work, which latter work should be performed by members of your union. The directive specifically required that erection of sets on stages be under the jurisdiction of the IATSE and only trim and mill work be given to carpenters. It was based upon this directive that the division of work was put into effect and has since been strictly adhered to."

Remember, this is a telegram dated September 11, 1946. Quoting again:

"Thereafter, under date of August 16, 1946, the same committee issued an interpretation of its previous decision without notice to the parties to the former dispute, in which is stated that 'the word "erection" is construed to mean assemblage of such sets on stages or locations'. It is to be clearly understood that the committee recognizes the jurisdiction of construction work on such sets as coming within the purview of the United Brotherhood of Carpenters and Joiners' jurisdiction."

We have been advised by Mr. Richard A. Walsh, president of the IATSE, that it is the contention of the IATSE that the so-called clarification was issued without authority in violation of the Cincinnati agreement, to which this International Alliance, yourselves and the other international unions involved, were all parties. If the committee's decision, as originally rendered, is not fully complied with by you, this International Alliance will take such action as may be necessary to protect its interests.

That is a quotation from Mr. Walsh's letter to the producers of August 31, 1946, which is already in the record.

Mr. LANDIS. Isn't it a fact that you have to have these sets in order to carry on the moving-picture industry?

Mr. ZORN. Mr. Kahane testified very fully to the practical necessity in operation of that. I will not review that, but the simple fact is, as he pointed out—

Mr. LANDIS. I mean, it was a temporary shut-down on the sets, of course, but in order to carry on later they should wait 2 weeks. I

don't know, but in order to carry on the business they had to have the sets. It had to be settled some way.

Mr. ZORN. That is correct. I think the testimony of the producer witnesses is clear on that.

They were not put out of business completely on September 11. They had a lot of sets.

Mr. LANDIS. I think I missed Mr. Kahane and his testimony.

Mr. ZORN. I will come to that in a moment. I think that is important, because I think he gives here every sound reason that it was essential we take the action we did.

Mr. KEARNS. We will take a 5-minute recess.

(A short recess.)

Mr. LANDIS. The hearing will come to order. We will proceed until the chairman comes back.

Mr. ZORN. I wanted to complete the reading of this telegram. My point, Mr. Landis, was that in connection with this "hot sets" dispute, we did not act reciprocally. I had stopped with the quotation from the telegram of the producers to the carpenters of September 11, 1947, with the statement of the notice I had received from Mr. Walsh of the IA.

The telegram continues:

As a result of these conflicting demands made by you and by the representatives of the IATSE, we as employers are placed in the position of having to determine a jurisdictional question that can only be settled by the unions involved. In view of the fact that the directive of December 26, 1945, was stated to be final and binding upon all the parties concerned, and that this position was reiterated to us by representatives of the American Federation of Labor at subsequent conferences, we believe that we have no choice but to follow its provisions as we agreed to do.

The enforcement of your demands may result in throwing approximately 30,000 employees in Hollywood out of work. We deplore this situation and its gravity and we trust that you and the other unions involved may find a means of settling your differences which we are powerless to determine.

A similar telegram was sent on September 17, 1946. It appears at page 1298 of the Los Angeles minutes. It was from all of the companies, all the major studios, to the painters. It is addressed to "Local Union 644 of the Brotherhood of Painters." It is rather short:

GENTLEMEN: During the afternoon of September 11, 1946, we were notified by the United Brotherhood of Carpenters and Joiners of America, Local 946, that unless all construction and erection of sets on the studios of the undersigned producers of motion pictures should be performed by said local union, it would declare such sets "hot" and refuse to perform work upon them. On the same day we replied to this demand by forwarding a letter to the representative of said union, a copy of which is enclosed herewith. We have today sent the same union a telegram of which copies also are enclosed. In the meantime your members have refused to perform work upon sets declared "hot" by the carpenters. Unless your members resume the performance of such work for the undersigned, we will use every legal and reasonable means to have such work performed by other employees.

The record shows that a similar telegram under date of September 17, was also sent to the carpenters, with the statement, the same statement made to the carpenters, that—

On their refusal to work on these sets the producers would use every legal and reasonable means to have such work performed by other employees.

Now, in addition to that earnest request contained in the telegram of September 11 to have these fellows settle the problem themselves

and not throw everybody out of work, the evidence is also uncontradicted in the statements of Mr. Eric Johnston. The producers called upon him early in September. Mr. McCann, I think, has referred to the statement in the so-called note to the producers meetings under date of September 3, about wiring to Mr. Johnston to the effect that the—

Producers can't understand the so-called clarification, that both the carpenters and Walsh have given us opposite instructions.

Mr. Johnston testified that when he was called into the situation early in September of 1946, he took the matter up with Mr. Green and tried to get Mr. Green to intercede with Mr. Hutcheson. He tried to get Mr. Green to get Mr. Hutcheson to a meeting with Mr. Walsh.

He apparently got nowhere in that direction, he said.

He also testified that he then turned to John L. Lewis and tried to get Mr. Lewis to get Mr. Hutcheson to sit down with Mr. Walsh because they were all afraid this new explosion would blow up into a major strike and "we have just been through an 8 months' strike, and the producers had had about enough of it."

Mr. Lewis was unsuccessful in his efforts to get Hutcheson to meet with Walsh.

Mr. Johnston then testified that he discussed the matter directly with Mr. Hutcheson and tried to persuade him to sit down with Mr. Walsh. Mr. Hutcheson absolutely refused.

Now, what other steps we could have taken in that situation, I don't know.

There have been some statements here made by Mr. Cobb and perhaps Mr. Bodle that we should have rushed into court. The fact is that if there were a dispute about whether the decision was binding or not, the carpenters were the people who properly should have brought the matter to court. They should not have declared the sets "hot." They were the fellows who precipitated direct and violent action.

So that what kind of a remedy any court review would have been to us under the circumstances is of extremely doubtful validity.

Obviously, we had a job of running the studios. If Mr. Cobb were serious about the situation then, as he is now, then it was Mr. Hutcheson's duty to have this issue clarified by the court, if any court clarification were necessary.

But I think it is crystal clear that no court could have done any more than to have said that, "You made an agreement to abide by this decision. The decision was made and this committee had no further authority to make any changes in it."

I want to clear up something which has been rather confusing in this record.

The minutes show that on August 22, 1946, Mr. Walsh at a producers' meeting made a statement that if we made any change whatever in the directive, he would shut down the studios, the theaters, and the exchanges. Whether that is an accurate statement of what he said, I don't know.

Mr. LANDIS. What did he say about the shut-down?

Mr. ZORN. The so-called note to the producers' meeting—

Mr. McCANN. Let us call them the so-called minutes, because that is the way they are entitled.

Mr. ZORN. All right. It contained this statement :

Walsh advises that any company that makes one single change in the administration of the A. F. of L. directive in compliance with the new interpretation will have all work stopped in the studios, exchanges, and theaters. The A. F. of L. committee was discharged 30 days after it made its report, and therefore it has no standing or validity.

Mr. Walsh made it pretty clear to us in one form or another that he would not stand for any change in this decision, because his letter of August 31 makes it clear they would take such action as they thought necessary to compel us to abide by the directive. But the testimony of our people is clear all the way through that we had and were advised by counsel not only a moral but a legal obligation to comply with it, and we would be in serious trouble if we saw fit to avoid that obligation.

Now, this is the point I am trying to clear up before I get back to the ultimatum.

When it came to the question of the producers deciding whether they would remain open, whether they would try to remain open, or whether they would shut down their studios, Mr. Johnston has testified—and there is no contradiction of his testimony—that as of that time Mr. Walsh made no threats of any kind. I had better give you that because I think it is important.

Mr. LANDIS. If they had shut down, would that have been considered a lock-out?

Mr. ZORN. We would have been accused of a lock-out, too, if we had shut down at that time. These charges are very easy to sling about. Certainly we would have been charged with a lock-out at that time.

This is Mr. Johnston's testimony—

Mr. LANDIS. Let me bring this in first.

Mr. ZORN. Certainly.

Mr. LANDIS. The Beverly Hills contract was with the studio unions?

Mr. ZORN. That is right.

Mr. LANDIS. Did they have anything in the contract with the IA?

Mr. ZORN. No; because with the IA, Mr. Landis, the last contract with the IA generally, that is, with the IA international—and there were separate wage arrangements with the locals—was made in 1944. It was a 5-year contract. It does not expire until August of 1949.

Mr. LANDIS. So you really had a contract with them?

Mr. ZORN. Oh, we had a complete contract with the IA, there is no question about that.

Mr. LANDIS. That is the point I wanted to bring out.

Mr. ZORN. Oh, yes; I think you are entirely right about that. Mr. Johnston testified. He was asked this question through Mr. McCann by Mr. Bodle :

If producers played a neutral role, how do you explain the fact that producers' labor committee in concert with IATSE officials planned every step leading up to the mass discharge of September 23, 1946?

Mr. JOHNSTON. Well, I do not agree that they did plan every step. As a matter of fact, in the conversation which I had with Mr. Walsh prior to September 12, 1946, Mr. Walsh told me as far as he was concerned, "close down the studios." He would prefer to see them closed rather than to attempt to provide any men. That was at the time I was trying to get Mr. Hutcheson and Mr. Walsh to sit down together.

The point I want to make clear, which has not been made clear thus far, is this:

Mr. Walsh's original position was that the December 1945 decision was binding, that the executive council had no authority to change it, and if the producers tried to change that decision they would be in trouble.

We agreed to that position. But, when it came to the question as to whether or not we would try to keep the studios open or closed—of course, if we closed the studios we were not violating the decision, but if we tried to keep them open then obviously we would then have to abide by the decision of the three-man committee of December 1945.

So that there were no threats. In this conspiracy claim that has been made, it has been claimed all along that we were part and parcel of a conspiracy with the IATSE for the purpose of throwing these other fellows out of the studio.

This testimony of Mr. Johnston's I think, makes it very clear that Mr. Walsh—and Mr. Walsh will be back on the stand and you can ask him about this—makes it very clear that so far as Mr. Walsh and the IA were concerned, they probably had a bellyful of this, too, and they would have been perfectly satisfied to put no pressure on us to keep the studios open, and if we closed, their men would have been out of jobs, too.

I do not know what was in Mr. Walsh's mind when he made that statement to Mr. Johnston, but certainly this demonstrates completely that we did not stay open and we did not operate with the IA's help through any threat by the IA that we must remain open.

After these various efforts, the efforts of Mr. Johnston, our telegrams and discussions with local unions on the coast to try to get it settled, the ultimatum was not withdrawn.

Mr. Kahane's testimony, in essence, so far as the ultimatum is concerned, is about this. I will not take the time to read it in the record. For convenience, it appears at page 250 and the following pages of these Washington hearings.

He said they were given from 4 o'clock one afternoon until 6 o'clock the next morning, and that at 6 o'clock the next morning the carpenters said they would no longer work on "hot" sets. The painters issued a similar statement some time later, which is made clear by the telegram I read into the record a moment ago.

Mr. Kahane indicated—and I will not try to review all his testimony—that of course they could continue to operate for a while, even though these men were not working on the "hot" sets. But there would come a point, it might be 1 or 2 weeks, where they would have to have new sets put up and where they would have to plan for production in the future.

He pointed out you cannot make a picture without having a set ready, because a set is just as important as a star, it is just as important as a camera, or any other element. If you do not have a set and have it completed, you cannot shoot a scene in the picture, so they had to plan to get these sets completed.

Now, in addition to that, under the Beverly Hills agreement of July 2, and its continuation of the prior arrangement with the carpenters and the painters, we were working under closed-shop conditions with those men. They furnished us with carpenters, and we employed car-

penters to do the carpenter work which had been established as the carpenters' jurisdiction.

If we had gone out and had had somebody else work on hot sets—under the decision we had to continue to let the IA men work on these sets on stages. If we tried to get the IA men to do the mill and trim work on the sets or doing the painting on those sets, we obviously would have been in violation of our contractual obligations with the carpenters because of the closed-shop arrangement.

So that while the carpenters were in the studios and while we were under these contractual relations with them, we would either have to stop producing and shut down or get somebody else to do the work. That is why it was necessary, and that is why the lawyers on the coast, when this problem came up—among other reasons—that is why it was necessary to find out whether or not any of the carpenters who were assigned to this work, whether they had done this mill and trim work before or whether they had not, were willing to do this work, and if they were not the lawyer's advice—which I think was completely sound and is as sound today as it was then—was that if a man refused to work, then obviously you have no choice but to lay him off. We had to find out.

The additional reason that Mr. Kahane gave and Mr. Freeman gave was this: They knew that if they brought people in to do this work who were not members of the carpenters' union, they would have violence, bloodshed, and property destruction in the studios. They preferred that if there was to be a strike here that that strike should be outside the studios, rather than to have the studios torn up and destroyed.

Mr. Freeman also pointed out very clearly that on the historical relationship—and his testimony is at page 350 and the following pages of the Washington record—that there was never any doubt whether a man was a maintenance carpenter or a mill carpenter, under the contractual arrangements for years past the studios had a complete right to assign men to any work they saw fit, providing it was carpenter work. I think I have made it clear why it was necessary then for the studios to ascertain that.

First they took the men who were assigned to a job and asked them to do that, the regular men. They refused to do it and they were laid off.

To clear up another point of misunderstanding here, there were men laid off between September 12 and September 23. I do not have the accurate figures, but the testimony shows clearly that a substantial number of men were actually laid off and sent home for refusal to work on these hot sets, beginning as early as about September 12 or September 13. While I am there, I might clear up another point that Mr. Cobb spent a great deal of time on yesterday.

He pointed to some reference in the so-called minutes of September 17 or September 16, to some discussion with Mr. Craigin of Mr. Benjamin's office with respect to unemployment compensation. He pointed to that as being a sinister element in a conspiracy. Well, let's look at it.

If you do not look at it with a jaundiced or prejudiced eye it is perfectly clear.

Men had already been laid off. They knew that claims would be made. By September 16 the record shows—I do not have the pages,

but I will supply it—that a number of men had already been laid off and the problem of unemployment compensation had come up. I assume that is the reason Craigin was at this meeting of the producers.

They knew also that they were going to be in a lot of trouble as a result of this ultimatum. There was almost a month after the clarification had been issued where they were just waiting for the blow to strike, and it was struck on the afternoon of September 11.

So you had a situation there where men had already been laid off. Under the California arrangements for unemployment compensation, if the unemployment compensation makes payment to their employees, the producers have to make that good out of their own pockets as contributors to the State unemployment insurance fund. So they had a vital stake in this thing.

Under the California law, if a man is engaged in a trade dispute he is not entitled to unemployment insurance.

So that any claim here that this was a sinister element of conspiracy, I think, is completely knocked out of the window by reason of the fact that we had the problem on our doorstep by reason of the lay-off of those men at that time; and, second, we had a perfect right to contemplate what the future would be after this ultimatum had been issued.

Moreover—and this, I think, is the conclusive factor of the thing—the Unemployment Insurance Commission of California, after the most extended hearings, with witness after witness, lawyers for the carpenters and lawyers for the painters, has ruled generally that these men were engaged in a trade dispute; that they were not locked out, and that they were not entitled to compensation.

Mr. Cobb said yesterday he was going to appeal. He just disagrees with every agency that he has been before which has not accepted his point of view.

The fact is that that has been determined by the laws in California and certainly this committee, I think, will accept a determination of the duly accredited agencies of the State of California which have taken all of the evidence, have studied these things, and have passed on them.

That is true of all these other grab-bag claims of conspiracy that have been made here.

We come down now to the ultimatum and what we were to do about it.

I believe you have heard, Mr. Landis, the testimony of the various presidents, some of the vice presidents, and Eric Johnston.

These notes are seized on here as an element of conspiracy. There is reference made to the discussion on September 12, in which Mr. Kahane reports that in conversations with Mr. Eric Johnston and with the presidents, the presidents had made certain recommendations.

Now, while we are on the subject of these so-called minutes of the notes, let me say this: Mr. Johnston emphatically denied that he had ever made a recommendation to keep the studios open. On the contrary, Mr. Johnston stated very emphatically that he was for closing, and closing very strongly.

The record here is full of instances where statements in the notes are either contradicted or amplified by the witnesses.

I want you particularly, Mr. Landis, to understand, because so much has been placed upon these notes as proving conspiracy. I want you to understand that basically it is my judgment that these notes are



in a large measure substantially an account of what Mr. Clark heard happen. But they have this defect—I am not attacking them at all, I am simply saying they are notes made by a man which are not read to the people who attend the meeting.

At all these various meetings there are usually 10 or 15 men present, sometimes several of them talking at the same time, telephone calls going on at the same time, so that no matter how honestly Mr. Clark tried to report the things he thought were happening, it is perfectly obvious that you could not have a complete report. That is why you have bits here and bits there.

I am not attacking the notes at all, but I think that in order to understand them and understand the testimony of the witnesses with respect to these notes, you have to understand that, first, they certainly do not purport to be a verbatim account of everything that happened, and, secondly, they are taken by a man who gets certain impressions in the course of a great deal of conversation and discussion, which were never read back, which were never ratified or approved by anybody.

Now, so far as the producers' position in September is concerned, you have heard that testimony and very briefly it is this:

The presidents were notified of this new ultimatum. In October 1945, the 8-month strike of 1945, was over. That had cost the producers millions of dollars. The settlement of it cost them millions of dollars. There were some people among the presidents' group, and particularly Mr. Johnston, who felt very strongly that they had had a bellyful of this jurisdictional conflict, and that there should be a plague on all the houses involved and all the unions involved, and that the producers' only position would be to close down and as a result of the close down of the studios, the thing would obtain so much notoriety the A. F. of L. would have to step in and settle it quickly, without putting us through an expensive and difficult strike.

There were some other people at the meeting in New York on September 12, who had the same point of view as Mr. Johnston.

You heard Mr. Michel testify here. He said he fought vigorously against that because his company had no product, and if they didn't operate they would be out of business. They had commitments of all kinds.

You heard Mr. O'Connor of Universal. Mr. Michel was with 20th Century-Fox. Mr. O'Connor testified that they were over-extended on their commitments; that they had to have their product; that there were other commitments in the form of contracts. I do not recall at the moment whether it was Mr. O'Connor's testimony or one of the other witnesses, but they had expensive contracts with actors, directors, and stars, and that they probably could not stand the financial burden of a shut-down.

Nobody knew and nobody could assure them how long such a shut-down would be in effect because on the past performances of the American Federation of Labor the people who were experienced in it did not have too much confidence in them regarding the closing down of the studios.

Now, Mr. Rathvon, president of RKO, made it very clear that certain charges had been made that the producers acted in a cowardly fashion. I think he made it very clear that it took a great deal more courage to come to a decision to run their business and to keep it open,

than it did to simply shut down and sit on their hands, because they had been through a vicious, tough, and violent strike.

According to Mr. Rathvon, it took a great deal more courage and boldness in the face of those facts to keep open.

Mr. LANDIS. How long was that strike?

Mr. ZORN. That ran from March 12, 1945, to October 31, 1945, about 8 months.

Mr. LANDIS. Practically all the moving-picture business that year was abolished?

Mr. McCANN. May I intrude a second?

Mr. ZORN. Surely.

Mr. McCANN. I think you are asking about the long strike, are you not?

Mr. LANDIS. I am thinking about the long strike.

Mr. ZORN. There were two major strikes, Mr. Landis. There was what we call the 1945 strike, which was started by the painters on March 12, 1945. That ran through until the Cincinnati meeting of the A. F. of L. executive council. That was settled as of about the end of October 1945.

Mr. LANDIS. That is where the producers lost the money?

Mr. ZORN. They lost a tremendous amount of money.

Mr. LANDIS. By not producing the pictures that year?

Mr. ZORN. No.

Mr. LANDIS. Where did they lose the money?

Mr. ZORN. They lost a tremendous amount of money in various ways. In the first place their operations were pretty sharply curtailed and they were hamstrung by the fact a lot of their people, the people in the various arts, such as scenic artists and things of that sort were on strike. They were held up in production.

They actually continued to produce, but production took longer. They had to hire new people, inexperienced people to do the work and then, of course, all the other expenses that go with a strike.

But they did produce pictures. They were held down. They did not produce as many as they would have produced if this strike had not occurred, but they were simply hampered by it.

Now I think we get down to this situation. The presidents on the west coast discussed the matter with the people in Hollywood. The people in Hollywood, according to the testimony, felt very strongly that they should continue to operate. The presidents after a lot of discussion went along with that decision. We decided to keep operating. I think you have asked that question a number of times and I do not think I would have to explain it very fully to you, except for the record. If they decided to remain in business and to continue or attempt to continue to operate their business, what could they do? Where could they get their employees? These other fellows had issued an ultimatum. They said they would not work. If they would not work you could not operate.

So naturally they went to the union people first. They not only went to the IA because the record is very clear on this. They wanted to know whether the actors, if they remained open, would work. They wanted to know whether the teamsters would work. They talked to a number of other groups and the testimony is clear on that.

Because if the teamsters, for example, had decided to support this ultimatum or if the actors had decided not to go through picket lines

which everybody knew would be set up, then obviously we would be hamstrung. In order to operate we had to find those things out.

Now the charge is made, and has been made here, that because we talked to the IA about getting men to do this work or helping us to get men, by talking to these other unions we were guilty of a conspiracy.

I think from your question, Mr. Landis, those statements need no comment from me. I think that is transparently clear.

If you did not have a bias about the situation, if you were not interested in calculatingly and deliberately distorting the situation, the only conclusion you could ever come to is the conclusion that we did the thing we had to do to remain in business because of a situation precipitated not by us but precipitated by the declaration and the ultimatum of the carpenters that the sets were hot.

Now, Mr. Cobb and Mr. Bodle talked a great deal about what our plans were and how we agreed on this mass discharge.

That has been testified to fully by Mr. Kahane and by the other witnesses.

There is no denial of the fact that when that ultimatum came down, and after our efforts to try to get it straightened out between the unions, after Mr. Johnston's efforts and the pleas of the producers on the coast, the carpenters and the painters said, "We are not going to work on hot sets, and you have to abide by this clarification," and possibly some later interpretation, we knew then that we were in trouble and that we could not operate our businesses unless we laid off the men who refused to do the work.

Now, we did not fire them, and this is important. In the so-called minutes in which these allegedly sinister, conspiratorial plans were developed, there is this statement. Mr. Cobb, reading from these alleged minutes, did not read this part of it: After it was decided by the lawyers as to the method in which this problem should be handled—in other words, they prepared these various instructions which appear in the notes of September 12—is this statement:

If any such employee asks to return to his former job he is to be welcomed back.

When you read the testimony of all the witnesses it is perfectly clear these men were told that whenever they were ready to do the work they would have their jobs back. But what happened was this: The carpenters union issued the ultimatum, and the painters went along with them. The men were instructed not to work on hot sets.

Then when we began to lay them off and they were finally all laid off for the reasons I have already explained, then a picket line was put up. The carpenter who testified here made it very clear that he had never applied back for his job; that if he had applied back for his job in those early days he probably would have gotten it, and if there was a job open today he would get it. I think the testimony is clear on that in your mind, Mr. Landis.

So far as the painters' jurisdiction which has been occupied by 1421 and 644, and the carpenters' jurisdiction outside of set erection, we do not have any contractual arrangements with the IA; we do not have any closed-shop conditions with the IA and we operated on open shop and have a completely nondiscriminatory employment policy.

The reason these men are out of work is not because we have ever refused to hire them, they are out of work because of the fact that they

refused to go through their picket line. That is why they are out of work.

In addition to that, of course, they have been replaced, most of them have been replaced. As vacancies occur, of course, they can be hired back without discrimination but the situation today under Public Law 101 is such that the men who have those jobs and who have been working on those jobs since last September have certain very definite rights which cannot be taken from them.

That situation which was precipitated by the ultimatum is still continuing. We accept that. As the witnesses pointed out, the studios are in full production. There are only token picket lines. The strike, as I testified earlier, is dead.

But so far as any settlement efforts are concerned and what to do about it, the strike in theory is still continuing. In fact, it is a dead duck.

You have heard here the testimony—

Mr. KEARNS. Did I understand you correctly when you opened your testimony to say you are not making any Communist charges against anyone? Is that correct?

Mr. ZORN. Yes. I said I had no interest in behalf of my clients in making any charges against anyone.

Mr. KEARNS. Communistic or otherwise?

Mr. ZORN. That is right.

Mr. KEARNS. I do not know at what point you were when Mr. Landis had to step out but will you please proceed?

Mr. ZORN. As you will recall, Judge Levy and some of the others were a little bit harsh on us because we did not join.

In this investigation, Mr. Chairman, we have been charged with this conspiracy and lock-out. It is my view that you take an issue that has been raised and you meet that issue. That is what I am trying to do.

Now, anybody else involved in the proceeding, if there are other issues involved, can go into those.

Of course, the events of today, if they had been known, might have made a difference in my attitude.

Mr. Chairman, I had briefly run through the ultimatum, the situation created by the carpenters, the fact that we had decided we would remain open; that in order to remain open we had to get men to work. The situation was not created by us, it was created by the other side.

The situation today is from all the information I have and has been testified to here before, is a dead strike.

However, questions have been asked about settlement; about how this thing can be settled and what can be done about it.

Well, you have heard Mr. Walsh say he wants all the jurisdiction. You have heard Mr. Hutcheson testify here that the only part of the American public he is interested in is the carpenters.

This thing can go on forever, but until the carpenters get their rightful jurisdiction he isn't going to settle.

Now, that is a situation completely beyond the control of the producers.

I think it has been made completely clear that we have been in the middle of this thing right from the beginning and no matter what we try to do there was nothing we could do so long as these powerful

leaders of labor were fighting among themselves for jurisdiction and for power.

Now we are just helpless. I think I explained in my previous testimony why invoking Public Law 101 at this time would make no difference in the settlement of these issues.

Mr. LANDIS. I notice in the agreement they signed yesterday :

It is recognized that strikes and lock-outs arising under jurisdictional disputes within the industries are detrimental alike to the interests of the employers, the union and the public.

I understand all the building trades signed that.

Mr. KEARNS. Did Mr. Hutcheson sign that ?

Mr. LANDIS. I think all of them signed it.

Mr. ZORN. I think that is a great forward step. I heard about it last night, as a matter of fact.

Mr. LANDIS. I think so, too.

Mr. ZORN. It is limited to the building trades of the American Federation of Labor.

You will recall, gentlemen, that all through this and in Mr. Boren's testimony on the coast we have always taken the position that we welcomed arbitration. We offered to pay the expenses of it, but we also said that you could not have arbitration on a local level because you had to get the international presidents involved, and if you could get that done on a voluntary basis I think that is an even more effective solution than any kind of legislation.

Mr. KEARNS. Regardless of local autonomy it all went back to the rule and decree of the international, did it not ?

Mr. ZORN. Precisely. I think that is so clear from all the testimony we have heard.

Mr. KEARNS. Furthermore, wouldn't you say that probably the American Federation of Labor in its move to take care of jurisdictional disputes, will probably move more quickly because of the disaster of the Hollywood dispute, more than anything else that has ever happened ? I think it has made it more vivid to them as to what jurisdictional disputes can do to industry and to the people, how it can affect homes and the entire futures and lives of people. Don't you think that is true ?

Mr. ZORN. I agree with you completely. I think that all of this dirty linen, internal feuding and fighting, is the greatest black eye the A. F. of L. has ever received in any situation and I think it is time they came to their senses and did something about it.

Mr. LANDIS. Of course, the Taft-Hartley Act has some effect on that, but—

Mr. KEARNS. It has been testified here by Mr. Sorrell and others that if the Taft-Hartley Act had been in effect this thing never would have happened. I am a firm believer of that, Mr. Landis.

Mr. ZORN. I think it would have operated as a very serious restraint. I do not know whether it would have been a hundred percent successful or not.

Mr. KEARNS. I doubt whether there would have been stoppage. I think production would have gone on and they would have settled the thing.

Mr. ZORN. While we are on that subject I would like to make one suggestion along legislative lines.

I think one of the defects of the jurisdictional provisions of the Public Law 101 is this:

In connection with your secondary boycott provision, provisions of 8 (d) (4) (b) and (c), you make provision for summary action and you make it mandatory upon the general counsel for the Board to apply for injunctive relief.

But when you get down into the jurisdictional strike you leave that as a discretionary matter.

Mr. LANDIS. Yes.

Mr. ZORN. Jurisdictional strikes in my book are a lot worse than secondary boycotts.

Mr. LANDIS. Yes, but if this agreement works then that will not be necessary.

Mr. ZORN. I agree with you. I was making a legislative recommendation there.

Mr. LANDIS. I would rather have this work.

Mr. ZORN. I would very much prefer to have it done on a voluntary basis. That is the best way to settle those things.

Mr. KEARNS. In Komaroff's report to the National Labor Relations Board citing 8 (4) (d) as the reason why they should act, Mr. Denham claimed that 8 (4) (d) gave no provision thereunder for the National Labor Relations Board to act in the Hollywood situation.

Mr. ZORN. No; let me explain that to you, Mr. Chairman. That Comeroff charge was filed as agent for a group of employees.

Mr. KEARNS. Yes; about a hundred of them.

Mr. ZORN. That is right. Some of them were workers and some were strikers; they come from all the crafts.

After the Board had made its investigation, the letter I have read in this morning, a jurisdictional strike is an unfair labor practice on the part of a union. Normally it was put in and the expectation was that employers would be the ones to petition or to make a charge against an unfair labor practice in the form of a jurisdictional strike.

Heretofore I have explained to you why it was that in this situation the producers have not filed any charges, because as I said the strike is a dead strike and there are many complicated legal issue, particularly those concerning the replacements; that even if the Board made a decision it still could not solve the problem of who represented these people without an election.

There are representation cases pending on the coast which have been filed by the IA along back to determine the issues of representation which have been held up and blocked by these various unfair labor charges which have been filed.

But the basis for the Board dismissing these Komaroff charges was, as I read from the letter of the regional director this morning, Mr. Chairman, that the act never contemplated that a fellow who himself engaged in a jurisdictional strike should take advantage of the law to try to do something about it. That is the essence of it.

Mr. KEARNS. Yes; but Komaroff's contention was brought under 8 (4) (d).

Mr. ZORN. That is right, sir.

We have been subjected to an awful lot of smearing, loose-lipped charges, and character assassination here. This whole Bioff-Browne thing has been revived.

I think I made the suggestion early in the case that we could have saved ourselves days and days of testimony. I was perfectly willing to concede that Bioff and Browne were two of the most notorious crooks, extortionists, and racketeers we have ever seen around.

Now, Mr. Owens, you will recall, asked the question, "How could the producers be guilty of conspiracy when Bioff and Browne were convicted of extortion?" Well, that was a very intelligent question.

I just want to call your attention to two things in the record.

In the various copies of the newspapers that were introduced by Mr. Bodle, Bioff and Browne were convicted in 1941. They were not convicted on the testimony of Mr. Sorrell, gentlemen; they were convicted on the testimony of the producers, from whom they extorted these large sums of money.

In the newspaper clippings which were introduced at page 2461 of the record, the newspaper report says that the United States attorney, Mr. Carea, stated that Bioff and Browne threatened the producers and that unless they paid them "they would wreck our business." He further stated that "the motion-picture producers had no alternative but to yield to those demands."

Now we were dealing with some pretty tough customers there.

I am not proud of that episode in the history of the motion-picture industry.

Mr. KEARNS. Was that before your time?

Mr. ZORN. Yes. I knew something about it at the time of the conviction. But that leads to one other thing. I am not proud of it, but after all the gun was at these men's heads, and as the district attorney who prosecuted these men said, the industry had no alternative.

Mr. KEARNS. They gave or else?

Mr. ZORN. They gave or else. We are not proud of that.

But the fact is, and this is what I want to say to you: I have been active in the labor affairs of the motion-picture industry since around 1941 or 1942. I have had plenty of opportunity. I knew considerable about the Browne-Bioff thing. My law office was involved in some of the litigation arising out of it.

My law office was very instrumental in finally cooperating with the district attorney in the prosecution of Bioff and Browne.

Naturally when I got into this picture I wanted to know something about this man Dick Walsh. I made inquiries and I have made inquiries since.

I can tell you that I have talked to many of the key people in the industry about Mr. Walsh and I have known him personally for a long time. For whatever my word may be worth to this committee I can tell you he has a reputation in this industry of being a clean, decent, honest person who had never accepted a nickel and nobody has offered him a nickel in any capacity whatsoever.

I say that on the basis of very close and intimate knowledge of all of the labor relations in the motion-picture industry.

There are many things that in order to make this record complete I could do, but I will try to be selective because I want to get through as soon as I can.

Mr. Bodle introduced several things. He would read certain things into the record. I do not say it was done deliberately. They were

things which suited his purpose but he would omit certain other things from the document.

He introduced into the record a copy of the Tidings, which is the official newspaper of the archdiocese in Los Angeles, dated Friday, March 21, 1947. Let me read to you what he did not read from that. He omitted completely to read the recommendations given by the two priests, the Reverends Delvin and Coogan, who had been assigned to make the investigation and give the recommendations.

This is March 21, 1947. In their conclusions and recommendations they say:

1. That the December 26 award of the A. F. of L. be accepted by all parties concerned as the basis for settling all future jurisdictional disputes.
2. The clarification of August 15, whose authenticity has always been in doubt, be rejected.

Then they go on to recommend that Mr. Hutcheson give full autonomy—I will read that:

3. That Mr. William Hutcheson give to the local carpenters union or his selected representatives full autonomy to sign contracts with the producers for local 946. These contracts will be final and binding.

Mr. Hutcheson has never agreed to that and Mr. Hutcheson has never agreed that the clarification of August 15 is of doubtful authenticity and that it should be rejected.

These men, I think, had an honest interest in trying to settle this dispute or trying to work out a basis for settling and these are their conclusions which were never read to you before.

There was a legal discussion yesterday between you, Mr. Landis, and Mr. Cobb, in which you were trying to get a distinction between a lock-out, a strike, and a lay-off.

MR. LANDIS. That is right.

MR. ZORN. Mr. Cobb was arguing very vociferously as Mr. Bodle had before him, that these men were locked out. He appears in this record as the attorney for the locked-out carpenters. I imagine if he keeps saying that often enough he hopes he will be able to prove it.

Just like a lot of these charges of conspiracy, if you keep repeating them often enough, maybe somebody will believe you eventually.

Public Law 101 contains a definition of a strike. This is what I want to call to your attention.

In section 501 it says:

The term "strike" includes any strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of the collective-bargaining agreement and any concerted slow-down or other concerted interruption of operations by employees.

Now when the carpenters issued their ultimatum and instructed their men not to work on hot sets, and when the painters' organization instructed their men not to work on hot sets, you had an interruption of the work of the studios. Within this definition you clearly had a concerted interruption of operations by employees. So by your own definition under Public Law 101 you have a strike there and you haven't got a lock-out.

The National Labor Relations Board in these letters which I read into the record this morning, these letters of dismissal, makes it very clear that in their opinion they are strikes. I think this lock-out charge has been blasted very thoroughly. I think it is out the window.



Mr. LANDIS. Well, they revived it. They mentioned it so many times I thought we had better find out.

Mr. ZORN. I thought the questions were very sound questions. I did not agree with his answers and that is why I quoted Public Law 101.

There is one thing here that is not important, but I think it ought to be brought out.

There were a great many quotations read from articles by Father Dunne, who testified on the coast. Mr. Kearns heard Father Dunne testify.

I would like you, Mr. Landis, to read Father Dunne's testimony and draw your own conclusions from it. You will find it around pages 2070 and so on of the Los Angeles record. I will not read it to you here but Father Dunne came out unequivocally and said that he believed in mass picketing; he was thoroughly in accord with mass picketing; he believed that the actors, even though they had a contract which contained a no-strike clause, were wrong because they refused to violate their contract.

He made other statements of a similar effect. I think all you have to do is to read that testimony and then you can come to your own conclusions as to whether he was a competent and impartial or an unbiased witness.

Now I have this problem, gentlemen, and I do not know quite what to do about it.

Mr. Sorrell has testified here at considerable length about his theories of picketing. He was a little bit inconsistent as a witness.

In the early part of his testimony he was talking about the 1937 strike. He bragged with his chest thrown out about what a tough guy he was. He bragged about the incident where they piled up car after car in the streets and blocked off the Paramount Studio completely so that the fire station was blocked up and nobody could get in or out of the Paramount Studio. He thought that was pretty clever.

You will find that at page 2037 of the Washington record.

He bragged about leading a gang of his fellows into the IA offices when the IA offices were employing men in the 1937 strike. He thought it was a great thing to tell this committee that they went in there and busted up that place and the ambulance had to make 19 trips to take them out of there. That is at page 2041 of the Washington record.

Throughout his testimony he has indicated he is a person who believes in violence and violent methods.

Then he tried to pull a very cute one on this committee.

He was questioned about the mass picketing at Warner's. He said at page 2358 of the record:

I don't think—

and I think he was being questioned by you, Mr. Landis.

Mr. KEARNS. I think I was questioning him.

Mr. ZORN. I am not certain of that, I just made these extracts. He was asked about this theory of free speech and peaceful picketing. He said:

I don't think that the men should have the right to interfere with people going through. I think it should be a line to advertise and a line to humiliate people who go through, but I don't think they should be roughed up or touched in any way.

He was telling this committee that was his philosophy.  
Then in answer to this question by Mr. Landis, he said:

It is a right of free speech and free assemblage, but it was not a picket line of force to prevent people going to and from work.

Mr. Sorrell said this at page 2367:

Let me tell you, Congressman, I don't believe in violence and I don't believe it is necessary and I have demonstrated it in the Disney strike.

He went on to testify that in the Warner picket line, though he had mass picketing, no cars were ever prevented from going through; no people were kept out of the plant and he never heard of anybody, particularly company officials, being molested.

Well, on the record—and there it is—those are just straight and complete falsehoods. They are utterly untrue.

Mr. LANDIS. Well, he admitted once that maybe occasionally some young fellow would get out of line.

Mr. ZORN. For example, I have a tremendous number of documents. The Los Angeles Times of Friday, September 27, 1946:

Strike Leader Herbert K. Sorrell told news-men that "there may be men hurt, there may be men killed before this is over, but we are in no mood to be pushed around any more."

Now I have here a series of newspaper accounts of the violence, the mass picket line, the attacks on people and the attacks on workers.

I have a series of affidavits here, photographs of violence, photographs of mass picketing barring access to plants, which completely destroy any possible basis for the testimony of Mr. Sorrell which I read.

These injunction affidavits, these newspaper accounts, the photostats which are attached and the court orders of the injunctions demonstrate thoroughly and completely that both the 1935 strike under the leadership of Sorrell and the 1946 strike under his leadership, were filled with violence of the worst character; that innocent people were hurt, that innocent people were beaten up; that these strikers under his leadership massed people around these studios in numbers up to a thousand and that nobody could go through those lines to get to and from work.

I think the pictures shown by these newspaper accounts, by these affidavits and by the court orders, and by the records of arrest—I do not have them available at the moment but I would like to submit later a complete record of arrests and convictions for violence and disorder in violation of court decrees. There were hundreds of people arrested, put in jail, and fined.

Mr. Sorrell also was arrested. He bragged about his criminal record. He admitted he was in jail many times.

I think this committee ought to have as a part of its records here a pretty complete story of the violence which Sorrell led, the kind of mass picketing, and the kind of intimidation that was carried on by him, because one of the fundamental purposes of Public Law 101, despite the fact that State laws are intended to take care of things of that sort, you put a specific provision in Public Law 101 prohibiting unions from engaging in coercion or intimidation. The record of your debates and the record of your reports indicate clearly that one of the objectives of this was to stop the practice of unions—and you referred to it yourself, Mr. Chairman, when you talked about the

Westinghouse situation—stop unions from preventing people who want to work. Mr. Sorrell can call them skid-row bums and he can call them all the names he wants, but the men who are working in the studios and the men who have tried to work are decent Americans who have families to support also, even though they may be on the opposite side of the fence from Mr. Sorrell.

So I have this problem: I would need a considerable amount of time, it seems to me, to read into the record the things which I believe should be a part of this record. Now I don't know just how you want to handle that, Mr. Chairman. I do not think this hearing should be concluded without these records being put in and being made a part of the record. I would like to be selective about it.

I know you expect to go on next week, and I simply cannot put that stuff in today.

Mr. McCANN. Mr. Chairman, may we ask that the matters he thinks should be a part of the record, and which are too voluminous to be reproduced in the record, be received for study, as was done with the records of the three-man committee? You know we have studied those records.

We would be glad to receive as a reference exhibit anything you have to offer, Mr. Zorn.

Mr. ZORN. Here is the problem, Mr. McCann: For literally days on end I have sat here and had read at me and read into this record newspaper accounts and all sorts of accounts of everything.

Now, as a reference exhibit it is going to be pretty tough for anybody trying to read this record to figure it. What I would like to suggest is that I be given the same opportunity. I do not want to take your time to do it, but I should like to submit to you after I have had a chance to collate the material and then have had a chance to determine the material things, to be read in as a part of the record.

Mr. McCANN. Mr. Chairman, may I suggest this: If Mr. Zorn is willing to do so, just as you offered Mr. Cobb a chance to file a brief, so Mr. Zorn could make excerpts from those records which are material and submit a brief to us which we will reproduce in the appendix.

Mr. ZORN. I don't think that is being entirely fair to me, Mr. McCann.

Mr. McCANN. I want to be fair.

Mr. ZORN. It does not serve the purpose. I think I would like an opportunity to submit a brief, but I would like my brief to be devoted to the issues.

I think all the other parties here have had in this record—and this is going to be a terrible record for anybody to have to read and collate—I think since all of these statements have been made that we ought to have in here things which are far more cogent than a lot of stuff that has been read here in the form of affidavits and court decrees.

I do not know what your plans are for next week, but I would like you to see some of these photographs, of course, and I would like to submit them.

However, I would like to go through these things, cut them down to the bone as much as possible, and then make those things a part of the actual record.

Mr. KEARNS. Well, I think you have that privilege. Whatever you decide to do we will be glad to accept.

I think Mr. McCann was trying to simplify it.

Mr. ZORN Yes; I know he was, but I think the record should be complete.

Mr. KEARNS. In other words, you would like more time?

Mr. ZORN. I really think I would need some time. I will cut through these things as much as I can. You will notice today I did not go back and read very much stuff from the record.

Mr. KEARNS. Yes.

Mr. McCANN. Mr. Chairman, may I make one other suggestion? As Mr. ZORN knows, we received at one time a hundred or a hundred and fifty pages from Mr. Boren. We did not require Mr. Boren to read it, yet that has been read very carefully by me on more than one occasion.

I think if you would be willing to do it—I am only thinking of saving your time and the committee's time, and the committee certainly has given everybody a full opportunity—

Mr. ZORN. They have gone beyond that, they have been too generous.

Mr. McCANN. I have in mind if you would take everything you think material for this committee and put it in a document and offer it, that we could reproduce it in the record.

But it would save us a great deal of expense if you would consent for us to put that in the printed record and not in our daily transcript.

Mr. ZORN. You know, Mr. McCann, you should have thought of that when they were shoveling that other stuff in.

Mr. McCANN. My dear man, I did my best to prevent it.

Mr. ZORN. Let me make this practical suggestion. I cannot obviously do it before the day is over. Let me take this material and see how much I can cut it down. When you resume on Tuesday, give me the opportunity to put it in as rapidly as I can.

Mr. KEARNS. All right, I think that is perfectly fair.

Mr. ZORN. There is one other telegram I wanted to read into the record to clear up one point, if you will give me that opportunity, then I will just about be finished.

Mr. KEARNS. All right.

Mr. ZORN. You will recall that Mr. Sorrell in the course of his testimony made many statements about the fact that the producers had ganged up on him and refused to make contacts with him and they were playing that game for the purpose of conspiring with the IA.

I asked Mr. Boren to give me the sequence of the contractual history with the painters and he sent me this telegram which I would like to read into the record. It is addressed to me at the Hotel Mayflower. It is dated Hollywood, Calif., March 11:

Brotherhood of Painters, Local 644, executed a contract on September 1, 1942, effective date August 1, 1941, and with termination date on January 1, 1944. Set designers executed—

that is 1421—

contract May 3, 1942, effective date May 3, 1942, anniversary date January 1, 1944. Neither of these contracts provided for extension but on handshakes with Pat Casey such contracts were extended as to working conditions and wages into 1944 until agreement was reached, with understanding that with respect to local 644 any new wages agreed upon would be retroactive to January 1, 1944, and with respect to set designers, local 1421, of Brotherhood of Painters, the retroactive date would be April 1, 1944. In confirmation that the contract was ex-

tended by handshake between Casey and Sorrell, I quote the following telegrams from Fred Pelton to Pat Casey, and Casey's reply :

"DECEMBER 1, 1944.

"Mr. PAT CASEY,

*"Care the Sherry-Netherland Hotel:*

"We are preparing data for Homer Mitchell on the painters' situation. Can we definitely state that you and Sorrell had an understanding that we would carry over the terms of the old contract pending negotiations of the new contract and that the new contract would be retroactive to January 1, 1944? If not this understanding, was there any or another understandings? Please advise by wire to reach me Monday.

"Regards.

"FRED."

"DECEMBER 3, 1944.

"FRED PELTON,

*"Hollywood, Calif.:*

"Regarding your telegram, you can definitely state my understanding with Sorrell, as well as with any of the other crafts we are dealing with, was that the present contracts would remain in full force until such time as the new contracts were entered into and approved by the War Labor Board, and that a certain retroactive date would be set in the application to the War Labor Board. That insofar as the painters' situation was concerned, said retroactive date would be as of January 1, 1944.

"PAT CASEY."

During the year 1944 the painters and set designers were offered an allowance of 5 percent under the Little Steel formula. We had offered 5 percent to painters and other improvements in conditions but the membership of the painters had refused to accept the offers.

Also during this time we were having jurisdictional arguments between 1421 of painters and IATSE as to the representation of interior decorators. However, wages paid for years 1942 and 1943 were continued during this time as well as the union-security clauses of local 644 and 1421 and other conditions of employment. During the negotiations painters entered into work stoppages, and I quote the entire contents of a telegram from Fred Pelton to Pat Casey :

"NOVEMBER 20, 1944.

"Mr. PAT CASEY,

*"Sherry-Netherlands Hotel, New York:*

"Yesterday painters' local reviewed our final proposal and passed resolutions effective today prohibiting members from accepting calls between 9 a. m. and 9 p. m. and restricting members from working more than 8 hours on any shift. Studios are temporarily increasing their first shifts to cause for their requirements or having afternoon shift report on graveyard. Herb acknowledges the old contract is in force—"

That is the significant thing.

"Herb acknowledges the old contract is in force but maintains that their new house rules are also in force. He may relax 8-hour limitation of work shift in case all of the former afternoon shift people are employed on either the first or graveyard shift. Mannix sick at home and unable to work. He will let matter ride for a couple of days.

"Regards,

"FRED."

The producers as of April 5, 1945, canceled the contracts with the painters and set designers for their refusal to render services for the producers. Under the Cincinnati agreement and as of October 31, 1945, painters and set designers were restored to their jobs. Fred Pelton, producers labor administrator, on November 23, 1945, issued a bulletin giving retroactive pay of 5 percent for all services rendered by members of local 644 for the period between January 1, 1944, and March 11, 1945, inclusive, in accordance with previous understanding reached on wages in 1944. Shortly thereafter in January of 1946 negotiations began looking

forward to a new contract with the painters and set designers, and on July 2, 1946, the so-called treaty of Beverly Hills was entered into which provided for a 25 percent increase in wages with a retroactive date of January 1, 1946. The other terms of Beverly Hills contract you are familiar with and have been read into the record before the subcommittee on education and labor. Retroactive moneys of 25 percent were computed and paid to painters and set designers as of January 1, 1946.

CHARLES BOREN.

I think that statement makes it very clear that throughout this entire period, except for the strike situation, even though they did not have formal written agreements there was a complete understanding that these contracts were always in effect. One of the reasons that led to difficulties in signing formal contracts was the controversy over the set dressers, in 1944, because the painters—this is in the record already and it is in the National Labor Relations Board decision I read this morning—the painters kept including the set dressers in their contract. There was a controversy as to those set dressers and they refused to sign a formal agreement until the producers recognized them for the set dressers.

My point is that Mr. Sorrell's testimony that the producers deliberately refrained from signing contracts with them for the purpose of conspiring with the IA, I think is just as credible, in view of the actual facts, as a great deal of the rest of his testimony because that is not the fact. They had these contractual relations, they had these wage increases, working conditions, and everything else continued. The only reason for the failure of the formal agreements was the set dresser contract.

I say there is another aspect of the so-called conspiracy which when put on the table, falls right flat on the floor.

In conclusion I want to say this: I think this committee has been extremely patient, more patient than any committee or any judge I have ever been before. I think you have been interested in getting the facts and getting all of the facts.

I regret exceedingly that the statement which was made at the opening of the hearing was made in the form it was.

I think if there were any doubt whatever in the chairman's mind as to the position of the producers and their relations with the IA and the other unions, if it needed to be cleared up it has been cleared up completely, substantially, and beyond any doubt whatever in the course of these proceedings here.

I think on this record it is impossible for this committee to make any finding other than the finding that the producers and the studios in Hollywood have been kicked around and pushed around by competing unions and that the only crime of which they have been guilty is the crime of trying to operate their business.

I think in all fairness, Mr. Chairman, before these hearings conclude, since you made this statement you did, I won't urge it upon you, but I think in fairness you might make a statement based upon the evidence which has developed in the course of the Washington hearings.

I thank you again for your patience and your courtesy.

Mr. McCANN. Mr. Zorn, before you close this afternoon would you put the minutes of 1945 in the record?

Mr. ZORN. Oh, I am glad you mentioned that. I have more than that. You asked for a lot more.

Mr. McCANN. Well, whatever we asked for we would like to have in the record.

Mr. ZORN. Yes; I would like the record to show this.

You asked Mr. Bryson for a series of things. Here is a memorandum which Mr. Bryson has asked me to read into the record. It is addressed to you, Mr. McCann:

When Mr. Johnston was on the stand, you requested of him certain documents, which I am pleased to submit herewith:

1. Minutes of meeting in Hollywood October 15, 1945. Have requested these minutes of Hollywood, if there are any, but same have not been received by me.

So far as we can ascertain there were no particular minutes of that meeting. That meeting, as I recall it, was the meeting in which Mr. Johnston was given the authority to do anything he could to work out a settlement of the strike.

Mr. McCANN. What was the date?

Mr. ZORN. October 15, 1945. So far as we can ascertain there were no formal minutes of that discussion. All the presidents were there as the testimony shows, but nobody kept any minutes of that.

You asked for letters of Mr. Green and Mr. Hutcheson on August 16, 1946, relating to the clarification. We have the original letters. As a matter of fact, they have been reproduced in the record so often—

Mr. McCANN. They have been reproduced?

Mr. ZORN. Yes, I am certain these letters have been. You can check it, Mr. McCann.

Mr. McCANN. Mr. Chairman, it is my impression that the letters referred to have been reproduced in the record, so I will ask, if there is no objection, that we receive this for reference purposes in the event that we do not find them.

Mr. KEARNS. No objection.

(The documents are filed with the committee.)

Mr. ZORN. You asked for the minutes or a list of the September 12, 1946, meeting in New York. There are not any minutes.

I have before me minutes of the third quarterly meeting of the board of directors of the Motion Picture Association of America, Inc., dated September 11, 1946. These are the formal minutes of the regular quarterly meeting of the association.

The meeting of September 12 for which you asked was the meeting, as you will recall, which was called on the emergency call from the coast. It was held at the offices of the Motion Picture Association on the day following this regular meeting of September 11, but it was not a meeting of the Motion Picture Association.

There are no minutes and there are no notes. I have checked with New York, with respect to the meeting of the presidents or their representatives on September 12.

Mr. McCANN. Does this relate in any way to the Hollywood dispute?

Mr. ZORN. No, it does not. At the conclusion of those notes you will note, Mr. McCann, there is a statement that Mr. Byron Price and Mr. Maurice Benjamin were there to discuss the Hollywood situation.

Mr. KEARNS. Off the record.

(Discussion off the record.)

Mr. ZORN. It is my recollection and if it has not been testified to I have been informed that—I think there has been testimony that Mr. Price gave a very brief account of things in Hollywood. Mr. Ben-

jamin was there specifically for the purpose of discussing the creation of this new Authors League.

Mr. McCANN. Mr. Chairman, to save time and not reproduce the minutes of the third quarterly meeting of the board of directors of the Motion Picture Association, Inc., held in New York on September 11, 1946, may I read into the record just one paragraph?

Mr. BYRON PRICE and Mr. MAURICE BENJAMIN were introduced and presented various Hollywood problems for consideration by the members present.

I think that is adequate.

Mr. KEARNS. Does that meet with the approval of the attorney?

Mr. ZORN. Yes. I think I made an explanation on that.

Now, Mr. McCann, you also asked whether there were any minutes of the meeting held on April 5, 1946. That was not, as you know, a meeting of the association. There was no secretary present and no minutes and no notes were kept of that.

Mr. McCANN. What was the subject matter discussed at that time?

Mr. ZORN. That, you will recall, was the Easter Sunday meeting—

Mr. LEVY. 1947.

Mr. ZORN. You are quite correct, 1947. That was the meeting at which Mr. Boren made certain recommendations with regard to the resumption of negotiations with the striking carpenters and the painters. That has been testified to very thoroughly.

Mr. McCANN. There were no minutes of that meeting?

Mr. ZORN. No minutes were kept.

Now in response to your request for minutes—or notes, depending upon what you call them—of meetings of the labor committee, or the producers labor committee in Hollywood between the period February 15 and March 31, 1945, I hand you a set of such minutes or notes with a letter addressed to Mr. Charles Boren, care of Motion Picture Association, 1600 I Street NW., Washington, D. C.:

DEAR CHARLIE: Enclosed are copies of notes covering meetings pertaining to labor during the period between February 15 and March 31, 1945, inclusive.

Sincerely yours,

It is signed "Ben," and the heading is "Ben T. Batchelder."

I want to point out that these notes start with February 15, 1945, and though the letter dated "for the period between February 15 and March 31," the last set of notes is March 6, 1945.

I checked that and found after the strike started on March 12, 1945, and because of the situations which prevailed and the general confusion, the meetings of the producers committee were not held at the producers association in Hollywood, but were held at either the Paramount or the Metro-Goldwyn-Mayer house in Beverly Hills, and that no one took any notes of those meetings. That is the period between March 6 and March 31.

Mr. McCANN. Then, Mr. Zorn, this constitutes a complete set of notes made of the producers' meetings by anyone between the dates specified?

Mr. ZORN. I am advised, Mr. McCann, that there are no notes of those meetings for that entire period, other than the ones I have just handed you.



Mr. McCANN. Mr. Chairman, I ask that these minutes be received in evidence, as given by Mr. Zorn. I am leaving out the attached letter which has been read.

Mr. KEARNS. So ordered.

(The minutes referred to are as follows:)

MINUTES OF MEETING OF PRODUCERS' LABOR COMMITTEE, HELD IN MR. FRANK FREEMAN'S OFFICE ON THURSDAY, FEBRUARY 15, 1945, AT 4 P. M.

Present: Messrs. Freeman, Hopper, Work, Kahane, Boren, Casey, Pelton.

Reviewed the latest proposals from the editors and the producers, and arrived at a new final offer.

See draft of February 16, 1945, film editors' file.

MINUTES OF MEETING OF LABOR RELATIONS MANAGERS, HELD IN BOARD ROOM, ON WEDNESDAY, FEBRUARY 21, 1945, AT 2:30 P. M., WITH UNIT MANAGERS COMMITTEE

Present: Columbia, Mr. Guild; Goldwyn, Mr. Blair; M-G-M, Mr. Walsh; Paramount, Mr. Boren; R-K-O, Mr. Stone; Republic, Mr. McDonell; Universal, Mr. McCausland; Warners, Mr. Sax. Messrs. Pelton, Casey, Clarke, Batchelder.

Unit managers committee: Messrs. Nadel, Weeks, Ralph.

Distributed first and second assistant directors' deal. Unit managers' proposal of February 6, 1945.

*Unit managers*

It was agreed to offer the unit managers (1) the identical first assistant director deal where applicable; (2) with proportionate rate increases.

*Availability certificate*

Hair dressers are now taking time off (giving various excuses) from their regular studios to accept work in other studios, and as they carry their own extended availability certificates it is difficult to stop the practice. It was agreed that studios hereafter would pick up extended availability certificates, surrendering them to the employee only when terminating employment.

*Outside buyers and renters*

An attempt was made to decide which employees in these categories claimed by DuVal would fit into his bargaining unit. It was agreed the best way to decide each individual case is to discuss the matter directly with Cappy. We will meet with him Tuesday, February 27, after the IA intrajurisdictional meeting.

*Cancellation of calls*

Under paragraph 15 which provides "calls may be changed or canceled if made before 8:30 p. m. of the day preceding the call" it was agreed to interpret this as if it read " \* \* \* before 8:30 p. m. of the weekday preceding the call." This is to prevent the cancellation of a Monday call on Sunday or the cancellation on a holiday for the day after.

*No. 724 roofers, etc.*

The recent form No. 1 application by No. 724 for a ruling to establish downtown rates at studio conditions was returned with instructions to file same on form No. 10.

*Film editors*

No one was opposed to the elimination of the words "in the producers' opinion" in the shop clause referring to furnishing competent help.

In the escalator clause all agreed that the first year of service in the industry should qualify an editor for advancement to second-year bracket, but thereafter his advancement was dependent on service in the individual studio.

It was agreed the maximum number of head sound editors in one studio should not exceed four without bringing the matter to the attention of all the other labor-relations managers for explanation and discussion.

The unit managers' committee joined the meeting at 3:45 p. m. Mr. Pelton stated the managers needed some further explanation of the unit managers' proposal of February 16, 1945, and that after a discussion he would ask the committee to recess so the managers could consider further and then be able to advise the committee what they would or would not recommend to the producer.

The committee advised that (a) the present initiation fee was \$300 and that dues are \$48 per year; (b) it is the guild's intention to extend the use of unit managers and to insist that unit managers be used on all shooting units where cast is employed, including second units, too; (c) that the average wage for their men last June (including independents) was \$207.79 per week; (d) that Warners and Paramount have increased the pay for their unit managers since our survey was made; (e) that M-G-M are quite low compared to the other studios; (f) that the reciprocal arrangement with the assistant directors remains in effect; (g) that the insurance requested for dangerous work was to cover the items in other contracts which require bonus payments.

At 4:10 p. m. the committee recessed.

The managers agreed to offer 100 percent guild shop so long as the initiation fees and dues remained as at present, and to offer \$205 per week (same percentage increase as for first assistant directors) and to advise the committee that the managers could make certain offers but other modifications must be referred to the producers' labor committee.

4:30 p. m., committee returned.

Mr. Pelton advised the committee the managers' position on the eight items in the unit managers' proposal of February 16, 1945, as follows:

1. \$205 per week.
  2. Retroactive: O. K.
  3. Per day, one-sixth week: O. K.
  4. Assignment: No commitment.
  5. Distant location: \$4 per day additional.
  6. Hazardous location insurance: Refer back to comptrollers to see what can be done.
  7. Armed forces: Can't recognize any seniority.
  8. Between pictures: Producers will consider further.
- A. One hundred percent guild shop as long as dues and initiation fees remain as is.

B. Vacation: Our standard vacation schedule.

5:15 p. m., committee adjourned.

Unit manager data: As our latest survey was last summer, each manager was requested to bring to the meeting next Tuesday p. m. new data for those currently employed showing present rate of unit managers together with a record of their employment rates and changes from March 13, 1942.

Truck driver: Clare's letter complaining that the 48-hour week agreement is not being lived up to was again read, and all managers stated they were living up to that understanding as best they could. Clare is to be contacted to see what or who he is driving at.

Carpenter sit-down: Mr. Casey told of the letter from William Hutcheson, in which he indicated he would not interfere if Local No. 644 attempts to defend its jurisdiction.

Republic, R-K-O, and Paramount reported they had deducted for sit-downs.

All the managers agreed to deduct on the basis of one-tenth of an hour. For anything under 6 minutes the full 6 minutes would be deducted.

Arbiters' award in 1421 dispute: This was discussed briefly and Mr. Casey explained before anything could be done the lawyers would have to decide what the decision meant.

Publicists' impartial chairman: The managers were asked to send in additional names—not employers.

#### *No. 44 claims scaffold building*

DuVal is claiming that all scaffolding used by his men must be built by local No. 44 men.

#### *Outside buyers and renters*

A discussion started on this matter but it soon became apparent no headway could be made unless each man claimed by DuVal could be discussed directly with DuVal. We will meet with him Tuesday.

MINUTES OF MEETING OF LABOR RELATIONS MANAGERS, HELD IN BOARD ROOM OF PRODUCERS' ASSOCIATION ON TUESDAY, FEBRUARY 27, 1945, AT 2 P. M., WITH THE BUSINESS AGENTS OF LOCALS NOS. 44, 80, AND 728, AND CARL COOPER TO DISCUSS INTRA-IATSE JURISDICTION

Present: Columbia, Messrs. Guild, Hopkins, Harmon; Goldwyn, Mr. Blair; M-G-M, Messrs. Coffee, Stones; Paramount, Messrs. Boren, Leonard; R-K-O, Mr. Stone; Republic, Mr. McDonald; Fox, Mr. Meyer; Universal, Mr. McCausland; Warner, Mr. Sax. Messrs. Cooper; Barrett, Holbrook, Moore, grip; DuVal, props; Dennison, lamp. Messrs. Pelton, Casey, Clarke, Batchelder.

The basis of discussion was the report of investigation and decisions rendered by an IATSE committee, dated December 14, 1944.

LOCAL NO. 44

Electric winch: Any electric winch used in the operation of an action part of a set shall be maintained and operated by members of local No. 44.

An electrician (7) runs cables, installs switches, connects up equipment from source of supply. As between locals No. 728 and No. 44, No. 728 does this work. Local No. 44 operates the winch.

(NOTE.—Bulk of studios use local No. 40 men instead of No. 728.)

"Maintained" means get from storage, set up and operate (no shop repairs). Local No. 44 lays claim to operation of winches used only for "an action part of a set." No claim to winches used for power to lift or move equipment.

Large winch at Fox: Cappy and Barrett will make some arrangement so local No. 80 may operate it.

If winch goes dead and must be overhauled on set, local No. 40 will fix the motor.

If "beef" is needed in transporting heavy winches back and forth, local No. 727 may help.

Powder men: Local No. 44 has full jurisdiction over all powder men. No questions.

Fixture department: Local No. 44's jurisdiction shall be all chandeliers, wall brackets, table and stand lamps, exterior and interior lighting fixtures and all other ornamental and sundry electrical fixtures for decorating and lighting, whether portable or stationary, including the hanging and striking.

Local No. 44 shall hang all fixtures described, after which local No. 728 shall connect up (make hot). Thereafter, any adjustments, changes or movings required shall be done by No. 728 until ready for striking, which shall be done by No. 44.

Manufacturing electrical fixtures is done by local No. 40. Local No. 44 does not claim the repairing or maintenance of fixtures—only transporting from storage to set and back, and hanging.

Rented props are tested by local No. 40. No. 728 only interested when they arrive on set.

It was stipulated that Warner Bros. and Fox-Western Avenue conditions remain status quo.

The above word "sundry" does not apply to electrical fixtures such as auto lights, etc., handled by local No. 1185.

Props operated by dry-cell batteries: The handling of such props at all times, other than hooking up, shall come under the jurisdiction of local No. 44.

This refers to work on sets only. Example: Lamps carried by actors would not give enough light unless a number of batteries were used—therefore, a belt with places provided for battery cells, to be worn by the actor, is made up by the drapery department (No. 44). Local No. 728 installs the cells and runs the wires to the lamp. No. 44 places the belt on the actor. If lamp fails to light No. 44 takes off the belt and puts on new belt; hands old belt to No. 728 to locate trouble, and No. 728 tests and replaces dead battery cells with live ones.

Electrical fixtures: All fixtures electrically operated when disconnected shall be in the jurisdiction of local No. 44.

Covered in "fixture department."

Treadmills and wave-making machines: Local No. 44 shall install and maintain all treadmills and wave-making machines.

This refers only to electrically driven machines. "Maintenance" as used above shall mean mechanical maintenance (not electrical) such as fixing slats (also claimed by No. 946) gears, etc., and the moving to and from storage and sets. Local No. 728 operates these machines.

Miniature work: Local No. 44 shall have all work from the control board on for all purposes except illumination.

No. 728 runs wires from source of supply to panel board: from there on No. 44 takes over for all work in connection with miniatures, excepting for illumination. (For instance, illumination in a miniature railway car, or illumination in a miniature street light, No. 728 will hook up from "pigtailed" on the car or lamp.)

At Paramount No. 44 does all the work on miniatures. Warners is operating under a deal made between No. 44 and No. 728 which will not be upset.

Conclusion by Carl Cooper:

No. 728 runs to panel board. No. 44 from there on except illumination by No. 728. No. 44 builds the miniature fixture and puts in the pigtailed. No. 728 wires to pigtail.

Cappy says a change at Paramount will clean up the industry.

Canopies: The constructing, setting up, operating, maintaining, striking, and storing of all canopies, shall be the jurisdiction of local No. 44. (Definition: A canopy to be considered as such when supported from the ground by poles, pipes, etc.)

Entire construction—pipes, posts, etc., including canvas top. (Cappy says wood or Masonite top conflicts with No. 946.)

No awnings are included under this clause. M-G-M is excluded from this.

Managers decided this was unacceptable.

Later: Cappy asked to review this decision and managers agreed, after re-reading our present contracts, that they believed they could rescind their former action.

Cloth walls: All wall coverings of finished fabrics shall be in the jurisdiction of local No. 44, with the exception of monks' cloth, muslin, and burlap.

Metro now uses materials for plain walls other than monks' cloth, muslin, and burlap and therefore objects to the wording which might be construed to require No. 44 to apply this material for plain walls. Also sometimes monks' cloth is draped on walls and should come under local No. 44.

Local No. 80 claims "stretched" materials only.

Local No. 644 might claim materials used in place of wallpaper.

Metro to be excluded from this ruling.

Managers reached "no decision."

Modes of transportation: On all sets depicting modes of transportation such as railway cars, coaches, locomotives, airplanes, submarines, ships, boats, stages, automobiles, wagons, and any other vehicle or mode of transportation. The handling from the place of storage, back to the place of storage, including the setting up, rigging, operation, and striking, shall be done by, and come under the jurisdiction of, local No. 44, except for railway cars and coaches that must be folded for storage, also ships in sections; then it shall be the duty of local No. 80 to take from the bin to the stage, and after struck, they shall return them to the bin. At the time of shooting, local No. 80 shall remove and replace whatever section of wall necessary for the taking of the picture on railway cars, coaches, and ships.

In the handling of wild walls for only curtain vehicles "railway cars, coaches, and ships" were specifically mentioned as belonging to local No. 80. Cappy says wild walls for airplanes belong to No. 44. Cappy agreed a large replica of a room on a ship is a "set."

Managers agreed to the division of work as above set forth between No. 44 and No. 80.

(Warners would like to go along as at present.)

Action props: Local No. 44 is to build, rig, and operate all action props.

No conflict.

Tents: Under the jurisdiction of local No. 44 shall come all types of tents other than military, circus, or carnival. They shall build, set up, maintain, store, erect, and handle same.

Under the jurisdiction of local No. 80 shall be all tents of a military, circus, and carnival type. They shall build, set up, maintain, store, erect, and handle same.

Where a dispute arises as to the type of tent and it cannot be decided by the representatives of locals No. 44 and No. 80, the picture in which it is used shall determine the type.

No conflict.

Fans: All fans 18 inches or under shall be handled, stored, operated, and maintained by local No. 44.

This clause refers to only fans used in production.

Any fans over 18 inches are under No. 72S.

No conflict.

#### LOCAL NO. 80

Stage-theater work: It is definitely understood that sloats, curtains, flats, drops, parallels, and platforms of stage rigging to be in the jurisdiction of local No. 80, and they are to handle same unless turned over by them to local No. 44 for rigging and operating.

No conflict.

The head-grip foreman determines whether or not local No. 80 members are unable to perform the work as set forth above, in which case both rigging and operating of the particular job are to be done by local No. 44 men.

Cloth walls: All walls covered with monks' cloth, muslin, or burlap shall be in the jurisdiction of local No. 80.

No conflict. Already covered in notes on local No. 44 jurisdiction.

Shadows: Local No. 80 shall have the handling and supervision of all equipment necessary to cast shadows.

When rain effects create shadows local No. 44 handles, or such other shadows created by live fire, live steam, etc. When shadows are created by branches or other green stuff, nurserymen (No. 44) will provide the material but local No. 80 men will fasten it on and/or move it.

All equipment to make shadows is under control of local No. 80.

Clouds or water effects on glass in process work shall remain status quo until the IATSE can settle the dispute. In the meantime any studio which is using this glass cloud or water effect for the first time shall determine which local to use.

Tents: Under the jurisdiction of local No. 80 shall be all tents of a military, circus, and carnival type. They shall build, set up, maintain, store, erect, and handle same.

Under the jurisdiction of local No. 44 shall come all other type of tents other than military, circus, or carnival. They shall build, set up, maintain, store, erect, and handle same.

Where a dispute arises as to the type of tent and it cannot be decided by the representatives of local No. 80 and local No. 44, the picture in which it is used shall determine the type.

No conflict. Already covered in notes on local No. 44 jurisdiction.

#### LOCAL NO. 72S

Electricity in connection with all power work: Local No. 72S shall furnish the power supply to the control board (switch left open for safety) with the exception of when batteries are used.

No conflict.

Wet batteries: When wet batteries are used for lighting the lamps such as are used on buggies, cabs, etc., for illumination, it shall be in the jurisdiction of local No. 72S.

Electric signals in elevator cages.

No settlements.

Dry-cell batteries: All props operated by dry cells shall be hooked up and maintained by local No. 72S. When it becomes necessary that such properties are to be electrified from a hot line, it shall be the jurisdiction of local No. 72S to furnish a connection from the source of supply to the props.

No conflict.

"Maintained" refers only to electrical end of props.

Electric fixtures: After fixtures are set or hung, local No. 72S is to do all the wiring necessary to connect fixtures electrically, and once the fixtures are so connected they are to be in the jurisdiction of local No. 72S until they are disconnected.

No conflict. Already covered in notes on local No. 44 jurisdiction.

Miniature work: Local No. 72S is to do all wiring for illumination on miniature work. They shall also bring, supervise, and maintain all electric energy from the source of supply to the control board of such miniature work.

No conflict. Already covered in notes on local No. 44 jurisdiction.

Action props: When it becomes necessary that such props be operated by electricity, local No. 72S shall furnish the connection from the source of such supply to the props and shall maintain all electrical equipment attached thereto.

No conflict. Already covered in notes on local No. 44 jurisdiction.

Fans: All fans over 18 inches shall be handled, stored, operated, and maintained by local No. 728.

No conflict. Already covered in notes on local No. 44 jurisdiction.

Electrified booms: Members of local No. 728 shall handle and maintain all power cables and electrical equipment attached thereto.

No conflict. Local No. 80 continues to operate.

Mr. Meyer recommended that the producers' labor committee be advised of these jurisdictional decisions and if and where these decisions are at variance with the existing IA contracts that they be pointed out to the committee.

Also that Mr. Richard Walsh also be advised. As to all other items not in conflict, that they be put in effect as soon as is practicable.

It was pointed out that certain jurisdiction conflicts with other than IA unions exist in these decisions which could not be put into effect.

All the labor-relations managers agreed to Mr. Meyer's proposal.

This leaves the cloud and elevator indicator to be settled by international.

Mr. Hopkins objects to the wording in the "Stage Theater Work" under local No. 80 in which it seems to provide that local No. 80 has the sole right to turn certain work over to local No. 44. He claims that it is the right of management. It was explained that the head grip foreman was to make the decision.

Mr. Boren suggests the three business agents should be present at each studio when these new rulings are put into effect.

It was decided each studio manager could request the business agents to be present if he wished them there.

Hold and fold sets: Mr. Barrett wanted it understood that a "hold and fold set" when moved to other stages than the one on which the set was originally built, and even though used for another picture, is nevertheless the work of grips. And also, if and when a stage is used for storage, the sets shall be handled by grips. However, in either of the above cases, any remodeling or repairing that may be required by other crafts having jurisdiction may be performed by these other crafts.

Cappy DuVal to come in Wednesday at 4 p. m. to discuss outside buyers and renters.

#### MINUTES OF MEETING OF LABOR-RELATIONS MANAGERS, HELD IN BOARD ROOM, ON WEDNESDAY, FEBRUARY 28, 1945, AT 4 P. M. WITH CAPPY DUVAL TO DISCUSS OUTSIDE BUYERS AND RENTERS

Present: Columbia, Mr. Guild; Goldwyn, Mr. Blair; Paramount, Mr. Boren; Republic, Mr. McDonnell; RKO, Mr. Stone; Fox, Mr. Meyer; Warners, Mr. Sax; Universal, Mr. McCausland; M-G-M, Mr. Coffee. Messrs. Pelton, Casey, Clarke, Batchelder, Mr. DuVal.

#### Veterans' program

Mr. Pelton announced that the meeting to discuss veterans' program which had been called for today is postponed until Tuesday, March 6, at 2:30 p. m.

#### Unit Managers

The managers were reminded to forward to this office their revised unit managers' employment records.

#### Property department outside buyers and renters

The following data was placed on the blackboard:

Studio	Name	Classification <sup>1</sup>	Rate	W&H
Univ.	Gladden	Jr. X	1.24-40 hrs. 60 hr. guar. 89.60	
M-G-M	Miggins	Sr. X	110.00 o. e.	O. K.
M-G-M	Heinz	Sr.	110.00 o. e.	O. K.
M-G-M	Brady	Jr.	90.00 o. e.	O. K.
RKO	Spurgin	Jr. X	85.00 o. e.	O. K.
Warner	Lynch	Sr.	100.00 o. e.	O. R.
Warner	Sheldon	Sr.	100.00 o. e.	O. K.
Warner	Richardson	Jr. X	1.16-40 hrs. 75 guar.	
Fox	Starke	Jr. X	1.43-46 hrs. 60 hr. guar. 100.00 guar.	
Para.	Rush	Sr.	1.75-40 hrs. 54 hr. guar. 106.75	
Para.	Carroll	Sr. X	100.00 o. e.	O. K.
Para.	Dixon	Jr.	1.52-40 hrs. 48 hr. guar. 79.04	
Col.	Begelman	Jr. X	75.00 o. e.	

<sup>1</sup> X=Studio accepts these men as outside pick-up men.

Metro protests Miggins and Heinz being included in the unit. RKO protests the senior rating for Spurgin.

Universal protests the senior rating for Gladden.

Carroll (Paramount) is not claimed by Cappy as a member of his union.

Cappy DuVal was asked if he had some definition to offer to describe the duties of seniors and juniors. He suggested if a buyer did 25 percent or over of "initiative buying" he would be considered a senior. Under that percentage he would be a junior.

Warners, Goldwyn, Columbia, Republic pay less than \$130 to their purchasing agents. The average pay as shown on above chart is \$104 per week to seniors and \$84 to juniors.

Cappy requests a rate of \$130 flat for the seniors and \$114.80 (60 hours at \$1.64) for juniors.

At this point Cappy recessed.

The managers agreed to offer the prop masters' rate (\$114.80—60 hours at \$1.64) for the seniors and \$1.51 per hour, 48-hour guaranty, \$78.52 for the juniors.

Also to demand a union shop, with no seniority.

Cappy returned to the meeting and the above offer was made.

Cappy said the offer was unsatisfactory and that he could not agree to an "open shop."

Adjourned.

VHC/s 3/2/45.

MINUTES OF MEETING OF LABOR RELATIONS MANAGERS, HELD IN BOARD ROOM ON  
MONDAY, MARCH 5, 1945, AT 10:30 A. M.

Present: Columbia, Messrs. Guild, Hopkins; Goldwyn, Mr. Blair; M.-G.-M., Mr. Coffee; Paramount, Mr. Boren; RKO, Mr. Stone; Republic, Mr. McDonnell; Mr. Fox, Mr. Meyer; Universal, Mr. McCausland; Warners, Mr. Sax. Messrs. Milton Schwartz, Stephenson, Pelton, Casey, Clarke, Batchelder.

Mr. Pelton advised the managers of the NLRB hearing on Wednesday at 10 a. m. to consider the dispute between No. 1421 and No. 44 over set decorators and the case of No. 1421 trying to include set estimators and set controllers in their union for bargaining.

These two cases have been merged for hearing. We take the position that No. 1421 is not the appropriate unit for set controllers and estimators, and that practically all of the members of these two classifications have been, and do, belong in the SOEG—Paramount Office Workers or Warner Bros. Office Guild.

At a preliminary hearing this position was taken by the producers' representative. Mr. Mitchell, who has been handling the case, is out of the city and the matter has been turned over to Mr. Milton Schwartz, of the Loeb & Loeb office.

The duties and qualifications of certain job classifications appearing in the Wage and Hour Manual covering so-called estimators and controllers were placed on the blackboard and each manager was asked to state which classification corresponds to estimators and/or controllers in his studio.

It was agreed each studio would have a qualified representative to testify at the hearing.

Mr. Schwartz was shown a copy of exhibits A, B, C, which are appendages to the SOEG contract.

It will be attempted to get a stipulation from the IATSE that they are not interested in set controllers and set estimators.

A meeting for Mr. Schwartz to get additional data and information is called for 10:30 a. m. Tuesday, March 6, and either the labor relations managers or other qualified representatives are to be present to advise what estimators' and controllers' duties are.

Mr. Schwartz was handed this office's file on estimators and controllers, which contained letters from each studio describing the duties of estimators and controllers in the respective studios.

#### *Deferment*

Mr. Pelton read a letter from Claude Collins to which was attached a digest of the procedure for occupational deferments for ages 18 through 29. A copy of the digest will be forwarded to each manager.

Mr. Hopkins stated that if the studios have occasion to contact the WPB in regard to deferments for men under 30 Mr. McGowan is the man to see. It was

restated, however, that the producers have agreed not to attempt to defer anyone between 18 and 29 (except, of course, actors registered in a production, etc.).

#### *Plasterers' contract*

Mr. Pelton explained the recent award by the WLB to the plasterers' Form No. 10 request, and the necessity of asking reconsideration of the Sunday and vacation portion of the award.

#### *Assistant directors*

A letter to Columbia from the Directors' Guild advises that they are now issuing "provisional memberships" for the duration. Columbia inquired if our contract permits this. Technically, we can still hold them to full membership, but from a practical viewpoint we should be willing to cooperate to keep from loading up their rolls.

If a man has been working as an assistant or second assistant director in the past without a card the guild is obligated without question to take him in before March 11. As for any new man without past experience, there may be some question.

#### *SOEG*

Pratt asks studios for reclassification of timekeepers, messengers, keypunch operators, etc. As a group we have already stated we would not reclassify, but each studio may consider individual cases for reclassification. If job changes and/or new duties develop, it is proper to consider reclassification.

#### MINUTES OF MEETING OF LABOR RELATIONS MANAGERS, HELD IN BOARD ROOM ON TUESDAY, MARCH 6, 1945, AT 10:30 A. M.

Present: Columbia, Mr. Guild; Goldwyn, Mr. Blair; M-G-M, Mr. Walsh; Paramount, Mr. Boren; RKO, Messrs. Stone, Barry; Republic, Messrs. O'Berg, McDonnell; Warners, Messrs. Parker, Sax; Fox, Mr. Meyer; Universal, Mr. McCausland. Messrs. Schwartz, Stephenson; Messrs. Pelton, Casey, Clarke, Batchelder.

The duties of set controllers and estimators were discussed and the general operations of the departments in which these classifications work were explained for the benefit of Messrs. Schwartz and Stephenson, who are to appear for the producers at the National Labor Relations Board hearings tomorrow.

The studios are to have present at the hearing such representatives who best can testify to the duties of and the type of employees required for the above classifications.

#### MINUTES OF MEETING OF LABOR RELATIONS MANAGERS, HELD IN BOARD ROOM, ON MARCH 6, 1945 (TUESDAY), AT 2:30 P. M.

Present: Columbia, Messrs. Hopkins, Gould; Goldwyn, Mr. Blair; M-G-M, Mr. Coffee; Paramount, Messrs. Boren, Leonard; RKO, Mr. Stone; Republic, Mr. McDonnell; Fox, Mr. Meyer; Universal, Mr. McCausland; Warner's Mr. Shaeffer; Technicolor, Mr. Shattuck. Messrs. Silberberg, Benjamin, Pelton, Clarke, Batchelder.

#### *Intra IATSE*

Copies of minutes of the meeting of February 27, 1945, containing discussion of the IA jurisdictions were distributed.

#### *Claude Collins and deferment*

Copies of Mr. Collins' letter with procedure for occupational deferment were distributed to the managers.

#### *Veterans' program*

Copies of Mr. Boren's report of March 5, 1945, including exhibits A, B, C, and D, were distributed.

After much discussion it was agreed that the following principle be adopted:

For all returning servicemen not having had permanent or station jobs in the studios they shall have the same work-call preference in same or an equivalent job classification.

It was agreed we may have greater obligation to permanent employees.



Mr. Silberberg asked, "Shall we meet with the unions, and, if so, what shall we discuss with them?"

Mr. Hopkins stated he thought:

1. It is no time to call in the unions now.
2. A small committee should talk to the unions (at the proper time).
3. Representatives from General Hershey's office should go over our plans as soon as formulated.
4. Labor leaders (Carothers, Sorrell, Cooper) should be contacted prior to general discussion with the union business agents.

There are certain questions that should be asked of unions before we can finally complete our program. As, for instance, union status of returning servicemen who were working on permits at time of joining the forces.

It was agreed that the managers would prepare and forward to this office a list of questions to be asked the unions.

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MEMO OF MEETING OF STUDIO EXECUTIVES AND LABOR RELATIONS MANAGERS HELD IN BOARD ROOM ON MONDAY, MARCH 12, 1945, AT 2 P. M. TO DISCUSS CURRENT STRIKE SITUATION

Present: Columbia, Messrs. Kahane, Hopkins; Goldwyn, Messrs. Ezell, Blair; M-G-M, Messrs. Mannix, Hopper, Walsh, Benjamin; Paramount, Messrs. Freeman, Boren; RKO, Messrs. Koerner, Goldberg, Stone, Silberberg; Republic, Messrs. Wilson, McDonell; Fox, Messrs. Schenck, Meyer, Schriber; Universal, Messrs. Work, McCausland; Warners, Mr. Sax. Messrs. Pelton, Casey, Clarke, Howie, Batchelder.

A general discussion regarding the strike took place and each studio representative reported the extent of production activities.

At 3 p. m. all present excepting the producers' executives were excused.

Mr. ZORN. Sir, unless you have some questions I think I am finished for the day.

Mr. KEARNS. Mr. Zorn, I want to say if this is really the conclusion of your testimony—I know you have a lot of detailed work.

Mr. ZORN. That is quite true, sir.

Mr. KEARNS. I want to say in your behalf that you have been most helpful to the committee. I want to say it in this respect: When we started our investigation, when we wanted to get the persons we needed in Hollywood to be witnesses, you made every effort possible, you met every requirement that I asked of you. I know it meant a lot of work for you, but you did the job.

I want to say that while we were on the west coast you stayed on the job and as the testimony proceeded, when I wanted certain persons you produced them for me.

I think the Producers' Association should be very proud of the job you have done also in behalf of the hearing, in order to find out the factual truth of this whole situation.

When we came to Washington you accepted subpoena for the presidents, and I appreciate the effects you made there.

So in behalf of the full committee, as well as the one-man committee that formerly was in power, I want to say we do appreciate what you have done. You have been most helpful in ironing out your phase of the situation for which you were responsible, and I do appreciate your cooperation.

Mr. ZORN. Thank you very much, Mr. Chairman. I am very grateful to you for that statement.

Mr. KEARNS. We will stand adjourned until 10 o'clock Tuesday morning.

(Whereupon, at 4:50 p. m., the committee adjourned until 10 a. m. Tuesday, March 16, 1948.)



# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

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TUESDAY, MARCH 16, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met, pursuant to adjournment, at 10 a. m., with the Honorable Gerald W. Landis presiding.

MR. LANDIS. Mr. Zorn, you may proceed.

## TESTIMONY OF BURTON A. ZORN—Continued

MR. ZORN. When we recessed on Friday, Mr. Landis, I said that I had a great deal of material in the form of photographs, newspaper items, affidavits, and injunction orders which I wanted to put into the record.

There is a tremendous mass of this material all establishing so completely and thoroughly that it cannot be contended otherwise, that Mr. Sorrell's testimony given in this hearing that his mass picket lines were set up not for the purpose of keeping people out of the studios, but solely as an exercise of free speech and his constitutional right to advertise the strike—those statements are as unworthy of belief on the face of this testimony as many other statements on which he has since been discredited in this hearing.

I think the records I am about to show you, summarizing them briefly, will show that both the 1945 and the 1946 strike in which Mr. Sorrell admitted that he was the generalissimo of the picket forces and directed the picket activities, is a record of violence and lawlessness which I don't think has been equaled in any other strikes in this country.

I will not attempt to read all of this to you. I will select just enough of these items to give you a running picture of it, but I will ask as I have these various items marked, that they be incorporated in the record.

For example, I have before me a copy of the Los Angeles Times of Thursday, October 11, 1945. The big headline at the top reads: "10,000 May Picket Film Studio Today."

The sub-headline reads: "Massed Unionist Lines at Warner Bros. Broken With Nearly 400 Arrests." [Reading:]

Balked by a determined army of sheriff's deputies which swiftly and efficiently yesterday interrupted a 6-day reign of disorder by smashing their massed picket line at Warner Bros.; Burbank studio, striking AFL motion-picture unionists last night announced they will be joined on the picket line this morning by from 10,000 to 20,000 Lockheed machinists' union members.

Nearly 400 pickets who refused to break ranks when read the riot act by police chief Elmer Adams of Burbank were arrested on charges of rioting and failure to disperse. They were booked at Burbank city jail—a daylong process—and ordered to appear for preliminary trial at 10 a. m. October 22 before police judge Raymond L. Reid.

All but 13, who had posted \$500 bail each before the decision to relieve the jail congestion was reached, were released on their own recognizance.

#### NO BLOODSHED THIS TIME

For the first time since the massed picketing started last Friday, there was no bloodshed yesterday.

This was due in large part to an early morning announcement by Herbert K. Sorrell, president of the Conference of Studio Unions, AFL, that the law was going to move in, and not to resist.

In skirmishes and head-on massed battles at the gates since last Friday, approximately 100 persons were injured, 1 seriously.

The Los Angeles Times of October 25, 1945, carries this headline: "Film Studio Strike Settled: 400 Arrested on Final Day."

End of the 33-week strike against film studios was announced yesterday by union labor and management shortly after 100 Los Angeles policemen arrested more than 400 pickets and sympathizers at Paramount and RKO studios.

Climaxing a bitter struggle, which saw violence spread from one motion-picture studio to another, word of the strike's end came from William Green, president of the American Federation of Labor, and Eric Johnston, newly appointed head of the Motion Picture Producers and Distributors of America, Inc.

Los Angeles Times, October 14, 1945. The headline reading: "Strikers Form Picket Lines at Three More Film Studios." [Reading:]

#### NEW TIE-UPS THREATENED BY LEADERS

Efforts to settle Hollywood's 7-month-old film strike were intensified yesterday as three more studios were picketed, a picket was taken into custody after a clash with a police inspector, and strike leaders warned that still other studios will be involved.

The three newly picketed studios were Columbia and Technicolor, Inc., in Hollywood and RKO-Pathé in Culver City.

All but a handful of non-strikers were deterred from reporting at work at RKO-Pathé and Columbia, where the picket line melted away at 1 p. m., many of the pickets appearing 45 minutes later at Technicolor, where less than 50 employees and one studio truck entered the studio for the "swing shift" beginning at 3 p. m.

From the Los Angeles Times of October 22, 1945, the headline: "Film Peace Meeting Fails: Mass Picketing to Expand." [Reading:]

The first mass picketing of Paramount and RKO studios will begin today, Herbert K. Sorrell, strike leader, promised at a meeting of strikers last night. Sorrell said there will be 800 pickets at Paramount, 600 or 700 at RKO, and 1,000 at Warner Bros.

October 7, 1945, from the Los Angeles Times:

#### UNIONISTS DEFY COURT ON FILM PICKET LIMIT

DEPUTY BOOED AS 600 MASS AT WARNER BROS. GATEWAY; BOTH SIDES SEEK INJUNCTIONS

Blatantly disregarding a superior court order to limit their pickets to 18 at all entrances, hundreds of unionists at Warner Bros. studio in Burbank yesterday jeered the reading of an order by a deputy sheriff and continued to jam solidly the Olive Avenue gateway.

The temporary restraining order was issued by Superior Judge Joseph W. Vickers after both the studio and the nine striking unions requested injunctions against one another.

At 1:30 p. m. Deputy Sheriff Frank Reap read Judge Vickers order over a loud-speaker. It called for the unions to restrict their pickets to four at the main gate, two at the administration publicity office, casting office, and music department entrances, and three at the north gate and laboratory entrance.

## BOOS GREET ORDER

As soon as Reap began reading, the pickets began booing. It was impossible to hear what the deputy was saying, despite the amplification of his words.

A few minutes later a copy of the temporary restraining order was served on Herbert Sorrell, president of the Conference of Studio Unions, who headed the picket line. Sorrell said his attorney had advised him the order was effective only in case of violence.

Th sardine-packed picket line of some 600 demonstrators, presenting a solid human barricade across the gateway, remained unchanged.

An article from the Los Angeles Times of October 9, 1945, the headline reading: "Fists Fly, Many Injured in Film Fight." [Reading:]

## HUNDREDS BATTLE; 70 TREATED IN NEW STRIKE VIOLENCE

For the third time in 4 days, fists, clubs, blackjacks, and bottles flew yesterday in the 7-month-long interunion struggle between striking and nonstriking AFL motion-picture studio workers, as hundreds battled it out in front of Warner Bros. Burbank studio.

Nearly 70 persons were treated for injuries, some of them serious, and five strikers were arrested on charges varying from disturbing the peace to carrying concealed weapons. Three nonstrikers, arrested earlier, were arraigned on charges of assault with a deadly weapon.

With more violence expected in the strike flare-up as another mass picket barricade has been called for 5 a. m. today, Warner Bros. studio like a feudal castle of old, last night was preparing for a siege.

## WORKERS STAY AT STUDIO

After the army of pickets outside the studio dispersed at 4 p. m. the several hundred nonstrikers who had crashed through picket lines into the studio yesterday morning were transported by limousines through studio gates to nearby parking lots. There, the nonstrikers raced to their individual cars and drove them back into the studio. This shuttle service continued for more than an hour.

Inside studio walls, food for the nonstrikers was prepared and served at the studio commissary. Beds—from cots to items from the property department which included replicas of beds slept in by such notables as Washington, Disraeli, Mr. Skellington and even Jezebel—were being set up in makeshift "dormitories." Families of nonstrikers were being notified that they were "besieged."

The Los Angeles Times, October 6, 1945, the headline reads: "Film Strike Riot Ended by Police." [Reading:]

## DOZEN INJURED IN MELEE AT WARNERS' ENTRANCE; UNION LEADER ARRESTED

Interunion enmities, kindled 7 months ago by a strike over control of 77 set decorators, yesterday flared into a full-fledged riot at the gates of Warner Bros. studio in which participants were knifed, clubbed, and gassed before police reserves from three cities and the county could restore order.

The riot which raged sporadically at the employees' main entrance of the Burbank studio, was precipitated by mass picketing by the striking Conference of Studio Unions lead by Herbert Sorrell, president of the union.

Later in the day Sorrell and eight aides were arrested by Burbank police on suspicion of violating section 405 of the State code, outlawing rioting. They were released late yesterday afternoon on \$1,500 bail each.

An article from the Los Angeles Times, October 24, 1945. The headline reads: "Scores Hurt in New Studio Riots." [Reading:]

## COURT ORDER LIMITS TWO PICKET LINES

Featuring flailing nightsticks and fists and flying feet, Hollywood's grimmest mob scene yesterday was staged—without benefit of film cameras—at the gates of Paramount Studio as nonstriking workers braved the gantlet of massed "peaceful" picketing which has hampered production for several days.

Scores were injured, some seriously, including a policeman slugged and trampled as he attempted to give safe-conduct to workers battling their way to their jobs. Seven persons, all pickets but one, were arrested.

Superior Judge Henry M. Willis later yesterday issued a restraining order limiting picket lines at Paramount and RKO studios to 22 persons each, with other pickets ordered to remain at least 200 yards from studio property.

## STUDIOS FILE COMPLAINTS

The judge acted after the two studios had filed complaints to prevent "unlawful picketing" of their property, naming, among a number of unions and individuals, the Screen Set Designers, Illustrators and Decorators Local 1421, an affiliate of the Conference of Studio Unions headed by Herbert K. Sorrell, strike leader. The limit on pickets was set in the temporary restraining order pending a later hearing.

Paramount and RKO complained that with so-called mass picketing in progress near their studios yesterday, their top artists were informed after consultation with the Screen Actors Guild that they need not pass any picket lines where there is danger of physical violence.

Also, yesterday, massed picketing was begun at Republic studio, where a pitched battle was averted by President Herber J. Yates; who shut down production rather than precipitate violence between would-be workers and 200 pickets.

## PICKETING AT WARNER'S

Picketing en masse was continued at Warner Bros., scene of the original massed picketing and subsequent interunion warfare, but there was no trouble beyond a few incipient fist fights.

Director of the mob scene was President Herbert K. Sorrell, of the striking conference of studio unions which has been locked for 8 months in a jurisdictional contest with the nonstriking International Alliance of Theatrical Stage Employees.

Sorrell's pickets massed at Paramount's several gates at 5 a. m. At 6:30 a. m., about 60 employees who had gathered across the street rushed the circular massed picket line at the Lemon Grove-Van Ness Avenue entrance. Twenty-four policemen moved in to assist them.

The vanguard of the workers hit and shattered the outer line of pickets, but were stopped by the inner line, while the quickly reorganized outer line moved in behind them. Twenty-four policemen moved into the surging melee of flying fists and feet. From the studio gates Paramount police joined the fray.

For 3 minutes pandemonium reigned, with bellows of rage or screams of pain as fists and clubs connected, while overhead flew a barrage of bottles, stones, lunch boxes and other missiles."

## M-G-M DISPLAY VOTED

A mass-picketing demonstration at Metro-Goldwin-Mayer studios in Culver City Saturday morning was voted support at a meeting at 360 South Westlake Avenue last night by delegates representing labor groups, including railroad workers, Local 727, International Association of Machinists; shipyard workers, longshoremen and the CIO United Auto Workers.

Peaceful picketing with 20,000 to 30,000 in the line; was predicted by speakers, including Sorrell, Philip M. Connelly, secretary-treasurer of the Los Angeles CIO council; Frank Pellett of the Railroad Brotherhood; and Cyril O'Halloran, regional director of the UAW.

Sorrell showed up at Paramount shortly before 9 a. m. and was informed that a deputy sheriff was waiting at Hollywood station to serve him with a citation to court to show cause why he should not be held in contempt. Sorrell visited the station, was served, and ordered to appear before Judge Willis at 9:30 a. m. next Monday.

I haven't shown you all these photographs, but as an indication of the peaceful picketing to which Mr. Sorrell testified, you might just take a look at that photograph showing the Paramount studio.

In connection with the Warner Bros. picketing, I have had sent out to me just a few sample photographs which were taken during the course of the 1945 strike. I would like to have them made a part of the record. I think you might look at them to give you an indication as to whether these pictures demonstrate so-called peaceful picketing, for the purpose of advertising or whether they demonstrate, on the other hand, the worst kind of lawlessness.

Mr. McCANN. Off the record.

(Discussion off the record.)

Mr. Zorn. I would like the record to show, gentlemen, that I have submitted a series of photographs of mass picketing and violence at Warner Bros., and Columbia, both in the '45 and '46 strikes.

I want to say there are literally hundreds of similar pictures, but I think that is sufficient to give you a picture, plus these newspaper items and plus some of the injunction papers which I shall read briefly later, to give you an idea that this was not a peaceful strike, and that the mass picket line was not a free speech picket line.

I have read into the record before some extracts from the newspapers in connection with the 1945 strike. I would like to come now to a few brief quotations from the newspapers in connection with the 1946 strike. Again I say I could read items of this sort into the record for days, but I do not think it is necessary. I think the important thing is to give you some idea of what happened there, which will completely contradict some of the testimony that has been put in.

Now, in the Los Angeles Times of September 27, 1946—that was the beginning, by the way, of the '46 strike—the main headline reads: "Violence Opens Studio Strike." [Reading:]

#### POLICE JAIL 12 PICKETS; NONSTRIKERS PASS LINES; WORK ON PICTURES GOES ON

Warring AFL union leaders in the motion-picture industry put on a big-scale premiere yesterday as their new strike got under way. There was early violence to mark the latest outburst in the 11-month-old labor trouble which has beset the major film studios.

Strike Leader Herbert K. Sorrell told newsmen that there may be men hurt, there may be men killed before this is over, but we're in no mood to be pushed around any more. He forecast that the strike will go on for at least 3 weeks.

Early in the morning several thousand pickets threw up human barriers at studio entrances, some barriers temporarily so dense that none could go through them. However, tens of thousands of nonstriking AFL workers went through the picket lines although some of them were badly jostled—none badly enough to require hospitalization. Picture production and business went on, the employers declared, at the seven major studios where picketing took place.

#### CARS TURNED AWAY

Lawlessness walked hand-in-hand with pickets at some places, police reported, and 12 pickets were jailed. Some autoists and truckers were stopped and, in instances, turned away. The hood of one passenger car was yanked open and the car's electric wiring ripped out, immobilizing the vehicle. Police charged one picket with trying to start a riot. Mostly the pickets were arrested for disturbing the peace, one being chased some distance and finally captured by a flying tackle that downed him on the concrete sidewalk.

Some of the pickets at Metro-Goldwyn-Mayer studio in Culver City proclaimed that "We're going easy on you today—but wait until tomorrow."

## The Los Angeles Times of September 29, 1946:

## STUDIO STRIKERS GIVEN INJUNCTION WARNINGS

The drone of official voices beat into the ears of marching pickets yesterday as the third day of the current Hollywood film strike got under way amid scenes of relatively diminished violence.

One voice was that of Sheriff's Deputy Joseph M. Gaalken reading an injunction notice against illegal picketing to unassed strikers at the gates of Warner Bros. studio. A second was William Snyder, of the sheriff's civil department, who announced a similar warning statement at Metro-Goldwyn-Mayer and other major lots.

A third talker was Herbert Sorrell, conference of studio unions chief and strike leader. Sorrell shouted exhortations over a loud-speaker to pickets as he cruised overhead at MGM in his private airplane.

## AUTOS OVERTURNED

Four arrests and two overturnings of automobiles marked the opening hours of the day's strife between AFL strikers of the CSU and nonstrikers of the IATSE. Fights similar to the series of savage melees that highlighted the strike last Friday did not materialize. In the main, picket captains issued prompt orders for patrolling unionists to fall back following the readings of the injunctions.

Mr. OWENS. This is just for reference purposes, Mr. McCann, I presume?

Mr. McCANN. I thought he was putting all these in the record, sir.

Mr. ZORN. We discussed this on Friday, Mr. Owens. I have marked out certain extracts from these articles, not the entire article.

You will recall when the other witnesses were on they read for days. I am trying to short cut, but I want it in the record to meet some of the statements they made, which are in the record.

Mr. OWENS. Yes; I understand.

Mr. ZORN. Los Angeles Times, October 1, 1946. The headline reads: "Fights Flare Along Studio Picket Line." [Reading:]

## COURT ORDER DEFIED; AUTOS STONED AND MEN KNOCKED DOWN

Men were knocked down and automobiles damaged yesterday again at Metro-Goldwyn-Mayer studio in Culver City as fighting and flagrant defiance of law and order were again reported by peace officers coping with the motion-picture strike.

The officers put 10 strikers in jail at Culver City on a charge of defying a superior court order which last week laid something of a restraint on violent picket activities. One of the men faced an additional charge of assaulting with a deadly weapon.

Anticipating violence, a large limousine with two nurses appeared early on the scene near the studio and was made prominent with the sign, "Conference of studio unions first aid car."

## SHOUT AT WORKERS

The conference strikers were particularly active yesterday in shouting, "Get that man's name," "Get his car number," "We'll see you at your home," and "We'll take care of you later," as nonstrikers went through the picket lines.

Some strikers adopted a sit-down technique to block studio ingress and egress but police dragged them out of the way, some of them into the waiting Black Maria that later took them to jail.

Los Angeles Times, September 28, 1946, the headlines reading: "Hundreds of AFL Unionists Battle Furiously at M-G-M." [Reading:]



## 16 JAILED, 3 TAKEN TO HOSPITAL AFTER WILD WINDOW-SMASHING MELEE

Furious fighting broke out between AFL strikers and AFL non-strikers at Culver City's Metro-Goldwyn-Mayer studios yesterday and pickets in the film-land dispute congregated at other motion picture plants in the second day of demonstrations.

Nearly 200 persons engaged in the melee in a narrow street near the MGM plant. Police restored order only after the strikers had smashed windows of non-strikers' automobiles going into the gates for the late shift, yanked hoods open and ripped out engine wires and radio antennae and attempted to overturn 6 of the 15 cars headed through the picket line.

One picket was hurled to the top of an auto and was still struggling on it when it disappeared inside the studio gate. There were bruised faces and torn clothing from the exchange of blows. The fighting was described as the fiercest of the 2-day-old strike.

## LAWLESS ACTS INCREASE

Police generally reported that the seriousness and number of individual lawless acts rose sharply yesterday, the second day of the new AFL union jurisdictional strike, engulfing 7 of the 10 major motion-picture studios. Massed picket violence receded somewhat from that of the previous opening day.

Pickets arrested were charged with, in the various instances, rioting, criminal contempt of court, assault with deadly weapon, carrying concealed loaded sap, tampering with an automobile, throwing chunks of concrete and bricks at cars carrying non-strikers, throwing coffee into the face of a nonstriker, disorderly conduct, malicious mischief, disturbing the peace, the smashing of automobile windows and the scattering of tacks on studio driveways.

In all 16 persons were jailed; all but 1 were pickets. Three persons, two pickets and the other a nonstriker, were hospitalized. Most of the trouble was at Metro-Goldwyn-Mayer studio in Culver City and at Warner Bros., in Burbank. Two pickets arrested Thursday got into new trouble yesterday and were again put in jail.

## SLUGGING AT COLUMBIA

"We have a regular traveling mob for the rough stuff," one who appeared to be a picket leader, told newsmen at Paramount studio. "If the strike keeps up we'll hit all the studios. These boys here are just for show to keep out the timid scabs."

There was some slugging at Columbia studio as non-strikers, all AFL members, went through the picket lines of the AFL strikers. None of the hit workers would file a complaint against their picket assailants as none appeared to have been badly hurt.

I just have a few more of these.

Los Angeles Times, October 2, 1946:

## RIOTING MARKS FILM STRIKE: 16 INJURED AND 13 ARRESTED

## MOB OF 400 IN BATTLE WITH 200 OFFICERS

A yelling, cursing mob of 400 motion-picture strikers and sympathizers battled nearly 200 deputy sheriffs and police for 15 hectic minutes yesterday at the Metro-Goldwyn-Mayer studio in Culver City. Hundreds of bystanders witnessed the scene.

Scores of men were knocked down with sticks, bottles, bricks, and fists. One deputy, knocked down, was kicked into unconsciousness before fellow officers with drawn, cocked guns rescued him.

Blood streaked from battlers' faces as the fighting spread over a long Culver Boulevard block in front of the studio's south and main gate. The street was slippery with mud and in some spots with blood.

## NINE DEPUTIES TREATED

Nine deputies, one in a grave condition and another with broken ribs, were treated in hospitals. Seven strikers, all with reportedly lesser injuries, also were treated in hospitals. Thirteen strikers were hauled off to the Culver City jail. All were charged with defying a superior court order that restricted picketing operations.

While the fighting was at its height, Deputy Dean W. Stafford of the Vermont Avenue substation was separated from fellow officers by a gang of 12 or more of the strikers.

A blow with a bottle against the side of Stafford's face knocked him to the ground and fellow officers said at least a dozen strikers jumped on him and kicked him into unconsciousness.

#### AID CALLED FOR

The sheriff's loud-speaker called for officers to go to his aid. Two broke through, drew their revolvers, cocked them and calling out warnings to the threatening mob, held it off until other deputies ran up. They dragged the prostrate Stafford from under the running board of an auto and carried him to an ambulance.

Deputy Gilbert O. Leslie, first officer to reach Stafford, told newsmen:

"I saw he was cut off from the rest of us and a crowd was bearing down on him. They were yelling, 'Kill him! Kill him!' and 'Get that ——!' He went down and they were beating him with bottles and clubs. He was unconscious but they kept it up."

#### CONDITION SERIOUS

"I was in plain clothes and the only way I could help him and hold them off until others arrived was to draw my gun. I have no prejudices in the strike but I saw the danger to one of us and it was the only thing I could do to save a life.

Los Angeles Times, October 4, 1946. The main lead reads: "Studio Strike Rioting Shifts to Republic." [Reading:]

#### PICKETS OVERTURN AUTO, FIGHT POLICE—THREE ARRESTS MADE

The overturning of a nonstriking union man's automobile and a rock, twice the size of a baseball whizzing by a policeman's head enlivened the motion-picture strike yesterday as the scene of disorders shifted to Republic studio. Three strikers were arrested. No injuries of consequence were reported.

#### SEVERAL KNOCKED DOWN

Several men were knocked down in brief melees as about 35 city policemen moved in to open dense picket lines so nonstriking union men could go to work.

Mr. McCANN. Off the record.

(Discussion off the record.)

Mr. ZORN. The Los Angeles Times, October 12, 1946, contains a photograph of four policemen carrying a man, with the caption at the bottom:

Four policemen assist man seized during outbreak of violence yesterday at Technicolor Motion Picture Corp. Thirty-eight persons were arrested in battle between 2,000 strikers and sympathizers and 150 police.

I will show you this in just a minute. The head of the article reads:

#### THIRTY-EIGHT ARRESTED IN RENEWED STUDIO STRIKE VIOLENCE

#### CLUBS AND FISTS SWING IN THREE OUTBREAKS AND WOMEN SEIZED IN MOB AT TECHNICOLOR

Violence flared in the studio strike again yesterday when police officers arrested 35 men and 3 women in a jeering mob of 2,000 strikers and sympathizers at the Technicolor Motion Picture Corp. to quench an incipient riot that threatened to be the worst of the current union squabble.

Clubs and fists swung in three waves of fighting during the tense moments of a 2-hour period shortly after dawn, but no one was seriously hurt, although many of the rioters went down in the sporadic action.

## NO TEAR GAS USED

Backstopping some 150 officers—battling at odds of more than 13 to 1—were 8 policemen with steady tear gas gas, but it was not found necessary to use them.

The spearheading police quickly herded the mob's ringleaders into patrol wagons before the angry crowd could agree on concerted action. The arrests were for disturbing the peace and illegal parading.

At 4:30 a. m., about 20 pickets appeared at the corporation's Cahuenga Boulevard plant. Fifteen minutes later, five motorcycle officers arrived. It was only a few minutes thereafter that crowds of strikers began pouring into the streets around the plant. Peace officers then began arriving in numbers.

The strikers began blocking the main employee entrance with densely packed pickets. Police Capt. Clyde H. Tucker told Picket Leader Andy Lawless:

"This is illegal, you're jostling and threatening those people who want to go to work."

Tucker asked Lawless to break it up but Lawless said he had no power to do so.

Four abreast, two lines of pickets blocked the entrance and police had difficulty in keeping a lane open for workers to go into the plant.

Defiant, the pickets marched in close formation and a small line of women pickets suddenly was formed. Officers began pushing them out of the area where tension was rising.

## FIGHTING BREAKS OUT

Strikers rushed the officers and 2 or 3 minutes of quick fighting raged while a large crowd yelled, cheered, jeered, and booed according to the way the battle went at the moment.

One woman threw a cup of coffee into the face of an officer, another smacked an officer on the head with her handbag, and a third did yeoman service with a heavy newspaper twisted into a club.

You might just look at that photograph.

Los Angeles Times, October 15, 1946, the headline reads: "219 Arrested in Columbia Studio Strike." [Reading:]

In the first mass arrests of this year's film strike, 219 persons were taken into custody yesterday at Columbia Studio. Most of them were charged with disobedience of a superior court order against massed picketing, a few with disturbing the peace.

Then it goes on to describe some of the details.

Los Angeles Times, October 27, 1946. The head of the article reads: "Police Jail 126 in Studio Strike Demonstration." Then briefly from the article:

Some 2,000 film strikers and sympathizers carrying American flags, union banners, and scathing placards early yesterday paraded through Hollywood, disbanding only when 126 of their number had been arrested.

Now as I said, I could go on with hundreds of those newspaper items but I thought I would simply give this committee a sampling of the incidents.

In the same way there were a great many injunctions obtained by the various companies against mass picketing and violence both in the 1945 and the 1946 strike. I have—not with me—but I have at least 20 such injunctions, the full set of the papers, the complaints, the affidavits, the orders and so on.

I think it will be sufficient simply to put into the record here some extracts from the sworn affidavits on which these injunctions were obtained and then have the balance of these treated as a reference exhibit because some of them specifically refer to some of the statements made by Mr. Sorrell.

In addition to that I am having compiled a complete record of all the arrests and convictions in the strikes which I have not been able to get yet, but which I ask leave to put in before these hearings are closed.

Mr. OWENS. You mean all of the arrests and convictions or all the convictions?

Mr. ZORN. A record of them.

Mr. OWENS. Not of all the arrests?

Mr. ZORN. I think you are probably right; a record of all the convictions.

Mr. McCANN. Mr. Chairman, may I at this time suggest that, when that record is received, it be reproduced in the appendix, rather than in the body of the record?

Mr. LANDIS. So ordered.

Mr. McCANN. That will save us from having to hold the record open.

Mr. ZORN. I have no objection to that, except that I think the actual record of the number of convictions of strikers and particularly the convictions of Mr. Sorrell—I am having a complete record made of that—I think properly ought to go into the record or go into our brief. We will find some way of putting them in. If the hearings are still open by the time we get them in I suppose we can put them right into the record.

(The record of arrests referred to will be reproduced in the appendix when received.)

Mr. ZORN. I want to read very briefly from the case of RKO Radio Pictures, Inc., against Screen Set Designers, Illustrators and Decorators Local No. 1421, et cetera, in the Superior Court, State of California, in and for the county of Los Angeles. The case number is 506788. This record shows there were complaints accompanying affidavits, and an injunction issued upon them restraining various forms of picketing, violence, conduct of pickets and so on.

I just want to quote briefly from the affidavit of Arthur Rosen. It is sworn to on October 24, 1945. Mr. Rosen describes himself as a driver for the Tanner Motor Co.:

At about 10:40 a. m. this morning I was driving Tanner Bus No. 41, which has a capacity for approximately 41 passengers, from RKO studios to California studios. My only passengers were 4 RKO drivers. There were approximately 50 pickets at the main gate at California, which is located about 300 feet south of Melrose on Bronson Avenue.

As I started to back my bus through the gate, the length of my bus made it necessary for me to cut back three times to clear the gate on entering the studio. On the third cut I was in reverse gear and about one-third of my bus was in the gate when a sharp rock about the size of a good-sized potato and weighing about 2 pounds was thrown through the open window next to my driver's seat and struck me in the back of the head, leaving a cut about 1½ inches long and causing my head to bleed profusely.

There are other affidavits with respect to this particular incident.

The affidavit of Mr. William J. Henshaw, who was employed in the scenic department at RKO, says—his affidavit is dated October 24, 1945:

While walking on Windsor Boulevard on the west side of the street, approximately 50 to 75 feet from Marathon Street and only 1 or 2 feet from the studio parking lot, along the wire fence, I was tripped by a medium sized, burly man who was not wearing an arm band; I believe the men called him "Tony." As he tripped me and rolled me against the fence two men that were near him came up

to me and forcibly hit me in my chest and abdomen, and in addition I suffered several knocks from other men in the vicinity.

The affidavit of Mr. George W. Pinkham, dated October 24, 1945, who was employed by RKO in the miniature department:

On October 24, on entering my place of employment, I witnessed the following:

There were approximately 500 pickets in the immediate vicinity of Marathon Street entrance. While we were entering the studio under the protection of the police, I heard a scuffle immediately behind me and turned to see William J. Henshaw trying to keep his balance. A heavy-set man of medium height, who was not wearing an arm band, had planted himself in front of Mr. Henshaw. I did not see any actual blows but this man (who was called Tony by the pickets) was trying to trip William J. Henshaw and prevent him from entering the studio. A tall, burly man was in the immediate vicinity of Mr. Henshaw, within 4 feet of him, and he was shouting, "You're not going into the studio. We are not going to let you in. Come on, stay out or you will get hurt." And then this second man attempted to hit Larry Hampton, assistant to Marty Martin.

And so on.

Now I am reading some extracts from affidavits in the case of Paramount Pictures, Inc., against Screen Set Designers, Illustrators, and Decorators, Local No. 1421, et al., in the Superior Court of the State of California, county of Los Angeles, case No. 506787.

In that connection you will recall Mr. Sorrell was asked questions as to whether or not any studio executives were kept out and he said emphatically not.

I read from the affidavit of Jacob H. Karp, sworn to October 22, 1945. Mr. Karp says:

I have been employed by Paramount Pictures since 1929 and I am at present resident attorney and executive assistant to Mr. Henry Ginsberg, vice president in charge of production and studio operations.

That at approximately 9:05 a. m. on the morning of October 22, 1945, I arrived at the Paramount Studios, at Hollywood, Calif., and observed a group of approximately 50 pickets walking two abreast in a hollow circle, completely blocking the so-called DeMille entrance at the intersection of Marathon and Irving Boulevard, which is the entrance by which I customarily enter the studio. The pickets were walking in close-order formation with barely a foot or two between them.

I presented my credentials to the pickets at this entrance, advised them that I was an executive of this studio, and that it was necessary for me to enter. I was told by one of the pickets, who acted as spokesman, that regardless of my position I would not be permitted to enter the studio. I attempted to walk through the line of pickets and I was repulsed and pushed away from the gate.

I then proceeded to the entrance to the administration building at 5451 Marathon Street, where I observed a similar line of pickets, approximately 25 in number, also walking in close order formation with less than a foot separating the pickets. I again presented my credentials to the pickets at this entrance and I was again told by a picket who presumed to speak for the other pickets that I would not be permitted to enter the studio despite my position.

That I then made arrangements for an automobile to meet me in the vicinity of the studio and that in this automobile I was driven to the DeMille entrance, at which the picket line I have previously described still existed, and that the automobile was driven slowly toward the gate. That one of the women picketers threw herself in the path of the moving automobile and that it was necessary to stop the automobile immediately and for the officers to remove her body from under the wheels of the automobile, whereupon the automobile was driven into the studio.

I am skipping many of these affidavits. This is the affidavit of Robert Ritchie, who was employed by Paramount for 14 years as a grip. He says:

On Monday morning, October 22, 1945, I came to work as usual at 5:45 a. m. I parked on Lemon Grove near Ridgewood, and as I came to the studio, I saw many people there at the Lemon Grove gate, marching as in a parade. At that

time there were two circles of pickets marching four abreast completely covering the Lemon Grove entrance. There was not 2 feet between them and I actually had four picket lines to go through to get in. There were over 200 people marching in the line. Some wore metal helmets. There were about a dozen city police there at that time. We asked them if there was a possibility of getting through; one said to wait 10 minutes for reinforcements. We waited and then this policeman came through the line to tell the machinists who were with us that whenever we were ready he would open up the line. We told him we were ready and 20 or 30 of us started to walk through the line slowly. We went through the first two lines, and when our boys got in the center, the pickets started to crowd around and swing their fists at the employees, at the same time swearing and cursing, calling us "dirty rats"—

and there is some additional language here which the record will show.

I saw pickets strike the men with me and then throw hot coffee on them. Some of the men got through. They forced the rest of us back and I was not able to get through the line.

Parenthetically I might say this is just a sample of many of the efforts to get through. According to Mr. Sorrell's testimony anybody who wanted to get through, of course, could go through.

I am skipping many of these affidavits. This is the affidavit of the injunction application in the case of Republic Productions, Inc., against Local 946 of the United Brotherhood of Carpenters et al. That is, the defendants include all of the striking unions in all of these cases. It is in the Superior Court of the State of California, county of Los Angeles, case No. 520134.

This is the affidavit of August A. Maehl, sworn to October 5, 1946. This is in connection with the 1946 strike. Mr. Maehl was the chief of police at Republic Studio. He says:

On October 3, 1946, at about 5:30 a. m., I saw approximately 250 men wearing picket armbands marching around in a large circle at the Carpenter Avenue auto gate of the studio. In addition to these 250 pickets there were approximately 500 additional men milling around Carpenter Avenue in the vicinity of said auto gate. The above number of pickets and those milling around in the vicinity of said auto gate entrance remained constant up until approximately 12 o'clock noon of said day.

Then he describes a similar number of pickets at the other gates of the Republic Studio. I will not bother to read all this into the record.

After describing the massing of pickets at the various gates on the dates of October 3 and October 4, he goes on to say:

Throughout the entire day of October 4, 1946, the pickets and the milling crowds were noisy and were particularly boisterous when anyone attempted to cross the picket line for the purpose of entering the studio, under police protection. When anyone attempted to enter the studio and cross the picket line, under police protection, multitudes of cries of "Close in on them," "Hold the line tight, don't let those dirty rats through," "Hold those skunks," "dirty scabs," "finks," and words of similar import were used.

Then he goes on to describe in more detail the incidents of trying to get people through.

There is an affidavit here of Mr. Raymond E. Jones, sworn to October 7, 1946. Mr. Jones describes himself as the head of the commissary. It is an executive post at Columbia. He says:

On October 3, 1946, at approximately 5:30 a. m., I parked my car on the east side of Radford Avenue, north of the entrance to the studio. As I got out of the car a man came running from across the street, wearing a white armband, and asked: "Hey, fellow, where the h— are you going?" I answered: "I am going up there," pointing in the direction of the studio entrance. The man then

replied: "If you are figuring on going to work, you better stop right here or you'll get your G— d— head knocked off."

The words are spelled out in the affidavit.

I then walked over to the west side of Radford Avenue, directly across the street from the entrance to the Radford Avenue foot traffic gate where I saw approximately 150 men wearing picket armbands marching in a circle at the Radford Avenue foot-traffic gate entrance. In addition to these 150 pickets, there were approximately 150 additional men milling around Radford Avenue in the vicinity of said foot-traffic gate. I remained in the vicinity of the said Radford Avenue foot-traffic gate entrance until approximately 10 a. m. As the result of the intimidation and the difficulties encountered by those who attempted to cross the picket line, I did not attempt to cross the picket line with the result that I did not report to work.

Then summarizing the rest of these briefly, Mr. Landis, there is the affidavit of Luis Vance, who was assistant to the construction superintendent at Republic. His affidavit is dated October 4, 1946. In summary he tried to go through the picket line and was blocked. Then he goes on to say:

At this time, one of the pickets whom I had known since 1941, Mr. James Skelton, the business agent for the United Brotherhood of Carpenters and Joiners of America, Local 946, approached me and took me to one side and engaged me in conversation. He told me not to go through the picket line because the pickets would do something to me, and if they didn't now, they would later.

Mr. Skelton, you will recall, was the business agent for the carpenters' union.

Skipping some of these other affidavits, there is a very interesting affidavit of Corrine M. Kraushaar, sworn to October 5, 1946, who deposes that she is the wife of Raoul Kraushaar, orchestra manager for Republic Productions and a member of the musicians' union:

That on or about 11 a. m., on October 3, 1946, I received a telephone call from an unknown male; that this unknown male stated that if my husband told the musicians under contract to Republic studios to report to work that he would see to it that our children would be harmed; that he immediately hung up after stating the above.

There are two children, the issue of our marriage, namely, Suzanne, 2½ years of age, and Arlyne, 5 months of age.

The said telephone call has caused me great fear and has produced a high degree of nervousness; that I am worried over same and have been unable to attend to my household and maternal duties. I have been unable to sleep because of the fear of injury and harm to my children.

Then there are a series of affidavits here of a Mr. Dick Hills, Helen Warner, and a number of others who work in the stenographic department. They were clerical workers at Republic. They describe how these people sought to go through the picket lines. They were called filthy names; that pickets threw cups of hot coffee in their faces and tried to prevent them from going through.

As Miss Warner in her affidavit points out:

The pickets grouped us, showing and jostling and shouting "Scab," "Fink," and "Rat."

I was kicked in the shins and my feet were trampled upon by said pickets.

I saw one picket holding a cup of coffee in his hand poised above his head, ready to throw it at me.

Said picket then threw said cup at me, but said cup missed me and hit Dick Hills—

who was the other deponent here—

on the side of his face. I saw a brown liquid spill down the side of Dick Hills' face.

These were the clerical workers.

Finally in the Republic situation I want to quote briefly from the affidavit of Georjean Richards, sworn to October 5, 1946, who was also a stenographer at Republic. She says:

On October 5, 1946, at approximately 9 a. m., I approached the Radford Avenue gate of said studio.

I saw approximately 200 men wearing picket armbands marching in a circle directly in front of said entrance. I also saw approximately 200 additional men wearing picket armbands on the east side of Radford Avenue, in the general area of the entrance to the studio.

I might say, Mr. Landis, Republic is one of the small studios. When they talk about 200 and 300 men here, these other affidavits indicate a considerably larger number at some of the larger studios.

She goes on to say:

As I approached said line of pickets, approximately 10 policemen escorted me through the line of pickets. While I was being escorted through the line of pickets, statements were yelled at me called me a "fake," "phony," "scab," and words of similar import.

After I crossed the gate into the studio, dirt, pebbles, and rocks were showered upon me, the dirt and pebbles striking my feet and legs.

This is one of the stenographers at Republic.

When I reached a point about 15 feet east of said gate, a sharp-edged rock whizzed past my right ear and struck the building toward which I was walking. Upon examination, said rock was approximately 2 inches in diameter and contained very pointed edges. This rock was traveling at a very swift rate of speed and was thrown with considerable force.

I won't bother to read the other affidavits. I am simply giving you a sample of them. In every case, of course, these injunctions were granted and there were subsequent beatings, the record of which I will supply before the hearing is completed.

Mr. LANDIS. Do you have anything on Disney?

Mr. ZORN. No, Mr. Landis; you will recall that went back to 1941. That is my recollection. Isn't that right, Mr. McCann?

Mr. McCANN. I think so. I think that question is very important.

Mr. LANDIS. He emphasized more peaceful picketing, as I understand it.

Mr. McCANN. As I understand, Disney asked for 50 police. The chief called Sorrell, who said two would be adequate, and they had no rioting whatsoever.

There is only one question I feel that would be appropriate for Mr. Zorn to answer here, and that is the averment by Mr. Sorrell to the effect that all the police who were employed in these major strikes were paid by the studios, or some 200 of them were. There is an affidavit on that. When you get an opportunity, I wish you would indicate whether there is any truth in that or not.

Mr. ZORN. I am having some affidavits prepared on that. I might say right now that like many of the other things to which Mr. Sorrell testified in this hearing, I think if we had the time here step by step we could disprove pretty thoroughly a lot of the statements that have been made; in fact, most of the statements he made.

But I have felt that with the limitation of time here I wanted to take a short cut here. I am in the process of supplying additional material and I will be very happy to supply affidavits if that suits the committee, in connection with the allegations of alleged corruption and bribery of the police, if that is the way you want to put it.



I would be very happy to supply that.

Mr. McCANN. It seems to me that is a rather important issue.

Mr. ZORN. I agree with you.

Mr. McCANN. Secondly, if you have the time I think it would be important, in view of the testimony that Mr. Sorrell gave, that while there were a number of pickets present on one occasion, there was no disorder until the police turned fire hoses on them and incited the violence that followed.

In other words, I only want to indicate to him the things which I feel are averments made by Mr. Sorrell which Mr. Zorn may desire to answer.

Mr. ZORN. If we attempted to answer in detail every wild statement Mr. Sorrell had made I think we would be here for a year.

What I have done here I think is just a sampling of the kind of picketing and the kind of violence and the kind of things that were done.

If you gentlemen feel I ought to go further I will be very happy to do it. If you will look at those Warner pictures themselves—and I will come to some of the Warner affidavits—you will find this theory of peaceful picketing just isn't so.

My difficulty is this: If I went down the line in every detail of Mr. Sorrell's testimony and tried to answer every one of his wild charges I think we would be here for a couple of months.

From my point of view I think it is sufficient to indicate that on various important matters his testimony can be discredited so thoroughly that it therefore becomes unnecessary thereafter to contradict every single statement he made.

Mr. OWENS. I think, Mr. Chairman, that is the general legal theory of evidence.

Mr. ZORN. Now in connection with Mr. Sorrell's statement that no executive was ever kept out of any studio, and in fact he went further and said that nobody was ever kept out of the studio, I would like to read a few extracts from the file in the case of Loew's, Inc., against local 946 of the United Brotherhood of Carpenters et al., in the Superior Court of the State of California, County of Los Angeles, case No. 519742.

The first affidavit is that of Ralph F. Wheelwright, who describes himself in the affidavit as a producer in the Metro-Goldwyn-Mayer studios.

I assume I do not have to explain the functions of a producer. The producer is one of the key executives in any studio.

His affidavit is sworn to September 27, 1946. He goes on to say:

That at 9:10 a. m. on September 27, 1946, affiant drove his automobile into the parking lot on the north side of Grant Avenue, opposite the Thalberg Building and parked his car. He left his automobile and proceeded to a point in the parking lot opposite the Thalberg Building and walked across the street. The picket line at that time extended along Grant Avenue, completely blocking entrance to the Thalberg Building, and was approximately 75 feet long. It appeared to the affiant that the ends of the line were blocking the entrance so he then approached the picket line and attempting to go through it. As he proceeded about one-half way through the line, he was seized by one of the pickets and pushed off the sidewalk into the street. The picket then addressed the affiant as follows: "You dirty s. o. b., don't you know you can't go through a picket line?"

The words are spelled out here, Mr. Owens.

By that time two or three other pickets had come out of the line and one grabbed me by the left arm and spun me around, using obscene language, and told affiant he would have to go around the end of the line. The affiant proceeded around the westerly end of the picket line and attempted to reach the steps leading to the Thalberg Building. An officer attempted to clear the picket line away from the entrance sufficiently for the affiant to enter, and the picket line refused to give way. The affiant was then shoved through a bed of roses by one of the pickets.

Mr. OWENS. He at least gave him a bed of roses.

Mr. ZORN. I don't know how many thorns were in that bed, though.

The affidavit of Mr. Fadiman, William J. Fadiman, who is the head of the scenario department at Metro-Goldwyn-Mayer:

That at or about 9 a. m. on September 27, 1946, he attempted to cross the picket line to enter the Thalberg Building at Metro-Goldwyn-Mayer Studios. That he was seized by the back of the coat by one of the pickets; that he was forcibly spun around and detained until he was liberated by a police officer.

Then he proceeded into the Thalberg Building.

This is the affidavit of Paul W. Bien, a police officer at M-G-M. Cutting through a good part of his affidavit, he states, talking about September 26, 1946, and describing a group of pickets near the Culver gate:

That affiant joined this group and he heard the spokesman for the group address the following remarks to the assembled group: "How many of you fellows have private cars?" Approximately 20 or 25 hands were raised. He turned to a man who presumably was one of his lieutenants and said, "See to it that 14 or 15 of these men who own cars pick up a couple of more boys in each one of their cars and tail these b——"

Spelled out here—

"—home when the shift breaks this afternoon." One of the men asked him, "How are we to tell for sure whether they are carpenters or painters?" The spokesman told them if they weren't sure to use their own judgment, adding further, "You know what to do."

The affidavit of John L. Coffey, sworn to September 26, 1946.

Mr. Coffey describes himself as the assistant industrial relations manager of M-G-M.

On September 26 he reported to Metro-Goldwyn-Mayer studios at 5:30 a. m. That at the time he arrived at the Culver gate, there were approximately 209 pickets marching in a circular fashion in front of the entrance to the Culver gate. The pickets were marching so closely together that it was physically impossible for a person attempting to cross the picket line to cross said line, or any segment of the line, without coming in physical contact with the pickets. The entrance was completely blocked off to pedestrian and vehicular traffic.

Skipping some part of this:

At 5:50 a. m. employee whom the affiant is unable to identify attempt to cross the picket line and was assaulted by the pickets. The pickets used their picket signs as clubs, clubbing officers seeking to rescue employees.

At about 7:30 a. m. Mr. Herbert Sorrell, president of the Conference of Studio Unions, and Mr. Averill Berman, radio comentator, appeared with a device for the amplification of the human voice and addressed the pickets. In substance, they stated they did not desire any violence but they did not want anyone to cross the picket lines.

Then he describes a whole series of incidents of people trying to get through the line, being assaulted and being attacked. For example I will read this part which I think is very pertinent:

At 8:43 a. m. there were approximately 220 pickets marching across the entrance to the Culver gate. A caravan of automobiles containing employees

of the M-G-M Studios approached the Culver gate and attempted to come into the studios. The first two who attempted to cross the picket lines were successful in crossing the picket line. The third automobile was stopped by the pickets. The police had opened the lines for the automobiles to proceed into the studio and the strikers, by force and violence, broke the police lines, swarmed over the third automobile, and someone raised the hood and pulled out the ignition wires. Several of the strikers seized the car from both sides and attempted to overturn it. General confusion surrounded this entire incident but there were remarks from the strikers such as "If you try to get any more scabs through this gate, there will be bloodshed," "Turn that car over." During this incident there were several blows struck by the strikers on the officers. Several officers were shoved almost under the wheels of the automobile.

Mr. OWENS. Do you feel those affidavits add anything to Mr. Sorrell's testimony as to the number of people that were taken to the hospital in ambulances?

Mr. ZORN. Of course he bragged about the 19 ambulance loads that took the people out of the IA hall, but that was back in 1937, Mr. Owens.

As I pointed out when you were not here last week, we got a very interesting series of statements by Mr. Sorrell first. He bragged about what a great man of violence he was, how he busted up the hiring IA hall and how he got a flock of ambulances there. He bragged about his physical prowess and the other fellows he had beaten up.

Then at one point in his testimony he testified in answer to various questions that so far as the picketing was concerned and the conduct of these more recent strikes, he just believed that a picket line for the purpose of advertising, the right of free speech. I am simply going to bring up to date in connection with those statements the facts which actually occurred.

There is no question, Mr. Owens. The photographs, the court history, the record of convictions and everything else show that both the 1945 and the 1946 strike, which Mr. Sorrell admitted he was the leader of, and particularly the leader of the picketing and the strike activities, were strikes conducted with some of the worst violence that I think we have had in any labor situations in the country.

There have been some bad and probably some worse, but these were pretty serious; and with complete contempt for the law, complete disregard for orders of the courts, complete contempt for the public officers.

There have been other statements put in evidence here, the findings of the California legislative committee, and so on.

What I have tried to do here is to give you enough of a sample to indicate that his statements in that connection are completely discreditable and we discredited them just with the few samples of this kind.

There are many more statements of violence, throwing of rocks, overturning of automobiles and things of that sort, which are contained in these affidavits but I will not attempt to read them all.

I think I can complete with just a few quotations from some of the affidavits in the Warner Bros. case, which was case No. 519689.

This relates to the 1946 strike. I have not yet been able to obtain the 1945 strike pictures where there was even greater violence.

This is the affidavit of Walter Glover, sworn to September 26, 1946.

You will note that most of these affidavits and injunction orders are dated from the very early part, October 26, 27, and 28 of the 1946

strike, which had just started at that time. As the strike continued, from the newspaper accounts which I read into the record earlier, the violence increased and mounted beyond even that violence which is described in these affidavits.

Mr. Glover describes the acts, conduct, and mass formation of the pickets, the yelling and shouting and the use of filthy names toward anyone trying to get in.

He goes on to say :

At about 6:30 a. m. affiant observed an automobile attempt to enter said main entrance—

referring to the Warner main entrance.

and observed several members of the Burbank Police Department line up in an effort to assist said automobile through the line of pickets and affiant observed a large mass of pickets assembled around the officer shove, push, and crush said officers against the side and fenders of said moving automobile, and observed one officer knocked to the pavement; that affiant observed that on several occasions as automobiles would attempt to pass through said picket line various pickets would strike at the drivers with their fists and sticks and when members of the Burbank Police Department attempted to apprehend the pickets they would disappear into a large mass of 50 or 100 other pickets and said pickets would prevent the officers from pursuing the pickets who had assaulted the drivers of the automobiles; that on one occasion during said time affiant observed a green Plymouth coupe attempt to enter said studio property and pickets massed around the automobile, striking at the driver and at the automobile about the fenders and the body, and the affiant observed the pickets wrench a windwing from said automobile and hurl it to the pavement.

Then he goes on with a complete description of further attempts on the part of the pickets to attack cars trying to get in with sticks, ripping out ignition wires, attempts to turn the cars over, use of boisterous, belligerent language, and so on.

These will be part of the record. I do not think it is necessary to read any more of them into the record, except this final affidavit.

This is an affidavit of Peery Price, sworn to September 26, 1946, in connection with one of the contempt proceedings that was brought after these injunction orders were issued.

He is referring to certain statements made by Mr. Sorrell. In an interview quoted in the Los Angeles morning newspapers of September 26, 1946, he quotes Mr. Sorrell to this effect :

Let them get out all the injunctions they want. The more of us they put in jail, the more they'll have to follow. Jail isn't so bad. I had some of it. You get a nice rest.

Well, that is very consistent with Mr. Sorrell's testimony in this proceeding.

Mr. LANDIS. We will have a 5-minute recess.

(A short recess was taken.)

Mr. LANDIS. The hearing will be in order.

Mr. ZORN. Mr. Landis, there is just one point I want to clear up and then I will be out of here very quickly.

In my discussion on Friday in connection with questions with respect to the Beverly Hills treaty of July 2, 1946, you will recall that on Thursday of last week Mr. Cobb testified and claimed that the interim agreement of July 2 was a 2-year contract and still remained in full force and effect. Of course we have never agreed with that.

So as to clarify my testimony in that respect the interim agreement of July 2, 1946, the Beverly Hills treaty, was designed in the agreement

itself as an interim agreement, or rather in the letter from Mr. Casey of July 2, 1946, in which he says, in his letter to Herbert Sorrell:

Pending the completion of contracts between the individual unions, members of the CSU and the major studios, these minutes (copy attached herewith) shall constitute an interim agreement.

The so-called interim agreement of July 2 contemplated, of course, that there were several other matters left open which were to be negotiated and that the final formal contracts were to be signed.

I said the other day that so far as we were concerned we believed we had entered into an agreement on July 2.

There is as a matter of law in the first instance some question as to whether or not this was an agreement or simply an agreement to make an agreement, but nevertheless the thing I want to bring out today is that the Conference of Studio Unions did not recognize and has not recognized that as an agreement.

So that we can tie this whole picture together I want to give you extracts from certain telegrams of Mr. Sorrell on behalf of the Conference of Studio Unions, including the carpenters organization, in which he takes the position that they were without contracts in September, October, and November of 1946.

You will recall when I testified the other day I said I thought in my opinion we had entered into an agreement on July 2 which contained a provision by which you will recall the studios would have a right to assign work and that there would be no stoppage of work for 30 days or until arbitration machinery had been set up; and that on the basis of that language it was arguable, possibly legally, it was my opinion that so long as arbitration machinery was not set up there had been a complete breach of that particular provision of the agreement, when they declared the sets hot and refused to work on their own hot sets.

I do want to bring out the fact, however—

Mr. LANDIS. You mean that is when they broke the contract?

Mr. ZORN. That is when they broke the contract.

As a matter of law there is still some question as to whether or not that was a complete legal agreement or whether it was not. In other words, that is completely legal matter that some day the courts will have to decide. I pointed that out, that if it were a legal agreement then of course they broke it by their own actions and we have no further obligations under it and obviously we do not have a 2-year agreement by which we were bound until July 1948.

Mr. LANDIS. But it was signed by both parties?

Mr. ZORN. That is right. But I do want to point this out to you so that the record will be clear as to what they thought of this agreement despite Mr. Cobb's statement of the other day.

I do not have the page references, but in a telegram dated September 20, 1946, addressed to Pat Casey and signed by Sorrell on behalf of the Conference of Studio Unions and all the organizations which were part of it, including the painters and the carpenters, Sorrell says to Mr. Casey:

We therefore demand immediate and continuous negotiations to conclude contracts with all CSU locals as was pledged in the interim agreement of July 2, 1946.

I am not reading the whole telegram.

In a telegram dated September 24, 1946, addressed to Pat Casey and signed "Conference of Studio Unions, Herbert K. Sorrell, presi-

dent," listing all the unions, including the carpenters, Mr. Sorrell says this to Mr. Casey:

That we were to begin negotiations with you for long delayed contracts.

In that telegram he insists on further meetings for the purpose of concluding contracts.

Finally in a telegram dated November 10, 1946, from Mr. Sorrell as president of the Conference of Studio Unions to Mr. Casey, he says:

Your delaying tactics will not weaken our fight but on the other hand will only cause us to intensify our activities and negotiations to achieve contracts and decent wages and hours for all workers in the industry.

In a similar telegram addressed to the Association of Motion Picture Producers, dated November 5, 1946, Mr. Sorrell on behalf of the Conference of Studio Unions says this.

The Conference of Studio Unions therefore demands an immediate meeting to negotiate contract on wages, hours, and working conditions.

So that as a matter of law whether we had a binding legal agreement in the contract of July 2, the Beverly Hills treaty, is a matter on which there can be some difference of opinion.

The point I want to emphasize is that we entered into that agreement in good faith and if it was a binding legal agreement then unquestionably it was breached and it was no longer binding upon the producers after the Conference of Studio Unions had taken its position with respect to hot sets, gone out on strikes, set up the picket lines and had refused to permit their people to go to work.

On the other hand, if it is not a binding legal agreement then, of course, there is no obligation. I have read these extracts from Sorrell's telegrams to indicate to you that even though Mr. Cobb argued here they had a binding legal agreement Mr. Sorrell, the chief negotiator for the Conference of Studio Unions and for the carpenters, took the flat position in this correspondence that they never had a contract with us.

I say it is a rather muddled up legal situation but I wanted to bring that out so that there would not be any misinterpretation about my testimony.

So far as the situation which existed after the hot set ultimatum, with respect to the employees, I think the record is clear on that.

The men were laid off for refusal to do the work assigned to them, for refusal to do the jobs that they were obligated to do.

In my testimony the other day somebody told me there might be some misunderstanding as to the contracts in existence and I wanted to clear that up.

I said that so far as the work in the striking crafts of carpenters and painters, not the set-erection work—set-erection work under the December 1945, decision had been given the IA and we did enter into a contract with the IA, a union or a closed-shop contract with the IA to do the set-erection work—but so far as all the other carpenter work and all the other painters work is concerned, we have never entered into any contracts with the IA.

The testimony here I think has been very clear that the strikers were replaced but that as vacancies have occurred men are being hired back without regard to whether they are IA members, painters members, or members of any other union, and that as to those particular situations, namely, the painting work which has been under contract

with the Painting Union 644 and 1421, and the carpenter work except for set erection which has been done by members of Carpenters Local 946, we have no contracts with anybody. We have a nondiscriminatory policy of hiring.

The reason it has been brought out here as to why there are not many carpenters who have gone back to work, is that they simply have not reapplied for their jobs because they refused to go through a picket line.

I think I ought to make this clear in that connection: As they have reapplied for their jobs they have been rehired as new employees because we have taken the position they lost all rights as employees by reason of their conduct and as they have come back they have been replaced and replaced by permanent replacements, and as vacancies have occurred they have come back as new employees without discrimination.

I thought I would clear that up so that there was no doubt about some of the legal aspects of the situation.

Again I want to thank you for your patience and consideration, and particularly your patience in listening for as many weeks and days as you have here.

Mr. McCANN. Mr. Chairman, off the record.

(Discussion off the record.)

Mr. ZORN. Before I leave I would like to invite you gentlemen and as many members of the committee as you would like to have to see these motion pictures of the strike violence. I think it is an essential part of this record. You can do that at your convenience. As I have indicated, I would like to make it a part of this record.

Mr. OWENS. There should be some there of those people who might wish to contradict any portions of it. There is always the possibility it could be claimed that something was set up.

Mr. ZORN. I agree with you we ought to give everybody an opportunity to be present. The problem is that everybody has gone home and left us all alone here.

Mr. McCANN. May I make a suggestion, Mr. Zorn, for your consideration?

Mr. ZORN. Certainly.

Mr. McCANN. As I understand it, Mr. Kearns has indicated he is going to have certain experts from Hollywood here in the month of May. I should think that at that time Mr. Sorrell would want to be back here. I assume that he will.

I wonder if it would be agreeable, when the experts are testifying with respect to this matter, if we set that as the date for you to show the movies so that he would be present to see them. Would that be agreeable?

Mr. OWENS. He will probably be present.

Mr. ZORN. The only point I want to make there is that Mr. Sorrell and the others knew we were going to continue and at their own option they left.

I think while this is fresh in your mind you might look at them. I certainly would not want to deprive anybody of the opportunity after that to attack them if they can be attacked.

That is entirely a matter of your feeling about it. They are here and available if you want to see them.

Mr. OWENS. You were never there personally, were you, Mr. Zorn?

Mr. ZORN. In Hollywood?

Mr. OWENS. I mean at any of those activities at the strike?

Mr. ZORN. I was there during parts of the strike, but I could not testify from personal knowledge as to some of the scenes which are depicted in these pictures.

Mr. OWENS. Mr. Walsh and Mr. Brewer undoubtedly will be able to tell us something about that, will they not?

Mr. ZORN. All right. I just thought you might like to see some of these things.

Mr. OWENS. Well, I really would like to, but I mean with respect to testifying they will be able to testify as to some of the actual incidents, no doubt, will they?

Mr. ZORN. I am pretty sure they will. They already have put in some evidence on that. I very carefully have refrained from testifying to facts of which I do not have personal knowledge. It is entirely up to you. The pictures are available and they will be available to anybody on all sides.

Mr. LANDIS. We will probably take that up this afternoon.

On behalf of the committee, Mr. Zorn, we thank you for your testimony.

Mr. ZORN. Thank you again, sir.

Mr. LANDIS. Mr. Levy and Mr. Brewer.

#### TESTIMONY OF MATTHEW M. LEVY AND ROY M. BREWER—Recalled

Mr. LANDIS. You may proceed, sir.

Mr. LEVY. Mr. Chairman, and gentlemen of the committee, on behalf of the IATSE I want to point out on this question of violence, some very brief and interesting statements made by the Conference of Studio Unions in their own, an official publication.

That, it seems to me, will give you a quick idea of the formal and official attitude of the Conference of Studio Unions under the leadership of Herbert K. Sorrell.

A paragraph from the Picket Line, their publication of March 27, 1945, and I quote:

Number of IBEW men applied for unemployment insurance—not payable as the law now stands. Will appeal as not on strike, but refusing to pass picket line—possible endangerment of life and limb cannot be required by law except in armed service and public calamity.

On April 7, 1945, the Picket Line says as follows:

Looks like we'll have to forget we are gentlemen and give the Picket Line the '37 spirit—if producers try importing scabs to do our work, if they get them.

Also in the same publication—and these Picket Lines were distributed to all of the pickets on the lines during the 1945 strike:

Strikes are won on picket lines. This is a good fight, fight on the line.

On April 13, 1945:

Scabby pictures stink up theaters when exhibited—wait and see.

April 17, 1945:

Strong picket line at Universal Studio this a. m.—stopped over 25 cars with 60 or more passengers from going through. That is the strength we are developing all along the line for the win. Keep a good picket line going, boys, that's where we will win our strike.



**April 19, 1945:**

The sailors of the Pacific have graciously offered to us any assistance that we may desire from them.

**The Picket Line of May 3, 1945:**

Any more volunteers for the Technicolor picket line, fellows? That's where the excitement is these days, if that's what you're after. Many fellows on the picket line want some action; would even welcome some rough stuff. It's part of producers' war on nerves. Everything kept legal so far, but—

and the "but" is in caps—

men, if anybody steps out of line like Joe Tuohy's goons, grab yourself a fist-full of action.

**The Picket Line of May 8, 1945:**

A motion was passed at strategy meeting Monday to allow two telephone men to pass into each studio, only with written permission.

**The Picket Line of April 9, 1945:**

Not very many scabs are working in the studios, but casualty rate is getting high. These stumble-bums always falling down or bumping into things; must be discouraging.

I don't think any comment from me is necessary, in view of the language of the official publication of the Conference of Studio Unions.

I have here certified photostatic copies which I shall not read into the record of the judgment of conviction for contempt of Herbert K. Sorrell, sentencing him to serve 16 days' imprisonment in the county jail of the county of Los Angeles on February 13, 1946, in Docket No. 506234, in the Superior Court of the State of California in and for the county of Los Angeles, with reference to the violation of the injunction obtained against Painters' Local 644, and others by Warner Bros. Pictures, Inc.

Mr. McCANN. I move that they be received as a reference exhibit.

Mr. LANDIS. Did he serve the 16 days?

Mr. LEVY. My information, sir, is that he did and that there was in addition to that a fine, I think amounting to around \$1,700, which was paid.

Mr. OWENS. Mr. Chairman, Mr. Sorrell testified to that. That was the testimony he gave at the time he said one of the reasons he did not appear at the California hearing regarding his purported communistic membership.

Mr. KEARNS. So ordered.

(The document referred to was filed with the committee.)

Mr. LEVY. Since Congressman Owens has indicated he is not interested in matters of indictment that have not yet come into the stage of conviction, I shall not refer to the indictment for conspiracy to violate the penal code of California in the Superior Court of the State of California, No. 110200, against Herbert K. Sorrell and others, which is still pending by virtue of certain appeals that have been taken, and so on, with respect to that indictment. I want that record in.

Mr. OWENS. Mr. Chairman, I think it is perfectly all right where it involves one of the named parties who has testified and who might be asked to testify again on something which is still pending. I see nothing wrong about having that information.

Mr. LEVY. That indictment was found by the grand jury of the county of Los Angeles, according to the certified copy which I have, on the 22d of November 1946. I think the defendants pleaded not guilty. They are out on bail. The matter is still pending and not yet disposed of.

Mr. McCANN. The same request, Mr. Chairman, that they be received as reference exhibits.

Mr. LANDIS. So ordered.

(The document was filed with the committee.)

Mr. LEVY. During the period of time I was out in California during the 1945 strike, I found that an individual by the name of Anthony Schiazone, or Anthony V. Schiazone, bobbed up every now and then as an aggressor on the picketing line.

I made up my mind I wanted to look into that man Schiazone. I bring this up now, because the Congressman indicated that some of the members on the picket line looked very nice. I don't know whether he has seen a picture of Schiazone. All I can say is that he spent some time in San Quentin for burglary; that he was a very active participant in a number of the mass picket lines there on behalf of the strikers.

Mr. LANDIS. Was he a member of the union?

Mr. LEVY. I would not say from personal knowledge, and I could not say. I have been informed that he was or became a member of a union. His criminal record is a sight to behold and I think when this committee gets into it, in ascertaining the relationship between the Conference of Studio Unions and Anthony Vincent Schiazone, his criminal record might well be presented to you.

Mr. OWENS. I did not say they were acting nice in that discussion off the record.

Mr. LEVY. I understood that. Mr. Brewer wants to comment on that.

Mr. BREWER. If I may. Anthony Schiazone was the head of the picket lines in the last strike, the 1946 strike. He was hailed by several of the mass meetings of the Conference of Studio Unions as their great leader on the picket lines, and they wanted more of Tony. I think you will find he is the Tony referred to in the affidavit which Mr. Zorn read regarding the attack on an individual member of Paramount studios.

He is a member of local 946 of the carpenters' union.

Mr. LEVY. So much that I have to cover on violence at this moment, and Mr. Brewer will carry on from there.

There is an interesting phase of this matter which has not yet been touched upon which I think ought to be gone into for your information now.

The stars in the moving pictures are obviously very sensitive people. They strike me as persons whose regard for public opinion, so far as their own livelihood is concerned, is a matter of extreme importance to them.

Back in May 1945, as the result of the solicitation of the Conference of Studio Unions, the following letter was sent to most of the actors who, in compliance with their contracts and not taking sides in the jurisdictional disputes, ignored the picket lines set up by the CSU and went in to work.

One of them says:

We cannot call you sister in this letter, as we do not believe union sisters pass picket lines. By unanimous action of the Pomona Valley Central Labor Council, the delegates at their regular meeting on April 20, 1945, have instructed me to notify you that the finger of scorn should be pointed at each of you who have so little interest in your fellow workers that you are willing to pass their picket lines.

Your name has been placed on our unfair list, and we shall instruct our people to avoid patronizing pictures where your name appears.

I do not want to mention the name of the star I have here, because it was sent, you understand, to quite a number of the feminine stars in Hollywood, and I do not want to point up this particular person's name for the committee.

That was strenuously objected to by the Screen Actors' Guild in a communication to President Green.

Then President Green sent this telegram to the Pomona Valley Central Labor Council. It is important for the committee to know the ramifications of what has been done here under the leadership of the Conference of Studio Unions:

Pomona Central Labor Council made a grave mistake when it instructed you to send letter such as you sent to members of Screen Actors' Guild recently. I officially and personally repudiate your letter and action of your central body in sponsoring it. No authority is conferred upon a central body to take sides in a jurisdictional dispute. Your action is unjustifiable and indefensible. I respectfully demand your central body make public retraction of your action and withdraw letter you sent to members of Screen Actors' Guild immediately.

That is signed, "William Green, President, American Federation of Labor."

They did pass some sort of a tongue-in-cheek resolution, that is, the Pomona Central Labor Council.

The purpose of pointing the finger of scorn is indicated; the purpose of the violence is indicated, and since Mr. Sorrell indicated here during his 5 days of testimony that this was a strike in 1945 merely because of the set decorators, I want to quote a paragraph from Variety of March 12, 1945, the day of the beginning of that strike.

Mr. OWENS. That was just at the time President Green had sent a message to them to end that strike during the war?

Mr. LEVY. That is correct, sir, and they ignored that too. I quote:

Sorrell told the group—

This is the day the strike started:

Sorrell told the group that the strikers had no intention of returning to work unless the Government moved in and they would then be glad to go back and work for Uncle Sam. He declared, however, that all jurisdictional disputes between affiliated Property Craftsmen Local 44, with the machinists, IBEW, and carpenters, must be settled before the workers returned to their jobs. Dispute over decorators started when claim for them was filed by local 44 with the support of Dick Walsh and the IA international.

My point in reading that, sirs, is to point up the proposition that the set decorators' issue was in fact a fake issue for the purpose of bringing these people out on strike, for refusing to cross an alleged picket line for the purpose of enforcing their jurisdictional demands on behalf of a number of other organizations.

Mr. LANDIS. I think we will stop at this point until 2 o'clock.

(Whereupon, at 12 noon, a recess was taken until 2 p. m. of the same day.)

## AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will be in order, please.

**TESTIMONY OF MATTHEW M. LEVY AND ROY M. BREWER—**

Continued

Mr. KEARNS. You may proceed.

Mr. LEVY. Mr. Chairman, and members of the committee, I want to read into the record this excerpt from Variety of March 16, 1945, quoting Mr. Sorrell at a meeting before local No. 40 of the I. B. of E. W., in which Mr. Sorrell is reported to have said:

When the current fight is over we will sit down with the producers and say, "This jurisdiction belongs to that union and this to another."

And Mr. Roy Tindall, who was the assistant business representative of local No. 40, is reported to have stated on March 12, 1945, in Variety, 4 days after the so-called set decorators strike started:

This is a show-down and the time to settle jurisdiction which has been in everybody's hair so long.

Now, when Mr. Sorrell was on the stand he attempted to justify—and I may say there can be no justification—for going out on strike on March 12, 1945, during the war, and in violation of contracts, pledges, and directions of the American Federation of Labor and during the very period when the National Labor Relations Board was conducting its hearings in this matter, by stating that there was no agreement on the part of Mr. Walsh or on the part of the producers to abide by the decision of the National Labor Relations Board.

That attempted justification, like many other things which Mr. Sorrell undertook to defend or to explain, is completely without merit.

In Variety of March 26, 1945, the following appears, and I quote:

Following this huddle—

The huddle referred to is a conference among **I. B. Chadwick**, the head of the Independent Motion Picture Producers Association, Mr. Mannix, of the major producers labor committee, and M-G-M, and Mr. Sorrell.

Following this huddle at which Mannix is said to have repeated the previous declaration of producers that they stood ready to abide by a decision of the NLRB, Mannix proceeded to arrange a conference between Sorrell and Walsh at the Beverly-Wilshire Hotel. At the latter pow-wow, all three agreed to abide by the NLRB decision and for a few minutes it looked as though the studio pickets might be withdrawn.

Then skipping a bit and continuing to quote:

Sorrell qualified this acceptance, however, by stating before he made an agreement with Walsh the latter would have to settle his jurisdictional beefs with the carpenters, machinists, and so forth \* \* \*

Now, the fact of the matter is, Mr. Chairman, that Mr. Walsh gave personal and specific instructions to Mr. Brewer and Mr. Brewer carried them out, and the record will show it.

To clarify it—so that he who runs can read—the IATSE said they would abide by, nay, even insisted upon a determination of the National Labor Relations Board in the set-decorators' issue, and rather Mr. Sorrell stating that he would abide by it, not alone did he walk out

during the hearings, but he utilized every opportunity to avoid a statement that he would abide by it.

And after the decision came down from the National Labor Relations Board to which he testified, he did not then call off the strike or abide by the decision. That is the record in this case.

Mr. McCANN. Would you mind telling us when the decision came down, sir, so that we could have that in the record?

Mr. LEVY. I think it is already in the record, but my recollection of it is that there were two decisions by the Board, one in 61 N. L. R. B., in which it was decided to hold an election. I think that was in May of 1945 and then the final decision determining which ballots would be counted, that was, I think, in September or October of 1945.

That was published in full in 64 NLRB.

I listened to 5 days of testimony by Mr. Sorrell here in Washington and I listened to a number of days and read the rest of the record of his testimony at Los Angeles. If you will remember, Mr. Chairman, on behalf of the IATSE, I have consistently taken the position that a complete and thorough investigation of this very difficult jurisdictional situation that has been burning since 1944 through 1946, in Hollywood, should have every facet of it examined into and let the chips fall where they may.

When Mr. Sorrell took the stand he undertook to paint a rather black picture of the history of the IATSE. And if we talk about historical experience I think it ought to be underscored that the IATSE has been in existence since at least 1893, for more than 50 years.

I recognize that there is a very definite black mark upon its escutcheon and I have no apologies to make for it. I did not generally represent the IATSE during that period. I was counsel for one of its local unions in New York City and once in a while through the general office of the IATSE I may have been consulted about some matter on behalf of the IATSE.

But just as the history of the IATSE was ignored in the testimony of Mr. Sorrell from 1893 until 1934, so has the history of the IATSE been ignored by him from 1941 to date.

He made accusations here that the Browne and Bioff regime was in effect being carried out, since Mr. Walsh became president and since Mr. Brewer became international representative in Hollywood. I want to touch upon that. Mr. Walsh and Mr. Brewer are here to be questioned about it.

As I touch upon it, I want to quote from an article in Variety of August 2, 1937. As I read it in full, you will get the bearing quite clearly of the necessity for my having brought this up.

Headline:

#### PAINTERS GIVEN 15 PERCENT PAY TILT, 900 GAIN

Studio painters received 15 percent wage tilt yesterday as William Bioff, personal representative of President George E. Browne, of International Alliance of Theatrical Stage Employees, again intervened in negotiations and insisted producers grant demands of Brotherhood of Painters, Decorators, and Paperhangers of America.

Increase will affect about 900 men and is retroactive to July 1.

Motion Picture Painters Local 644 voted unanimously to send letter of thanks to Bioff for his cooperation in getting raise and improving working conditions.

Letter will be mailed today by Secretary William Ball. Contract to be drawn up today at conference between Bioff, Pat Casey, producer-labor contact, and Herbert Sorrell, business representative of painters will run until May 1, 1938.

Then the new wage scale is gone into, and then the following appears:

Sorrell, who persuaded Bioff to intercede for painters when negotiations with producers became deadlocked said, "It was only through the aid of Mr. Bioff and his IATSE organization that we were able to reach an agreement with the producers. I intend to thank him personally and in behalf of each member for getting our increase. Mr. Bioff got out of a sick bed to intervene in the negotiations when it became apparent we could not reach an agreement on pay and working conditions."

It was through the intervention of Bioff that the Screen Actors' Guild was able to negotiate guild shop contracts with major and independent studios.

Now, I bring this article of 1937 to the attention of this committee not to indicate any support on my part of Mr. Bioff, but to make it clear to the committee that Mr. Sorrell did have some arrangements with Mr. Bioff whereby Mr. Bioff participated in the negotiations, so far as the painters were concerned at that time with the major producers.

Variety has been utilized—and I think properly; I think it is a great function of a newspaper to attack nefarious practices in any organization, commerce, labor, or government. The efforts that Variety made in exposing Bioff to the light of day.

Mr. Sorrell, as I listened to his testimony, seemed to want to give the impression that he was the Sir Galahad; that the Actors had nothing to do with the disclosure; that the newspapers had very little to do with it and that he was the one who was the cause of Bioff's very appropriate downfall, insofar as he was the one to thank him for it.

But insofar as he seeks to carry on the fight against an honest and square administration of labor by continually burning the embers of that situation, he is an irresponsible menace to appropriate public relations in the Hollywood studios.

In the *Hollywood Reporter* of January 10, 1946, this very significant editorial appears, signed by the editor of that paper:

The ordinary layman could never have a sight sufficiently keen to penetrate the workings of union bosses, particularly when it comes to jurisdictional arguments. That's one of the things that causes the main difficulties in the recent studio strike and events that led up to that strike, and the damaging picketing.

Certainly no one believed that so much trouble and disturbance could be caused because of the interunion argument over the jurisdiction of a handful of set decorators. There was something deeper than that.

Consequently, it was our belief that Richard Walsh and his IA crowd, in the belief that the whole structure of studio labor was being tampered with, used the supposed grab of set decorators as sufficient intrusion for a show-down of the entire labor jurisdiction with a decision that would hold for all time.

This show-down was brought about by the recent decision of the AFL executive council committee.

We believe that Walsh, as smart as he is, did not give a hoot for the set decorators, but he did—

emphasis on "did"—

worry about further intrusions into the ranks of his studio labor and that such intrusion was—

emphasis on "was"—

important. Those long years of bickering between his organization and the carpenters, the arguments with the machinists, plumbers, and others that may have cut into what he considered his jurisdiction; all these things and more were settled in the recent decision resulting in a labor situation now within the studios that should never be harmed by an interunion jurisdictional argument which takes a big burden from the banks of the studios and its picture-making.

Many times up to this difficulty, individuals, organizations, and the press had occasion to surmise that the old Browne-Bioff arm was still swinging in the IA. The fight of Walsh, his handling of the matter, its conclusion by the executive council committee, will probably put an end to all such conjectures.

Browne and Bioff have no part in the IA and certainly the IA wants no part of those gentlemen, which is another important burden lifted from the shoulders of the picture business.

Walsh, through his conduct of the negotiations and his eventual show-down is now recognized as our most important labor leader, both by the organizations his unions serve within the industry, and by the men he leads.

Now, what happened when Mr. Sorrell and Mr. Bodle were on the stand? Mr. Sorrell's counsel read an article from the Los Angeles Daily News of November 14, 1947, in which it was gossiped that William Bioff was in Hollywood. I don't know whether he was there or not. I never saw the gentleman. I wouldn't recognize him if I saw him.

But the significant part about it, which shows the malice behind the entire presentation, is that in reading this article of the Los Angeles Daily News of November 14, 1947, Mr. Bodle and Mr. Sorrell left out this paragraph, and I quote it to you:

Obviously, Bioff was in town for a reason. Certainly he wasn't welcome in the councils of the union he once used to blackjack millions out of the movie industry. When you mention the name of Bioff in an IATSE meeting today, it is best to smile when you do it, and duck, too. Willie is as popular among his old pals as a boil on the neck.

I point that out to you, Mr. Chairman and members of the committee, because of the fact that Mr. Sorrell, when he took the stand, if he did not say so in so many words intimated and inferred—I thought he said so in so many words, but when I examined the record, I found out that those words were not there—that he accused Mr. Walsh and Mr. Brewer of taking money from the producers. That is a serious charge.

When I opened up this question of communism and I indicated that I wanted to bring in proof on the question of communism, I was told by the learned counsel of this committee that I was presenting a serious charge and that I would have to back it up—which I think I did.

But Mr. Sorrell did not know, no one pointed out to him the seriousness of the charge he was making about racketeering in the IATSE from the 9th of November 1941, until now.

Then when he took the stand and the seriousness of the charges which he was making enveloped him to such an extent, as I would put it, and he could not meet the issue as we sought to present it, and when he closed his testimony I urged—as the chairman did, too—now, you were on the stand for so many days in Los Angeles; you have been on the stand for so many days in Washington. Do you have anything more to say? We want you to tell everything you have to say.

He had nothing more to say.

But he did bring out an old chestnut, as if it were new.

Mr. Walsh had denied—and he is present here to be examined, as is Mr. Brewer, on that question, with respect to any money from the producers—so he brought in an old chestnut without mentioning that it was old, about certain moneys which Mr. Walsh received from the IATSE 2-percent fund in years prior to 1941.

Mr. Sorrell did not tell you that on the 9th of April 1945, nearly 3 years ago, he had presented that matter and it was published in full in *Variety*. Sorrell lists checks he says Walsh got. He sprang it on the committee as if it were something new that he had discovered, in order to indicate the peculiar conduct of the present head of the IATSE.

Nor did he mention that on the next day, April 10, 1945, the following appeared in *Variety*:

WALSH ANSWERS SORRELL

In answer to charges made by Sorrell Sunday night in which he declared Walsh had received thousands of dollars from the 2-percent IATSE racket fund, the IA prexy last night issued the following statement:

"The charge which Sorrell makes just goes to show how far he will go in trying to justify his action in tying up the studios. What possible bearing this matter could have on his actions, even if it were true, he does not explain. So far as my personal record is concerned I can assure Mr. Sorrell if it is any of his business that every cent I have received from the International Alliance, with the exception of my own salary, has been spent in the interest of the Alliance. I defy anyone to present any proof to the contrary.

"The Federal authorities who have investigated the entire Browne-Bioff matter have gone over my record with a fine-tooth comb. It has satisfied them. It has satisfied members of the IATSE who have twice elected me president."

Parenthetically, there has been a subsequent election again.

"Therefore, I am afraid it will have to satisfy Mr. Sorrell."

Of course, that was brought out by Mr. Sorrell during the period of the strike for the purpose of trying to justify his unlawful conduct at that time.

Now, I want to close this Browne-Bioff incident with a formal statement of the convention of the IATSE, which I think this committee should have before we again place Mr. Walsh and Mr. Brewer on the stand, so that any questions can be presented to them with respect to it.

This statement was dated March 16, 1945, and was subsequently unanimously approved as presented to the convention by the convention of the IATSE, and was signed by the entire general executive board, with Richard F. Walsh, international president, and all of the nine vice presidents, and by the general secretary-treasurer.

I think it is very important and very serious.

To the members of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada. Greetings:

Because of the recent release from the Federal penitentiary of former International President George E. Browne, and his representative, William Bioff, the general executive board, at its recent meeting at Minneapolis, decided that it should make plain, positive, and unmistakable, its position toward these two individuals who have betrayed and brought discredit to our great alliance.

William Bioff is not now and has never been a member of this alliance. George E. Browne, a former member of Chicago Local No. 2, resigned his membership in the alliance at the request of a union investigating committee. Under international law, before either Browne or Bioff can be admitted to membership into any local union of this alliance, the application for membership must be approved by the general office. This is official notice to all local unions that such approval will not be given by the general office nor will either of these men be permitted to associate themselves with this international or any local union of the alliance in any manner or capacity whatsoever.



This action, we hope, closes the door on a very unfortunate, unsavory, and unpleasant episode in the history of our alliance. There is evidence, however, that certain members of the alliance, in an effort to further their own personal ends, have recently sought to keep this unfortunate affair before the public. Such action on the part of any member or group of members of the alliance is a great disservice to our organization.

This record which is now available to us proves without question that former President Browne most reprehensibly betrayed the trust which the officers and members of the alliance had placed in him. The executive board can understand the misgivings of our membership as to how such a situation as was revealed by the testimony given by Browne and Bioff could have existed. The board can understand the feelings of the membership because the board is in precisely the same position.

In considering this situation our members must give full recognition to the fact that from the inception of the alliance the international president was and is the administrative head of the alliance. The history of our organization has proved the necessity and the desirability of placing major responsibility in this officer and likewise giving him the power properly to discharge that responsibility.

Now that we can look back on the situation with the benefit of the information which we have been able to obtain, we can readily see that one of the most clever parts of this conspiracy was to so conduct the affairs of the alliance as to make certain that the membership would be solidly behind Browne in the conduct of its affairs. The record which Browne presented to the board was most impressive. This was the same record which was presented to the various conventions of the alliance and which induced the delegates at Kansas City in 1936, at Cleveland in 1938, and in Louisville in 1940 to support Browne in the firm belief that he was handling the affairs of the alliance in the best interests of its membership.

The Government, in its answer to the appeal of the underworld associates of Browne and Bioff, pointed this out. The brief says, in part:

"Before the advent of Bioff and Browne it (the IA) had a long and honorable history. From the labor point of view, the IATSE had created an enviable labor record in the past 25 years with regard to hours, wages, and working conditions. As indicated below, this was maintained and even improved during Browne's reign as international president" \* \* \* "Actually, the record shows that repeatedly these confederates did things to further the legitimate aims of their union in a manner utterly inconsistent with any theory that they were acting to the detriment of union members."

A review of the achievements of that period will indicate that the record was everything that the Government said it was. At the time, in 1934, that Browne was first elected president the fortunes of the alliance were at low ebb. We had lost control of the studios almost completely. The severe depression that confronted the motion-picture industry was threatening the future of many of our most substantial operators' local unions. The almost complete lack of stage shows had created a serious unemployment problem for our stage employees' local union. But by the time the 1940 convention had arrived great progress had been made. The studios were organized for the first time under closed-shop conditions better than we had ever had them before—not only for the IA but for most of the crafts of the American Federation of Labor involved. The pictures coming out of the studios of all the major producers for the first time carried the IA union label. The laboratory workers and the film-exchange workers were organized and working under closed-shop agreements. Generally speaking, the conditions in the majority of our local unions were at an all-time high. At our conventions we heard Browne highly commended by the president of the American Federation of Labor and by the presidents of other great labor organizations, and as a result of the fact that he had rebuilt the prestige of the IA Browne had been twice elected a vice president of the American Federation of Labor. Even representatives of our employers, whose testimony later helped to convict Browne, praised him before our conventions. Certainly, it seemed to everyone that the IA had again come into its own.

In view of such a record, it is not surprising that the delegates to the convention in Louisville in 1940 voted unanimously to support Browne. It is true that at that time rumors were being circulated alleging certain illegal conduct on the part of Bioff and intimating that perhaps Browne was involved. However, as the sources of these rumors were known to be hostile to the labor movement as a whole, no recognition was given to them either by the delegates or the officers of the IA.

I want to parenthesize by saying that I think a mistake was made.

The executive board, like the delegates to that convention, did not take such attacks seriously, for before them was this record of achievement that far surpassed our fondest hopes in the dark days of 1934. Employers who pay off labor leaders, we concluded, pay them off for tearing down union conditions, not for building them up as had been done during the past 6 years.

The same Government brief mentioned before described some of these achievements as follows:

"Among the benefits obtained by Bioff and Browne for the union was a 10-percent raise in 1936 for the membership of the IATSE covered by the basic agreement and further raises of 10 percent in each of the following years: 1937, 1938, and 1939. Eighteen hundred laborers taken over by the IATSE on the west coast who had been getting 45 cents an hour were raised to \$1 an hour. Make-up artists who had been previously getting as little as \$45 a week were raised to a minimum of \$115 a week. Raises and union recognition were even obtained by Bioff for unions not a part of the IATSE."

Including Mr. Sorrell's own union, the painters' organization.

"In obtaining an agreement with the producers that the IATSE emblem would be displayed on films, Bioff gave permanent assurance to his union that as long as the IATSE will control operators in theaters, films on the west coast will always be made by his union. Supplementary to his control over the industry and to demonstrate his power, Bioff became the leader of all the unions dealing with the motion-picture industry in California, obtained raises for them, forced the industry to buy union-made supplies, barred the distribution of a trade publication from studio lots until such time as it employed union labor, and apparently without knowledge on the part of labor leaders in California of his illegal activities secured their adulation. Even a defense witness called to contradict portions of Bioff's testimony had to observe that Bioff did a good job for the IATSE."

That is quoting from the Government brief in the prosecutions of the gangsters connected with Browne and Bioff.

Future developments proved that we were all deceived by the front which Browne had built. However, until the disclosures came out at the various trials there was no information available which would justify our deserting the man under whose administration so much had been achieved for the IA and who, we felt, was under attack for those achievements.

When evidence to sustain these charges was available, the general executive board acted as rapidly and as constructively as possible. The relatively minor effect which this shameful betrayal has had on the effectiveness of our organization is proof of the able and efficient manner in which the affairs of the alliance have since been conducted.

When President Walsh assumed the presidency of the alliance he faced one of the most difficult tasks that any man in the labor movement ever faced. Because of the actions of his predecessor and the attendant publicity surrounding those actions, many an accusing finger was pointed at the new president. But he did not hesitate. He took the job with all of its implications and has since devoted his every effort toward restoring the IA to its rightful place in the respect of honest men. In accomplishing this he has been as forthright and honest with the membership as any man could possibly be.

At the Columbus convention in 1942 he recommended that the 4-year term be changed back to 2 years and insisted that all of the officers resign to that convention and stand for reelection notwithstanding the fact that under the constitution they still had 2 years of their terms to serve. He recommended and worked for the passage of other amendments to the constitution which might prevent for all time the recurrence of such a situation as existed under Browne's presidency.

MR. OWENS. Is all this in the Government's brief?

MR. LEVY. No, sir; I told you where the Government's brief ended. This is now in the statement of the convention of the IATSE.

He spent long hours in traveling and conferring and in handling personally difficult problems throughout the alliance which were a source of difficulty. Also at the Columbus convention in 1942 he called an executive session of the

delegates, which was in effect an open forum of the IA for discussion of all matters affecting the alliance, including the question of the 2-percent assessment. After several hours of discussion on these matters the delegates voted to adjourn the session and everyone agreed that the matter was closed. It is the considered opinion of the general executive board that no good can come to the alliance by trying to reopen it now.

President Walsh is giving the alliance strong leadership and at the same time is maintaining a greater degree of democracy than we have ever had before. He is succeeding in his endeavors to undo the harm that has been done to our alliance but his task is being made immeasurably harder by those who would seek to capitalize on our past misfortune. Our members should recall his closing words to the 1942 convention in Columbus when he said:

"I came to this convention not knowing just what was going to happen, but I came in with the thought in mind that we would go out of here with a clean slate and start off anew. Anything that happens from now on we, the officers of the alliance, are responsible for; we, the officers of the alliance, will have to answer for."

For what has happened in the past we must all take our own measure of responsibility, but for what has happened since November 9, 1941, when President Walsh was elected, we, the officers, are making no apologies. In an organization such as the IA the confidence of the membership in its officers is a prerequisite to its success. Those who seek to undermine the confidence of the membership in their officers are working for the destruction of the alliance. In this connection may we again quote President Walsh and ask you to give serious consideration to the closing words of his report to our recent St. Louis convention. He said:

"Look with suspicion on those who seek to plant the seeds of discord within our ranks by attempting to divide us by ranging group against group. That way lies the road to disaster and disintegration. Now is the time to close ranks and solidify our position, to rededicate ourselves to the principle on which the alliance was founded and adherence to which has made it great—the simple, old adage of 'one for all and all for one.' If we do this, nothing will be able to destroy the alliance, which means so much to us and our loved ones."

The Browne-Bioff incident in the life of the IA is closed. It is imperative to the interests of the future of the alliance that the public be permitted to forget it. It is expected that this official declaration by the executive board will end this matter for good.

General Executive Board: Richard F. Walsh, International President; Harland Holmden, First Vice President; William P. Covert, Second Vice President; Floyd M. Billingsley, Third Vice President; James J. Brennan, Fourth Vice President; R. M. Kennedy, Fifth Vice President; Felix D. Snow, Sixth Vice President; Carl G. Cooper, Seventh Vice President; W. C. Barrett, Eighth Vice President; Louise Wright, Ninth Vice President; Louis Krone, General Secretary Treasurer.

Now, I bring this to your attention, Mr. Chairman and members of the committee, because the IA makes the very definite charge that the purpose of Mr. Sorrell in continuing his attacks upon the IATSE with respect to the history of Browne and Bioff, is not done because he knows or has any proof or believes that there is racketeering in the IATSE since November 1941, but because of malice in a desire to continue the turmoil in studio labor.

While the convention felt in that declaration which I read to you that the Browne-Bioff incident ought to be closed and it ought not again to be rehashed in public view, I urged upon Mr. Walsh and he gladly consented that no congressional committee can properly investigate this situation unless we were willing to open the whole thing up; if there is anything wrong in the IATSE under the present administration we want to know it so that we can clean it up.

One thing more about that incident, and I say this because I am a lawyer.

One of the charges that Mr. Sorrell made was that counsel for the IATSE on the west coast—Messrs. Bodkin, Breslin, and Luddy—were also counsel for the IATSE during the time or a portion of the time that Messrs. Browne and Bioff were involved with the IATSE. From that he gathered that therefore the regime continued.

That is on a par with Mr. Sorrell's charges against Mr. Denham; on a par with Mr. Sorrell's charges against the National Labor Relations Board; on a par with Mr. Sorrell's charge against one of the most honorable judges in the United States, the senior district judge of the Southern District of Georgia, Hon. John C. Knox, when Mr. Bodle seemed to indicate in a most Sorrellian smear tactic that there was some strange deal whereby Judge Knox participated involving Browne and Bioff getting a reduced sentence. I happen to know Judge Knox. We are not on the same side of the political fence, but there is no more honorable, no more able judge in all the courts of our country than John C. Knox. That type of swear ought to be rejected by any committee investigating Mr. Sorrell, because now we have gotten to the point where we ought to continue the investigation of Sorrell, and not worry too much about the jurisdictional labor dispute.

What did he say about Mr. Luddy, Mr. Breslin, and Mr. Bodkin? Anyone in California knows they are among the most outstanding lawyers in California.

Mr. Breslin was president of the Los Angeles (Calif.) Bar Association. But it doesn't make any difference to this man Sorrell.

He brought up something about the fact that the IATSE was continuing to pay some bills for Browne and Bioff. I want to tell you something about that.

A California lawyer or tax expert by the name of Russell presented a claim against the IATSE shortly after Mr. Walsh became president. That claim resulted from the fact that he had represented the IATSE or represented Browne during the period that Mr. Browne was president. I think the claim was for something like \$10,000.

Far from paying it, Mr. Walsh asked me to instruct our counsel in California to contest it. He refused to pay it. The courts decided that the IATSE had to pay it, and we paid it only after judgment had been taken against us.

My point is that Mr. Sorrell knows these things and when he quotes a portion of a newspaper or has his lawyer do it and ignores the fact that that same newspaper says Bioff is not welcome in the IA; when he ignores other facts which he knows, that to me is a clear indication of the policy and tactics of Mr. Sorrell, who has been flinging charges against the IATSE and thinking that he can live by those charges without proof, since 1941.

Now, an interesting thing happened, Mr. Chairman, and gentlemen of the committee, which I want to bring to your attention, on the basis of Mr. Sorrell's testimony, because he made a great play about it.

You will remember that when I first testified before you, I presented a dozen or a score of recognized Communist fronts in which Mr. Sorrell participated. He glibly had an explanation for each of them. One of them was, he was a friend of the fellow who brought him in. The other one was, that he was not a friend of the other fellow. In other words, he was brought in to one because he was a friend of Isserman; he was brought in to support the Communist, McCormick, because he did not like Jack Tenney. There was always some excuse;

either he liked somebody or did not like somebody, but there was always that excuse, on the basis of which he thought he would be able to put something over on this committee.

Here is some documentary evidence on which I think he fell down a little bit.

You will remember I had stated that the People's Daily World, the Communist newspaper, had published an article on April 19, 1940, to the effect—get the date, April 19, 1940—to the effect that as a part of a Communist front—I claimed Mr. Sorrell had participated in a peace strike in the colleges of southern California. That was during the Stalin-Hitler pact, as you will remember, and the Communists were all for peace.

I stated that the article indicated, and I quoted from it, that UCLA—as we know now, that is the University of California at Los Angeles—"President Herb Sorrell, of Labor's Non-Partisan League, will be the speaker."

I was sitting here when he answered that. He said, "Oh, I know that I wasn't there, because April the 18th is my birthday and I knew that I wasn't there on April 18."

In compliance with the rules of the committee, I did not arise immediately to confront him with the facts, but I remembered it and made a note of it.

This type of misleading conduct is what we have to confront with in order to get this information clarified.

The article did not say that he spoke at UCLA on the night of April 18, his birthday; the article stated that on April 19 there would be these rallies of these 12,000 Los Angeles students in the seventh annual national peace strike. He thought he fooled the committee, but I do not think he did.

Therefore, I got another article from People's World of April 18, the day before, in which it is pointed out—and I want to add this to the exhibits before this committee—that the peace strike at which Mr. Sorrell was listed to speak was to be held on Friday, April 19, at 11 a. m., on the UCLA quad.

It was obvious from any reading of the exhibit that no one claimed he spoke on the night of April 18. I point that out to you as one indication, or, rather, an additional indication that we have to beware before we are taken in by a man like Mr. Sorrell.

You have the exhibit before you of the People's Daily World of April 19, 1940, and I ask that there be marked as an exhibit, this People's Daily World of April 18, 1940.

Mr. McCANN. May that be received?

Mr. KEARNS. If there is no objection it will be received.

(The paper was filed with the committee.)

Mr. OWENS. Mr. Chairman, there was a question raised as to every one of these things was to be answered. I did not state the law fully, but we understand the law to be if a man has made a false statement regarding a material issue that even a jury would be entitled to disregard all his other testimony unless it is corroborated by other good and competent evidence.

Counsel having that in mind might be able to save us a great deal of time.

Mr. LEVY. I shall, sir.

I want to add one further thought, and then I shall present some exhibits to you.

In his testimony Mr Sorrell denied that he was a sergeant-at-arms at the Communist Party convention. He said some peculiar woman by the name of Vale had accused him of it, but that Rena Vale had gone to the insane asylum.

The chairman and gentlemen of the committee will remember that. That was news to us.

I do not think that even Mr. Walsh, Mr. Brewer, or I had ever been in touch with Rena Vale, but we came to the conclusion that we ought to get in touch with her. We did the best we could to ascertain her whereabouts.

I want you to know that I can say on her authority that whatever efforts the Communists made because of her disclosures to the Tenney committee, to harass, annoy, and disturb her, they did not succeed in sending her to the insane asylum and in my judgment she will be appropriately available for any proceedings that your honorable committee may undertake, in view of the existing situation in this investigation.

Now, I want with some rapidity to present to you some additional material which has more lately come in with respect to Mr. Sorrell.

MR. McCANN. Mr. Chairman, at that point may we have a definite statement that the lady is now at some specific place, some particular address, or that she may be communicated with? In other words, you have left us still in the air as to where she is, or anything about it.

MR. LEVY. I have made my statement, Mr. McCann, and that will be the statement I will make.

MR. OWENS. The committee knows where she is, Mr. McCann.

MR. McCANN. I am sorry, I did not know.

MR. KEARNS. I am sure I don't know where she is. If you know, it is all right.

MR. McCANN. The only point I am making, Mr. Chairman, is that some of these things happen, and I know nothing about them. I am trying to make a record so that the committee may be able to contact her.

MR. KEARNS. Well, I would like to be in on it, too.

MR. OWENS. Well, now, I have reference to the statements made that this woman was previously in danger. There is no reason to place her in danger by informing us as to her whereabouts. I am informed of her whereabouts, and I will place that at the disclosure of the committee.

MR. KEARNS. All right.

MR. LEVY. Now, as late as March 9, 1948, a meeting has been called by the Civil Rights Congress, so-called, Division of Mobilization for Democracy, called to emergency action conference. That meeting is called because five men have been arrested for deportation and are on a hunger strike. Those five men are Ferdinand C. Smith, John Williamson, Irving Potash, Charles Doyle, and Gerhart Eisler.

This so-called emergency action conference by the Civil Rights Congress of the Division of Mobilization for Democracy is supported by our perennial friend, Herbert K. Sorrell.

I ask that this be received as an exhibit.

The winter, 1948, catalog of the People's Educational Center has already been published. Among the board of trustees of the People's

Educational Center is listed Herbert Sorrell. I ask that that, together with the 1946 catalog on which he was merely on the advisory board, be received in evidence, because he has apparently received a promotion from the advisory board to becoming a member of the board of trustees.

Mr. KEARNS. No objection.

(The documents were filed with the committee.)

Mr. LEVY. This was extremely interesting to me. You have heard, Mr. Chairman and members of the committee, the name of Dalton Trumbo. Mr. Dalton Trumbo, I think early in 1942, wrote an open letter to the American people. That open letter, crying for a second front, which was the Communist policy at that time, is supported by, among others, Herb Sorrell, president, Conference of Studio Unions.

I ask that that be received in evidence.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. President William Green, I understand, in 1944, urged the Los Angeles Central Labor Council to amend its constitution so as to bar Communists. Among those who were listed in the People's World of June 6, 1944, as opponents of the Green move, is Herb Sorrell, president of the Conference of Studio Unions. I think that ought to be received.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. Without comment, I ask that the following be received, in all of which Herbert K. Sorrell is listed as a sponsor, a participant, or the Conference of Studio Unions is so listed.

The National Conference for Protection of the Foreign Born, calling a meeting in October of 1947.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. A. F. of L. committee for affiliation with World Trade Union Congress indicating one of the sponsoring of unions was the Conference of Studio Unions. an undated communication.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. Civil Rights Congress, dated December 8, 1947. This is new material, sir, not previously had.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. OWENS. I thought this was in the nature of rebuttal.

Mr. LEVY. All I say is that Mr. Sorrell said, " 'taint so", or he had explanation. We asked for new material from California and we got it in.

I am very regretful that he found it necessary to suit his own convenience and to leave Washington.

Meeting for the Congress on Civil Rights, April 27 and 28, 1946.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Excerpt from Variety, March 11, 1943, showing that the Conference of Studio Unions protested the deportation of Harry Bridges.

Mr. KEARNS. No objection.

(The document was filed with the committee.)

Mr. LEVY. Sorrell apparently considers himself a proponent of civil liberties because some of the explanations which he made were on that basis.

In my judgment when we examine the civil-rights cases in which he is involved they always turn out to be in behalf of persons who are Communists or who are approved by the Communist Party.

I respectfully submit that we know from the recent tragic experiences throughout the world that when the Communists seize or achieve powers the civil liberties of all but the pro-Stalinist bureaucracy are dead, and the Communists prate about civil rights in our democracy, in my judgment only the better to destroy our very democratic way of life.

Mr. Landis is not here at the moment, sir, but I asked—I think at a time when Mr. Landis was presiding—that he ask for—and I think perhaps, Congressman Kearns, you did—obtain from the files of the Committee on Un-American Activities its dossier on the Communist affiliations of Herbert K. Sorrell. I suppose that ought to be presented in full to the committee so that that entire record will be available to every member of the committee when that is to be studied.

If you wish for me to go into that now, sir, I can.

Mr. KEARNS. You may, or you may submit it for evidence.

Mr. LEVY. I think, sir, it ought to be presented not merely as a reference exhibit, but ought to be presented and I will undertake to do that.

Mr. KEARNS. No objection.

Mr. McCANN. You mean you have the dossier of the Un-American Activities?

Mr. LEVY. I have a copy of it. I do not have the original.

Mr. McCANN. That is odd; we have never gotten any, and I did not know anything about it.

Mr. LEVY (reading):

INFORMATION FROM THE FILES OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,  
UNITED STATES HOUSE OF REPRESENTATIVES, ON THE COMMUNIST AFFILIATIONS  
OF HERBERT K. SORRELL

Herbert K. Sorrell is business representative for the Motion Picture Painters Local 644, Brotherhood of Painters, Decorators, and Paperhangers of American Federation of Labor, and he is also president of the Conference of Studio Unions. He is reported to have joined the Brotherhood of Painters in 1915 and began the organization of the Conference of Studio Unions, which he heads, in 1941. He led two recent strikes in the motion-picture industry.

The files, records, and publications of the Committee on Un-American Activities contain the following information concerning the Communist-front affiliations of Herbert K. Sorrell.

1. Herbert K. Sorrell never to our knowledge publicly admitted membership in the Communist Party. However, the California Committee on Un-American Activities has a photostatic copy of Herbert K. Sorrell's application to join the Communist Party under the name of Herbert Stewart. Handwriting experts have identified the writing on the application as that of Herbert K. Sorrell.

May I interrupt to say, sir, that this dossier was prepared prior to the report of the FBI, which has been presented by the honorable chairman of this committee some day last week.

Sorrell admitted to the California Committee on Un-American Activities that his mother's maiden name was Daisy Frances Stewart (1943 report, p. 95). Rena M. Vale, former member of the Communist Party, testified to the California



Committee on Un-American Activities that "Herb Sorrell, business agent for the Studio Painters Union, was regarded as the only Communist Party comrade in an American Federation of Labor union in Los Angeles who could put over the entire party line in his union." Rena M. Vale further testified that in connection with a session of the Los Angeles County convention of the Communist Party at 121 West Eighteenth Street, Los Angeles, "I recall that Herb Sorrell was doorman at the session I attended and accepted my credentials."

I want to say that I have before me now what I am informed is a photostatic copy of the minutes of the Communist Party convention of 1938 in which it is stated that Herb was one of the sergeants-at-arms, as expressed in his dossier on the basis of Rena Vale's testimony.

Mr. KEARNS. Do you want to say Herb Stewart or Herb Sorrell?

Mr. LEVY. All I say is Herb.

Herbert K. Sorrell admitted to the California Committee on Un-American Activities that he gave permission to have his name on some committee which accounted for his name in script on a copy of the minutes of this Los Angeles County Communist Party convention, which was held in April-May 1938. He also admitted to the California committee in testimony taken July 31, 1941, that Paul Cline and Jack Moore, admitted Communist functionaries in California, came to him when he tried to raise the per capita tax of his union and told him it was "going against the Communist Party line." The California Committee on Un-American Activities in a letter dated February 19, 1946, stated that, "The secret Communist Party affiliations of Herbert K. Sorrell is therefore established beyond a shadow of a reasonable doubt, and his activities explained in light of current Communist Party purposes and objectives. There is no doubt in the minds of the members of the Joint Fact-Finding Committee on Un-American Activities that Herbert K. Sorrell is a member of the Communist Party and presently an important stooge and tool of Communist Party design for the destruction of American Federation of Labor unions in Hollywood and the establishment of Communist influence and domination in the motion-picture industry."

I want to interrupt my reading of this dossier, Mr. Chairman, to make a request of you: When Mr. William C. Doherty, one of the members of the executive council committee of three was on the witness stand, at my request a question was presented to him in substance asking whether or not there had been discussions before the executive council of the American Federation of Labor of the situation involving Communist influences in Hollywood studio labor.

Mr. Doherty said that he remembered such discussions but that he would not be able to testify with respect to it without getting the minutes of the executive council.

In view of the fact that this honorable committee has undertaken to investigate the Communist influences in Hollywood studio labor, I think it is important for a complete picture of this situation to ask the three members of the executive council committee of three, or whichever member of that committee is present in Washington, to present those portions of the minutes of the executive council of the American Federation of Labor on the Communist problems in Hollywood, which have not been presented to this committee.

I know that the executive council minutes with respect to all other matters have already been presented, and I therefore make the request so that your committee's record may be complete.

Mr. KEARNS. I will instruct committee counsel's secretary to write the three-man committee, Mr. Knight, Mr. Birthright, and Mr. Doherty, and have Mr. Doherty furnish it for us.

Mr. LEVY. And that will be included in the record at this point?

Mr. KEARNS. Yes.

Mr. LEVY. Thank you, sir.

(The matter referred to is as follows:)

EXTRACTS FROM DIGEST OF MINUTES OF EXECUTIVE COUNCIL OF AMERICAN FEDERATION OF LABOR, APRIL 30 TO MAY 8, 1945, WASHINGTON, D. C.

Page 63: The council discussed the matter with President Lindelof.

Vice President Weber made a statement in regard to the situation existing in Hollywood in the motion-picture industry and the basic agreement which was made between the crafts and the studios.

Vice President Weber expressed the opinion that the painters' representative, Sorrell, is a known Communist, and the danger is that Mr. Sorrell and others finally may begin to call in the CIO, as the CIO is trying to get a foothold in these studios.

President Lindelof stated that he wanted to say for Sorrell that, while it is true Sorrell is a great friend of Harry Bridges, all of his activities with these studios have been for the American Federation of Labor.

It was suggested that the executive council call President Walsh in to meet with the council and tell him the story.

Page 97: President Walsh charged that Mr. Sorrell is a Communist and at one time tried to knock out the A. F. of L. law where you cannot have Communists in the council there. He contended that Mr. Sorrell supports everything that Harry Bridges sets out to do.

Page 99: Vice President Weber stated that he lives in Beverly Hills and knows the situation out there in Hollywood and stated plainly what is involved. He contended that the organization formed by Mr. Sorrell out there was for the purpose of breaking down the international organizations in the studios which is what Sorrell is out for. He stated the Communists are trying to use the Communists in the organization to break the power of our international unions in the studios.

The council considered the matter for some time.

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EXTRACTS FROM DIGEST OF MINUTES OF EXECUTIVE COUNCIL OF AMERICAN FEDERATION OF LABOR, AUGUST 6 TO 14, 1945, CHICAGO, ILL.

Pages 8, 9, and 10: President Green reported that the following letter was received from President Walsh:

NEW YORK 20, N. Y., June 6, 1945.

MR. GEORGE MEANY,

*Secretary-Treasurer, American Federation of Labor,*

*Washington 1, D. C.*

(Attention of the executive council.)

DEAR SIRS AND BROTHERS: Because of the very serious nature of the situation existing in Hollywood, I felt it desirable to call the general executive board of our international together before replying to your recent letter. We held a meeting last week and the matter was completely canvassed in all of its various ramifications.

The board members were of the unanimous opinion that everything honorably feasible to solve this matter, in cooperation with the officials of the American Federation of Labor, should be done in order to retain the close relationship which has existed between the International Alliance and the American Federation of Labor over the past 50 years. I want to assure you that everything we can possibly do to accomplish this end will be done.

There are, however, a great many problems connected with the situation in Hollywood which the board feels must be considered and to attempt any unilateral action on our part such as you propose in your letter would in their opinion not only not solve the existing problems but would undoubtedly create additional problems for the American Federation of Labor as well as the International Alliance. The general executive board members asked me many questions pertaining to the Hollywood motion-picture studio situation, some of which I could not answer. I have accordingly been requested to write you in order to get the desired information. Among the questions which must be answered before any real solution to the problem can be found are the following:

\* \* \* \* \*

2. What will the international unions involved do toward assuming the responsibility of disciplining their locals with respect, first to jurisdiction; secondly, in violating their no-strike pledge; and, thirdly, in seeing to it that the policies of the American Federation of Labor are carried out? The Conference of Studio Unions, which called this strike has been a front organization for the enemies of the American Federation of Labor since its inception. It has consistently followed the Communist Party line and has shown great sympathy and interest in the cause of the Communist-dominated CIO movement in southern California. When we called this matter to the attention of the officers of these international unions we were told by some of them that they could not control their local unions. As a matter of fact, the Painters International Union did order its local here not to strike, but the international order was defied. It seemed to us that these international unions who are making complaints against the International Alliance must assume responsibility in this situation if they are to make demands upon us through the American Federation of Labor.

\* \* \* \* \*

As we have previously mentioned, it is obvious to anyone who will permit himself to look, that the Conference of Studio Unions which called this strike has been used as a Communist-front organization to bore from within, destroy, and discredit the American Federation of Labor. The line which they have followed has been a program of agitation against the policies of the American Federation of Labor and the international unions affiliated with it. They have preached autonomy to the members and have tried to teach them to resent any action of the international unions in the same way that the Communists preach about democracy—only as a pied piper slogan in order the more easily to capture or destroy. This in our judgment has been done for the sole purpose of preparing the membership of these unions to swing into the Communist-dominated CIO when these leaders felt the time was opportune. It is our opinion that the IATSE is one of the very few unions here which support the American Federation of Labor, and we are without question the bulwark of the American Federation of Labor strength in the motion-picture industry. If any action is taken blindly by the American Federation of Labor that would destroy the power of the IATSE or even materially weaken it, the only union which would ultimately benefit would be the Communist-dominated CIO movement in southern California.

\* \* \* \* \*

Fraternally yours,

[SEAL]

RICHARD F. WALSH,

*International President, International Alliance of Theatrical Stage  
Employees and Moving Picture Machine Operators of the United States  
and Canada.*

President Green stated that the question the council should consider is that because of the seriousness of this whole situation and the wide publicity given to the case in Hollywood, it is of sufficient reason to ask President Walsh and his associates to come to Chicago to go over the matter with the council.

Pages 99-100: President Walsh contended that the communistic element out there is an issue in this case. He stated he received a telegram from Hollywood in regard to a meeting Herbert Sorrell had last night at which there were two CIO speakers.

Representative Roy Brewer made a detailed statement charging that there is danger from the Communist element out in California. He stated he has been on the coast since the day after this strike started and the threat of the Communist movement in Hollywood is very real. He charged that this threat is more than just a rumor, and contended that every one of the charters which the painters have issued in Hollywood are dominated by Communists; that they have control out there; that they have control out there is absolutely unbelievable and amazing. Mr. Brewer expressed the opinion that the IATSE is the only bulwark that is keeping the A. F. of L. in the studios and if the IATSE is destroyed and if Herbert Sorrell is permitted to destroy the movement, as he is trying to do, then the Communists will have complete control over the studios.

Mr. Brewer pointed out that the motion-picture industry is the greatest propaganda agency in this country and the Communists have recognized that. Mr. Brewer presented excerpts from a publication from the People's Educational School in Hollywood which he stated is a Communist-front school. He named prominent motion-picture personalities who have made appearances at this

school. \* \* \* He contended that all of these people have public appeal and carry influence. He stated that the IATSE has tried to the fullest extent to uphold the traditions of the A. F. of L. in the studios, but they will not follow the party line and that is the reason for this trouble.

Pages 101-102: President McFetridge of the building service employees union made a statement urging that action be taken by the council today if the A. F. of L. is going to remain the organization in southern California, and particularly in the motion-picture studios, and he stated that some authority should be given someone, whoever it may be, a committee or individual, to investigate this situation.

President McFetridge stated the trouble is of long standing and it is not only the set designers' controversy, but it goes back further than that.

\* \* \* Representative Beck of the teamsters made a statement in which he said there is truth in the statement that there is a concerted and positive trend to communism in the entire area of southern California. He stated that it is important for the future to settle this thing by some method of give and take. He stated that the CIO in the western part of the United States had made practically no progress whatsoever, and he spoke in detail of the work the teamsters have done in this regard. Mr. Beck urged that the A. F. of L. send some man in whom we have confidence to Hollywood to make an investigation.

President Brown of the electrical workers made a statement urging that an honest effort be made to settle this situation.

Vice President Bates stated that he is convinced that what adjustment is made will have to be made by somebody in authority from these international unions to act in a supervisory capacity and to remove the Communist influence, which nobody can deny is there.

\* \* \* There was further discussion of the conditions existing in southern California by the representatives present.

Page 128: Tuesday afternoon, August 14, 1945.

Meeting called to order at 2:40 p. m., President Green in the chair. Present: Green, Hutcheson, Woll, Weber, Bogniazet, Bates, Mahon, Knight, Birthright, Meany. Absent: Harrison, Tobin, Flore, Brown, Doherty.

Vice President Woll called attention to the fact that at the hearings held on the IATSE case, the Communist situation in Los Angeles was brought out and emphasized. He suggested that someone be appointed to look into the Communist situation in Los Angeles.

President Green stated that he is rather of the opinion from the expressions of the council that we favor the appointment of a committee to make an investigation and report to the council.

Vice President Birthright offered a motion that a committee be designated to investigate the matter and bring back a report to the council.

Vice President Hutcheson asked if it would not be more ethical to notify each international who is involved out there of the statements that have been made and ask them for a statement as to whether the accusations are so or not.

President Green stated it would be expected that the committee would consult with representatives of the national and international unions and get all the information they could from them because they are close to the picture and would be able to give information that cannot be secured from any other source.

Vice President Hutcheson stated that in the carpenters' organization any man who is a Communist and it can be proved, out he goes, and he cannot continue membership in the carpenters' union and be a Communist.

After further discussion a vote was taken on Vice President Birthright's motion. The motion was carried. Vice President Hutcheson voted in the negative.

## EXTRACTS FROM DIGEST OF MINUTES OF EXECUTIVE COUNCIL OF AMERICAN FEDERATION OF LABOR, OCTOBER 15-24, 1945, CINCINNATI, OHIO

Pages 9-11: \* \* \* President Green reported that he has received the following letter from President Walsh:

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS OF THE UNITED STATES AND CANADA,  
New York, N. Y., October 12, 1945.

Mr. WILLIAM GREEN,  
President, American Federation of Labor,  
Washington 1, D. C.

DEAR PRESIDENT GREEN:

\* \* \* \* \*

3. After I attended the meeting of the executive council of the American Federation of Labor in Chicago in August, I was informed that the executive council had decided that a committee of responsible representatives of the American Federation of Labor would be appointed by you for the purpose of making a thorough investigation and inquiry of the labor situation in Hollywood studios in view of the communistic and CIO infiltration among certain American Federation of Labor local unions there, the refusal of such local unions to abide by the rules of their international organizations, the defiance of such local unions of the decisions of the American Federation of Labor, and the failure of such local unions to carry out the policies of the American Federation of Labor on domestic and international matters, and in some instances organizing and supporting viewpoints directly opposed to that of the American Federation of Labor. I know from what you told me that you contemplated appointing such a committee soon, but I was compelled to report to our general executive board at our last meeting, that no committee to that effect and for such purpose had yet been appointed. I desire to point out that the failure to appoint such an investigating committee for a thorough inquiry is, in my opinion, indicative of the unwillingness of the American Federation of Labor to face the serious situation confronting the bona fide labor movement of the west coast and will not aid in the settlement of the jurisdictional differences in dispute.

I want to reiterate that I am prepared at all times on behalf of our organization to do all that is feasible within the honor of a responsible labor organization to resolve whatever disputes there may be between ourselves and any other legitimate labor organization. I think you will recognize that only by negotiation in good faith can be arrive at an appropriate conclusion. Ignoring the facts, fostering enemies within the family of labor, using force or political pressure—none of these things will have any effect upon our organization. We aim to do what is fair and just. We hope that the other organizations affiliated with the American Federation of Labor will do the same.

On behalf of our organization I want to express to you our appreciation for your interest and many courtesies.

Fraternally yours,

RICHARD F. WALSH,  
International President.

The council discussed the matter.

Mr. LEVY. I am going to ask, with your permission, that Mr. Brewer continue reading this for a few moments.

Mr. KEARNS. Very well.

Mr. BREWER (reading):

In his book, *Red Fascism* (p. 287), the chairman of the California committee pointed out that Herbert K. Sorrell had been identified by Rena M. Vale as active in the Unemployed Conference of Studio Unions, which Miss Vale said the Los Angeles Communist Party Trade Union Commission counted on to put over the Communist Party program. *Life* magazine for March 24, 1947, page 34, described Herbert K. Sorrell as a Communist Party member.

2. Herbert K. Sorrell has come to the support of the Communist Party on at least one occasion. When J. W. Buzzell, secretary of the Los Angeles Central Labor Council, introduced a resolution and report at the forty-third annual convention of the AFL State Federation of Labor in Long Beach, Calif., in Septem-

ber 1942, calling for national legislation against the Communist Party, Mr. Sorrell protested, saying "If this didn't come from a union man I would say it was subversive." This was reported in the People's World, official west coast Communist organ for September 28, 1942.

3. Herbert K. Sorrell has supported or defended a number of prominent individual Communists. He was an endorser of Mrs. LaRue McCormick, when she was a candidate for State senator in California, on the Communist Party ticket in 1942, according to the People's World for October 31, 1942, page 3 and October 24, 1942, page 5. He signed a petition demanding the release from prison of Earl Browder, then general secretary of the Communist Party of the United States, according to the People's World for September 24, 1941. Harry Bridges, who led the disastrous San Francisco general strike of 1934, has been identified as a Communist Party member by the Daily Worker, official organ of the Communist Party. The People's World for January 18, 1945, reported that Herbert K. Sorrell did work with a Bridges victory committee, then being organized by Bartley Crum in Los Angeles to fight the threatened deportation of Harry Bridges. Mr. Sorrell was a member of a California sponsoring committee of the Harry Bridges Defense Committee, according to an official letterhead of the organization dated August 24, 1939. He also was a signer of letter sponsored by the Harry Bridges Defense Committee, according to an official list of the signers, and according to an article in the Worker of July 19, 1942, page 4. Herbert K. Sorrell was a sponsor of the Schneiderman-Darcy Defense Committee, according to an undated letterhead of the organization. William Schneiderman was a Communist Party organizer and Sam Darcy was a Communist Party secretary for Pennsylvania. Mr. Sorrell also was an endorser of the Committee for Citizenship Rights, which was avowedly organized to oppose the threatened revocation of citizenship of William Schneiderman, according to letterheads of the organization dated January 10, 1942, and January 27, 1942.

The Los Angeles Times for May 25, 1941, reported that Herbert K. Sorrell would be a sponsor of a testimonial banquet at the Wilshire Bowl in Los Angeles on June 2, 1941, in honor of Leo Gallagher, a Los Angeles attorney, who is registered member of the Communist Party, and candidate on the Party's ticket for California Secretary of State in 1938.

4. Herbert K. Sorrell has also been affiliated with organizations which specialized in the defense of Communists. Official literature discloses that Mr. Sorrell was a sponsor of the Southern California branch of the National Federation for Constitutional Liberties. The National Federation for Constitutional Liberties, noted for its defense of Communists, was cited as a Communist front by the Special Committee on Un-American Activities in reports of June 25, 1942 and March 29, 1944, and by the Committee on Un-American Activities in reports of June 12, 1947, and September 2, 1947. Attorney General Francis Biddle said, in speaking of the organization: "The defenses of Communist leaders such as Sam Darcy and Robert Wood, party secretaries for Pennsylvania and Oklahoma, have been major efforts of the federation" (Congressional Record, September 24, 1942). Mr. Sorrell was also a sponsor of the Sleepy Lagoon Defense Committee according to committee stationery put out in June, 1944. The Sleepy Lagoon Defense Committee was an auxiliary of the International Labor Defense, properly termed by Attorney General Biddle as the "legal arm of the Communist Party."

5. Herbert K. Sorrell has supported the official west coast Communist organ, People's World, on numerous occasions. According to the issue of the publication for July 9, 1943, Mr. Sorrell was one of the endorsers of a prowar conference held on August 4, 1943, in order to raise funds for the paper's operation. The publication for June 29, 1943, page 1, reported this message from Mr. Sorrell: "Even the labor leaders who don't agree with you, read the People's World to know what is going on." The People's World for July 24, 1944, page 4, listed Mr. Sorrell as a supporter of the "current \$75,000 victory Spanish drive of the People's World."

6. Among the recent strike activities of Herbert K. Sorrell was a strike called in the motion-picture studios by the Screen Set Designers, Local 1421, on March 12, 1945. The People's World, official west coast Communist organ, criticized Mr. Sorrell editorially on March 15, 1945 for conducting a strike during wartime. The publication said that the responsibility of the union leadership involving the strike was particularly heavy since the Conference of Studio Unions and its leader, Herbert K. Sorrell, had established a record of progressive and patriotic unionism. The editorial continued, "therefore when this group sanctions strike action it seriously compromises its own prestige, and delivers a heavy blow at the non-strike policy." Hollywood Closeup, a publication of the International

Alliance of Theatrical and Stage Employees, AFL, pointed out in its issue of December 15, 1945, page 3, that the People's World began supporting Sorrell and his strike after July 1945 when the party line changed. The Hollywood Closeup cited a recent advertisement in the People's World which stated on behalf of the People's World: "Congratulations—Hollywood Strikers: On your victory which is a victory for the workers and the people everywhere in their struggle for democracy, higher living standards, and job security." Hollywood Closeup stated that the same People's World advertisement quoted Sorrell as saying: "By its honest and sympathetic support of our struggle to preserve domestic trade unionism in Hollywood, the Daily People's World has earned the support of our union members." The Sorrell strike was settled on October 12, 1945, with a National Labor Relations Board ruling that Local 1421 of the Painters Union was to be certified as bargaining agent for the striking employees."

Mr. LEVY. Now, Mr. Chairman, instead of continuing to read the 18 separate items and paragraphs of this dossier, I ask that it be deemed read and included in the record at this point.

Mr. LANDIS. No objection.

(The matter referred to is as follows:)

Considerable violence characterized the above strike and an investigation to see whether a break-down in law and order had occurred in the strike was ordered by the California State Legislature, according to the Los Angeles Herald Express of November 8, 1945. According to the Los Angeles Examiner of November 8, 1945, Vern Rasmussen, Glendale police chief, was one of the witnesses before the California State Assembly committee investigating the break-down of law and order. Rasmussen, according to this newspaper account, testified that one of the picket lieutenants at the Warner Bros. studio strike was Tony Schiavone, a former San Quentin convict, and that another of the pickets was Emil Freed, writer and publisher of the Fifty-ninth Assembly District Communists Club pamphlets which list Freed as head of the club. The Los Angeles Examiner for February 26, 1946, reported that the State supreme court in San Francisco had denied a writ of habeas corpus to Herbert K. Sorrell and had ordered him to serve a 16-day jail sentence for violation of a court restraining order. This jail sentence, plus a \$1,700 fine, had been imposed on Sorrell by Superior Court Judge Allan W. Ashburn, for violating a restraining order and engaging in rioting in connection with the above strike. The Los Angeles Times of May 15, 1946, reflects that Herbert K. Sorrell had also been prosecuted for rioting in connection with the film strike and picketing at the Warner Bros. studio in October 1945, and that he had been sentenced to serve 5 days in jail and pay a \$50 fine by Judge Raymond L. Reid of the probate California police court.

The second recent strike led by Herbert K. Sorrell began on September 27, 1946, and is still in progress. A jurisdictional dispute, like the one previously referred to, the strike has been directed mostly at the International Alliance of Theatrical and Stage Employees, AFL, and the battlefield has been located chiefly at the entrance of the Warner Bros. studios, according to the California Committee on Un-American Activities (1947 report, p. 172). The Communist Party in Los Angeles has pledged its support to the striking unions with the declaration that the Marxist theory of scientific socialism provides the answer to "the fight of the labor movement for its just demands," according to an editorial from the Hollywood Citizens-News for January 21, 1947. Support has also come from the Daily Worker, official Communist Party organ, which in its issue of June 19, 1946, stated that "Sorrell has carried on an experienced battle for his union against raiding tactics of reactionary leaders of the International Alliance of Theatrical and Stage Employees."

The California Committee on Un-American Activities meanwhile further stated that "The Conference of Studio Unions, headed by Sorrell, on strike for over a year, is Communist-dominated, inspired, and directed for the purpose of capturing the American Federation of Labor unions in the motion-picture industry" (1947 report, p. 370).

In connection with this current strike, Herbert K. Sorrell was indicted in November 1946, on three counts of conspiracy to violate an injunction, conspiracy to commit unlawful assembly and conspiracy to attempt to commit assault, according to the People's World for August 14, 1947, page 3. He is scheduled to come to trial on November 3, 1947, the newspaper said.

Roy M. Brewer, international representative of the International Alliance of Theatrical Stage Employees and Motion Picture Machine Operators, AFL,

testified before the Committee on Un-American Activities on October 28, 1947, that Herbert K. Sorrell had conducted four jurisdictional strikes in the motion picture industry; a brief strike in 1944; an 8-month strike called on March 12, 1945; a 2-day strike called on July 2, 1946; and the current strike called on September 26, 1946. Mr. Brewer stated that he believed the strikes were part of Communist plots to control the motion-picture industry as a whole. Mr. Brewer said part of the plan "as we see it, was for Communist forces, led by Mr. Jeff Kibre, Communist agent sent to Hollywood in 1935, and his successor, Herbert K. Sorrell, to infiltrate and control Hollywood technical labor \* \* \*."

Walter E. Disney, part owner of the Walt Disney Studio, told the Committee on Un-American Activities on October 24, 1947, that Herbert K. Sorrell, in trying to "take over" Disney artists, threatened to strike against Disney, to smear him and to "make a dust bowl" out of the Disney plant. Mr. Disney testified that at one time Herbert K. Sorrell said to him: "You think I am a Communist, don't you?" and added, "Well, I used their money to finance my strike in 1937." Mr. Disney stated that Herbert K. Sorrell put William Pomerance in as business manager of the screen cartoonists. The pro-Communist affiliations of William Pomerance are contained in an attached report.

7. Former Attorney General Biddle has said that "the (Communist) Party took control of the Workers Alliance as a medium through which to organize the unemployed, 'to develop widespread militant mass struggles,' and 'to build the revolution' through an association 'in a militant class-conscious unemployed organization.'" The Workers Alliance was cited as a Communist front by the Special Committee on Un-American Activities on January 3, 1940, June 25, 1942, and March 29, 1944; by the California Committee on Un-American Activities in its 1943 report, page 69; by Professor John Dewey's Committee for Cultural Freedom in April 1940 and by Attorney General Tom Clark in a report released December 5, 1947. Herbert K. Sorrell was the speaker at a mass demonstration sponsored by the Workers Alliance in Hollywood on March 7, 1940, according to People's World for March 8, 1940.

8. Herbert K. Sorrell has been active in a number of Communist-front organizations which supported Soviet foreign policy. The Conference for Democratic Action has been cited by the California Committee on Un-American Activities (1943 report, p. 91) as a Communist front, succeeding the American League for Peace and Democracy. The American League for Peace and Democracy was an organization which was founded by the Communists during the years prior to the Stalin-Hitler pact. It supported Soviet foreign policy for a united front after the Fascist aggressors, and the organization was cited as a Communist front by the Special Committee on Un-American Activities on January 3, 1940, June 25, 1942, and March 29, 1944; Attorney General Biddle referred to it as an organization "established in the United States in an effort to create public sentiment in behalf of a foreign policy adapted to the interests of the Soviet Union." (Congressional Record, September 24, 1942.) Herbert K. Sorrell was a sponsor of the Conference for Democratic Action, held at Fresno, Calif., according to a letterhead of the organization, dated January 15, 1940.

9. The American Peace Crusade was organized by the American Peace Mobilization. Attorney General Biddle has stated that "The most conspicuous activity of the American Peace Mobilization was the picketing of the White House, which began in April 1941, in protest against lend-lease and the entire national defense program \* \* \*. On the afternoon of June 21, 1941, he (Frederick V. Field, national secretary) suddenly called off the picket line around the White House" (Congressional Record, September 24, 1942). A leaflet of the organization dated July 1940, listed Herbert K. Sorrell as a supporter of the American Peace Crusade and another leaflet undated listed Mr. Sorrell as "an officer of the American Peace Crusade."

10. The Yanks Are Not Coming Committee was an official part of a campaign of the American Peace Mobilization. The slogan "The Yanks Are Not Coming" was issued by Mike Quin, writer for the official Communist papers, the Daily Worker and People's World. It was during the period of the Stalin-Hitler pact that the Communists organized the American Peace Mobilization, which picketed the White House, denounced President Roosevelt as a war monger, opposed lend-lease, and supported strikes in many war industries, and this organization has been cited as a Communist front by the Committee on Un-American Activities on March 29, 1944; by Attorney General Biddle, in a memorandum published in the Congressional Record of September 24, 1942, and by Attorney General Tom Clark in a report released December 5, 1947. Herbert K. Sorrell was a speaker at a demonstration of the Yanks Are Not Coming Committee held at the University of



California in Los Angeles on April 18, 1940, in order to induce students to stage a peace strike, according to the *People's World* for April 19, 1940.

11. The American Youth for Democracy according to the official statements of its leaders was formerly the Young Communist League. On April 17, 1947, the Committee on Un-American Activities issued a report on the American Youth for Democracy in which it called upon the Governors or legislatures of the various States and the administrative heads of the colleges and universities "to thoroughly expose the Communist connections of the American Youth for Democracy as well as the inimical objectives of the Communist Party in America." The Congressional Record of March 24, 1947, contains a statement made by the Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation, in which he spoke of the American Youth for Democracy as the organization "which conceals the evils and the corruption of American communism. This name is but a new one for the former Young Communist League. It reflects all the sinister purposes of the Communist Party of the United States. It employs the same techniques and has the same objectives, namely the conversion of our haven of liberty and freedom to worship as we choose to a godless, totalitarian state where the adversaries of democracy can do as they please." The American Youth for Democracy was cited as a Communist front by the Special Committee on Un-American Activities in the report of March 29, 1944, and it was cited as subversive by Attorney General Tom Clark in a report released December 5, 1947. The *People's World* for December 1, 1944, lists Herbert K. Sorrell as a sponsor of the American Youth for Democracy.

12. The People's Educational Center in Los Angeles was Communist directed. It was started in the fall of 1943 with a loan of \$1,000 from the Writers School of the League of American Writers and it received a rather complete Communist library from the Los Angeles Workers' School. The People's Educational Center has been cited as a Communist front organization by the Joint Fact-Finding Committee on Un-American Activities of the California legislature and records show that numerous members of the faculty and staff of the People's Educational Center were card-holding members of the Communist Party, among them Carl Winters, Eva Shafraan, Mildred Raskin, and Bruce Minton. A booklet announcing the curriculum for the winter of 1947, listed Herbert K. Sorrell as a member of the advisory board of the People's Educational Center. A catalog for the 1947 fall term listed Herbert Sorrell as a member of the Center's board of trustees.

13. At the Seventh World Congress of the Communist International, held in Moscow in 1935, George Dimitroff, general secretary, called upon all affiliated Communist Parties to make the greatest efforts in behalf of the campaign of the Spanish Communists. A number of projects were organized by the Communists in response to this request, and among them was the United Spanish Aid Committee. An official letterhead of the organization carried the name of Herbert K. Sorrell as a sponsor of the west coast branch of the United Spanish Aid Committee.

14. The Motion Picture Democratic Committee was cited as a Communist front by the Committee on Un-American Activities in the report of September 2, 1947, and also by the California Committee on Un-American Activities. Melvyn Douglas and Philip Dunne resigned from its executive board because of its Communist control. Official stationery of the organization lists Herbert K. Sorrell as a member of the executive board of the Motion Picture Democratic Committee.

15. The Hollywood Democratic Committee was the successor to the Hollywood Anti-Nazi League which was organized by Isaac Romaine, alias V. J. Jerome, member of the Central Committee of the Communist Party. The Hollywood Anti-Nazi League dissolved during the time of the Stalin-Hitler pact. Official literature of this organization listed Herbert K. Sorrell as a member of the executive board of the Hollywood Democratic Committee.

16. The Labor's Non-Partisan League was the Communist-controlled predecessor of the CIO Political Action Committee. Earl Browder, then secretary of the Communist Party, said in May 1937, that the league must become "the main stream heading to class political action, just as the CIO is now the main stream for organized labor," and instructed the Communists to work closely for the organization. The league was described as affiliated with the Communist Party by the Los Angeles County Council (J. H. O'Connor). Herbert K. Sorrell was State president of Labor's Non-Partisan League in California in 1940, according to *People's World* for May 2, 1940.

17. The Los Angeles Times for March 8, 1947, reported that a mass meeting welcoming Herbert K. Sorrell would be held in the Olympic Auditorium on March 9, 1947, and would feature Philip M. Connelly, who was lending his

support to Sorrell. Philip M. Connelly, head of the California State Industrial Union Council CIO, has been identified by Rena M. Vale, former Communist Party member and others, as a member of the Communist Party. Mr. Sorrell also served as sponsor of a committee which was set up to promote the election of Mary Dorothy Connelly, wife of Philip M. Connelly, to the board of education, according to an undated leaflet.

18. The American Committee for Protection of the Foreign Born, which specializes in defending such foreign-born Communists as Gerhart Eisler and Harry Bridges, was cited as a Communist front by the Special Committee on Un-American Activities on June 25, 1942, and March 29, 1944, and by Prof. John Dewey's Committee for Cultural Freedom in April 1940. Herbert K. Sorrell was a sponsor of a national conference held by the American Committee for Protection of the Foreign Born, on October 25 and 26, 1947, in Cleveland, Ohio, according to an official program of the conference.

Mr. LEVY. In order to proceed in some order I want to take up the question that was presented with respect to the War Labor Board Tongue decision, in the early part of 1945.

You will remember, Mr. Chairman, that in the early part of 1945, and as a result of the strikes called by local 1421, the National War Labor Board, which was then in existence, appointed an arbitrator by the name of Tongue to attempt to resolve the controversy respecting the set dressers.

The IATSE maintained—and I think properly—that the War Labor Board was not the legal or proper tribunal to go into this matter and that it was without jurisdiction to determine the question of representation involved, particularly in view of the fact that it was the position of the IATSE that set dressers appropriately belonged in a different unit than that claimed by local 1421.

Now the Tongue award has been offered in evidence in full by Mr. Bodle on behalf of Mr. Sorrell, and I think also on behalf of Mr. Cobb. Therefore I want to pay some attention to it.

I want to emphasize that the IATSE did not participate in the arbitration proceeding before Mr. Tongue, except to the extent of voicing its objection to the matter of jurisdiction.

I think investigation will show there was a barrage of repeated threats by local 1421 to strike even before the 12th of March 1945, pending the Tongue decision, and notwithstanding the wartime emergency, unless a favorable decision was rendered by the arbitrator.

An award was finally made sustaining local 1421's contention in part, but the award expressly provided for leave to appeal and stated that the award should continue only until such time as the National Labor Relations Board assumed and determined jurisdiction over the representation question.

Now the interesting thing about this is that on behalf of the IATSE I, or my representative in California, promptly filed an appeal to the National War Labor Board. That was before March 12, 1945.

Why do you think, sirs, that the National War Labor Board did not decide that appeal? This is the first time this has been disclosed in these weeks of hearings and it is important.

The rule of the National War Labor Board was that if a strike took place all of its machinery would stop; it would not process the appeal. The result was that when Sorrell and his cohorts went out on strike on the 12th of March 1945, the appeal which we took to upset the illegal award, because of lack of jurisdiction of Mr. Tongue, could not be heard by the National War Labor Board.

In other words, because Mr. Sorrell went out on strike after he had received a favorable decision from Mr. Tongue, we were not permitted to prosecute our appeal, not because of anything that the IATSE did, but because of something which Mr. Sorrell himself did.

In a telegram dated March 21, 1945, to Herbert Sorrell and the Conference of Studio Unions and local 1421, the then chairman of the National War Labor Board, the Honorable George W. Taylor, stated in just so many words that it would not take any action with respect to the petitions while the strike was in progress, and directed the strike to end; but because of the fact that the continuance of the strike, according to Sorrell's lights, continued to preserve the legal benefits of the Tongue decision, we were powerless to prosecute the appeal before the National War Labor Board and to show that the National War Labor Board had no jurisdiction in the premises.

If we may, I should like to break into my testimony so that we can hear in part from Mr. Brewer, then I will continue after Mr. Brewer ceases.

MR. BREWER. Mr. Chairman, I would like to start out by saying that I have been accused here of a lot of things by Mr. Sorrell. While I recognize the significance and the remarks of Mr. Owens about the discrediting of a witness on one portion of his testimony tending to discredit his testimony on all matters, I still think there are some charges made here which I think it is important the committee hear, so that they might not carry away with them some wrong impressions in regard to these wild and unsubstantiated charges which Mr. Sorrell made.

I will reduce my testimony to those points which I think are important to give you a clear understanding of what the situation is and will not attempt to just deny charges because there are denials.

However, I would like to say at the outset that if there are any points Mr. Sorrell made which any member of the committee is particularly interested in, that we stand ready, willing, and we believe fully able to answer any of the charges which he made with regard to the conduct of our organization in this strike.

I first of all want to say that Mr. Sorrell in his charges certainly attempted to convey the idea to this committee that I, as a representative of the international alliance, had carried on in the same fashion as Willie Bioff carried on.

I want to deny that categorically and without any qualification whatsoever.

I want to say in the first instance that I never saw Willie Bioff to talk to him. The only time I ever saw him was from the floor of a convention when he was on the platform at one of the conventions which I attended as a delegate from my own local union.

I never conversed with him. I knew nothing about his activities of my own first-hand knowledge and I know nothing about his activities at this moment.

I have not seen him or heard from him either directly or indirectly since I went to Hollywood and I have stated, as President Walsh has stated, that if there is any influence on the part of Willie Bioff or any of the element which he represented in the Hollywood studio situation, I will either eliminate it or promptly resign.

I want to say also that Sorrell pictured me as an individual, in his own words, as being the most unpopular man in Hollywood; that I had never been elected to any office; that no member of the alliance had ever voted for me. That is the impression which he gave.

I want to say in response to that charge that I earned a reputation in the labor movement in America before I ever held an official position with the international alliance. With the exception of one special assignment which was given me in 1944, I held no official position with the international alliance until 1945.

The major portion of my history as a labor representative was earned in the State of Nebraska, where I lived from the time I was born until 1943, when I moved to Washington to take a position with the Federal Government.

I was a president of the State branch of the American Federation of Labor for 8 years. I was elected to that office every year that I served. With the exception of the first time I ran I had never had an opponent and was elected by the unanimous action of the convention of the State federation of labor, which embraced all branches of unions affiliated with the American Federation of Labor.

I came into this industry as a projectionist. I started as a projectionist when I was 16 years old. I joined the IATSE when I was 17. The following year I was elected an officer of the State federation of labor.

I have constantly held an official position in some American Federation of Labor union since that time, with the exception of the period when I served in the War Production Board in Washington during the years of 1943 to 1945.

At the time I was appointed I was the secretary of the ninth district, which is a suborganization of the IATSE. The IATSE is divided into districts. Each of the districts elects its officers. I was the elected officer of the ninth district of the IATSE, elected in 1940, elected in 1942, elected again in 1944.

I was elected by a substantial majority the first time in 1940, and without opposition in 1942 and 1944. That is one of the largest districts in the alliance. It embraces nine of the Midwestern States, including the States of North and South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, and Illinois, all of them together comprising one of the largest areas in the alliance.

So that the impression which Mr. Sorrell gave that because I at this moment happen to occupy a position which traditionally has been an appointive position, that I was an interloper is a completely false one.

My whole life since I was 17 years old has been spent as a member of the alliance and has been spent in some official capacity with the labor movement of this country, with the exceptions that I have noted.

I might also say in view of these charges that so far as I know I was the youngest man ever to be elected to the presidency of a State federation of labor, when I was elected at 23, in 1923, to the office of president of the Nebraska State Federation of Labor.

So as I say, my reputation so far as the American labor movement is concerned, was earned and I think it was a good reputation that I will challenge anybody to deny, and before I ever went to Hollywood in 1945.

I knew when I went to Hollywood that these charges would be made, but I had lived in my organization long enough and I had a high

enough regard for it that I was willing to endure the smear campaign that I knew would come and the associations which would try to be made with me, in the interest of restoring our organization in Hollywood.

I want to say also that I am not sorry that I went there; that I am sure the history of the next few years will vindicate my position and that I will be able to make a real contribution to a constructive labor set-up in the Hollywood motion-picture studios.

Now there are a great many points Mr. Sorrell made which ought to be answered. Some of them deal with individuals with whom I have contacts so I want to clear up a couple of points with regard to at least two individuals, against whom Sorrell made serious allegations which were not true.

I particularly want to take up the case of Cappy DuVal.

Cappy DuVal has been pillorized by Sorrell not only in these hearings, but in every method that Sorrell and the Communist underground in Hollywood could pillory him.

The principal reason why he has been the subject of their attack is because of the stability with which he stood out against the efforts of the Communist underground and the forces with which Sorrell was associated to destroy sound labor unions in Hollywood.

He made the statement that DuVal had been brought to Hollywood from Chicago; that he was appointed to his office and that he could not be elected to his office, and made many serious charges like that. I want to give you the facts with regard to DuVal's history, so far as Hollywood is concerned.

DuVal was appointed by the secretary-treasurer of the alliance in 1936 to go to Chicago along with three other international members or members of the international alliance to help administer the new contract which had been put into effect.

The reason they found it necessary to take someone in Hollywood was because the producers objected to them setting up a system of stewards. The local union which embraced most of the back lot employees was a local union of 9,000 members. Most of them had come in recently as a result of this reorganization and there was a serious administration problem confronting the officers of the local.

So DuVal was appointed and went there to help administer that local.

In 1938 the local was turned back to the local officials. After the contract had been put into shape and it had become a functioning institution, an election was held and the local officers were placed in charge.

At that time Mr. DuVal went back to work in Chicago as a stage-hand, where he had previously been employed before going to Hollywood.

His family did not like it in Chicago and in order to please them he went back to Hollywood and went to work at his trade in the studios. He worked along and shortly after he went back this second time these locals were reorganized and local No. 44 of the IATSE—which is the local embracing the allied-property craftsmen in the studio—was organized. DuVal became a member of that local and continued to work at his trade as a property man in the studios.

In 1940 a vacancy occurred in the office of business agent of local 44, and the elected officials of local 44 asked Mr. DuVal to serve out that term. He accepted that post and did serve out the term, then he stood for reelection.

The first time he stood for election in local 44 was in 1941. Here is the actual number of votes which he received. He received 439 votes; an opponent by the name of Smith received 148 votes, and an opponent by the name of Bradfield received 131 votes.

Mr. KEARNS. Who held this representative post for the union before DuVal came there?

Mr. BREWER. Ted Hansard.

Mr. KEARNS. Did he run against him here?

Mr. BREWER. No; he did not. He was removed from office in the local union as a result of a fight. He got into a fight with someone—I do not know the exact details of it—but he was removed by action of the executive board of the local union and Mr. DuVal was chosen by the same officers to fill out that term.

Mr. KEARNS. And the post was really vacated when DuVal ran?

Mr. BREWER. He was appointed to fill out the unexpired term, then he filed for election. Those were the votes.

He got 439 votes as against 148 and 131, or he got more than both of his opponents combined.

Mr. KEARNS. What kind of an election was that, a secret ballot?

Mr. BREWER. It is a mail ballot—no; I am sorry. At that time it was not a mail ballot. It is the Australian system. Each member comes to the voting place, gets his ballot, goes in and marks his ballot in secret, almost exactly in the same manner as you vote in an ordinary municipal election.

The second election was held in 1943. He again had two opponents. This time he received 462 votes. A fellow by the name of Magginetti received 266 and a third man by the name of Crawford received 24. So there again he got a substantially larger number than both of his opponents put together.

I might say in this election he was actively opposed by Mr. Sorrell and the group which represented him through their tactics on the lots.

Now at the time of this revolt which I described earlier, when Irving Henschel and the group he represented attempted to interfere with the activities of the international in prosecuting the strike, DuVal was the business agent of the local. When the international took supervision over the local as the result of the actions of Henschel and his group, DuVal and all the other officers of local 44 were appointed to continue running the affairs of that local union.

I will say that the international has exercised a minimum of control. The situation there is very peaceful and is going along satisfactorily to the vast majority of the members.

I want to say further—and I say this personally—I never knew DuVal until I went to Hollywood, but he is one of the most honorable men I have ever known. He is completely honest. He is about as basically honest in the little things as any man I have ever known.

I say the charge Mr. Sorrell made against him is as completely a false charge as anyone who really knows Cappy DuVal can testify.

Mr. KEARNS. Mr. Brewer, at this time I would like to have you and Judge Levy relinquish the witness stand to take the testimony of another witness.

Mr. BREWER. All right; thank you.

Mr. LEVY. Yes, sir.

Mr. KEARNS. Thank you.

Mr. John R. Robinson, are you in the hearing room?

Mr. ROBINSON. Yes, sir.

**TESTIMONY OF JOHN R. ROBINSON, COMPTON, CALIF., FORMER  
PRESIDENT, DISTRICT COUNCIL NO. 4, MARITIME FEDERATION  
OF THE PACIFIC**

(The witness was duly sworn.)

Mr. KEARNS. As chairman of this subcommittee I am in receipt of a telegram from the Honorable Thomas L. Owens, of Chicago, Ill., which reads as follows:

Can identify Sorrell's Communist membership card as shown to me by him during 1937 studio strike in attempt to convert me. Can furnish detailed information covering this testimony as published, as I was very active in conduct of strike.

Signed by you, John R. Robinson, 1200 South Dudley Street, Compton, Calif. Is that a correct statement of the telegram?

Mr. ROBINSON. Yes, sir.

Mr. KEARNS. Is that a correct statement of the telegram as you received it?

Mr. OWENS. Correct, Mr. Chairman.

Mr. KEARNS. Mr. Robinson, at this time you may proceed in your own way to give any testimony or any evidence which you would like to present to the members of the committee.

Mr. OWENS. Possibly it would be a good idea to get his background first.

Mr. KEARNS. All right. Mr. McCann, will you establish the identity of the witness?

Mr. McCANN. Mr. Robinson, you have given your address where you now live?

Mr. ROBINSON. Yes, sir.

Mr. McCANN. What is your business or occupation?

Mr. ROBINSON. I am with the Bechtel Corp.

Mr. McCANN. How long have you been employed by them?

Mr. ROBINSON. I went to work for them about the 5th of January.

Mr. McCANN. 1948?

Mr. ROBINSON. Yes, sir.

Mr. McCANN. Where were you employed prior to that time?

Mr. ROBINSON. Prior to that I was with the Stone & Webster Engineering Corp.

Mr. McCANN. For how long were you employed by them?

Mr. ROBINSON. I went with them the 1st of February and left them on the 21st of December.

Mr. McCANN. Of 1947?

Mr. ROBINSON. Of '47.

Mr. McCANN. Prior to that by whom were you employed?

Mr. ROBINSON. United States Navy.

Mr. McCANN. How long were you in the United States Navy?

Mr. ROBINSON. Three and one-half years.

Mr. McCANN. Did you serve overseas for them?

Mr. ROBINSON. I was at the Terminal Island Navy Shipyard.

Mr. McCANN. You worked in the shipyards at Terminal Island?

Mr. ROBINSON. Yes. I was a turbine expert for them.

Mr. McCANN. Were you a member of the union there?

Mr. ROBINSON. No; I was not.

Mr. McCANN. And you were employed by them in a civilian capacity?

Mr. ROBINSON. Yes; civil service.

Mr. McCANN. What time did you go to work for them?

Mr. ROBINSON. I haven't the exact date but I was with them for 3½ years.

Mr. McCANN. Prior to that time where were you employed?

Mr. ROBINSON. I was with the United States Maritime Commission and was at sea for some time prior to that.

Mr. McCANN. In what capacity?

Mr. ROBINSON. With the Maritime Commission I was a senior machinery inspector; a shipyard inspector.

Mr. McCANN. Where were you located there?

Mr. ROBINSON. At the shipyard at Terminal Island and then I was out as a marine engineer for a short period of time at sea.

Mr. McCANN. What ship were you with?

Mr. ROBINSON. The last one I had was the *Topela* for the Richfield Oil Co.

Mr. McCANN. Were you employed by the Richfield Oil Co.?

Mr. ROBINSON. Yes.

Mr. McCANN. How long were you with them?

Mr. ROBINSON. I was with them only about 3 or 4 months; then I was with the Pennsylvania Shipping Co., on whatever ship they would assign me to.

Mr. McCANN. You were with the Richfield Oil Co. during the 3 or 4 months then?

Mr. ROBINSON. Yes, sir.

Mr. McCANN. You gave the names of two ships that you were on; is that correct?

Mr. ROBINSON. Well, I was on three or four ships altogether.

Mr. McCANN. With the Richfield Oil Co.?

Mr. ROBINSON. No; with the Pennsylvania Shipping Co. I was on several of their ships.

Mr. McCANN. That is a different company than the Richfield Oil Co.?

Mr. ROBINSON. Yes, sir.

Mr. McCANN. How long were you with the Pennsylvania Shipping Co.?

Mr. ROBINSON. Possibly 6 or 8 months was all.

Mr. McCANN. In what capacity?

Mr. ROBINSON. Marine engineer. I just took relief jobs.

I might explain my short period of time there. I would only go out in a relief capacity. When they were short of an engineer I would jump in and take a ship for them, get the cargo delivered and get back again. It was only in relief work.



Mr. McCANN. During all of this time did you live in the same place?

Mr. ROBINSON. No; I was living at Gardena then.

Mr. McCANN. Gardena, Calif.?

Mr. ROBINSON. Yes.

Mr. McCANN. Where is that located?

Mr. ROBINSON. That is about 5 miles, 4 or 5 miles from where I live now. I owned a home over there. I sold that and bought the one at Compton.

Mr. McCANN. How long have you lived in California, sir?

Mr. ROBINSON. Since 1931.

Mr. McCANN. Where were you educated?

Mr. ROBINSON. Duluth, Minn., and Milwaukee.

Mr. McCANN. Are you a college man?

Mr. ROBINSON. No, sir. I have attended engineering school, but I have no college degree.

Mr. McCANN. Prior to the employment with the Pennsylvania Shipping Co., where were you employed?

Mr. ROBINSON. Prior to the time I went with Pennsylvania Shipping I was with the Maritime Commission.

Before that I was 7½ years with the city of Los Angeles.

Mr. McCANN. In what capacity?

Mr. ROBINSON. Senior engineer for the bureau of construction.

Mr. McCANN. In the city of Los Angeles?

Mr. ROBINSON. For the city of Los Angeles; yes, sir.

Mr. McCANN. If you know, give us what years you worked with them.

Mr. ROBINSON. Well, I started with them in '37; '37, '38, '39, '40, and '41, and I left them to go in the Government service after the war started.

Mr. McCANN. If you don't mind, give us the beginning and the end, if you can. You said you were with them 7½ years, didn't you?

Mr. ROBINSON. It started in 1937. The exact date I do not remember. It was in the latter part of the year sometime.

Mr. McCANN. The latter part of '37?

Mr. ROBINSON. Yes.

Mr. McCANN. And you were with them then until '46?

Mr. ROBINSON. No; '42, when the war came on.

Mr. McCANN. I just wanted to get that accurate.

Mr. ROBINSON. That is right.

Mr. McCANN. I thought you said you were there 7½ years.

Mr. ROBINSON. I thought it was 7 years—oh, prior to that I was with the bureau of power and light. I was with the bureau of power and light of the city of Los Angeles for about 8 months on a frequency change job.

Mr. McCANN. What year was that?

Mr. ROBINSON. That started in '36. I was out of the city's employ for about 6 months.

Mr. McCANN. You started to work for the city of Los Angeles in 1936?

Mr. ROBINSON. That is right.

Mr. McCANN. You worked for them for 8 months?

Mr. ROBINSON. Then I was out for about 6 months.

Mr. McCANN. Then you were out for about 6 months and went back to the city of Los Angeles and worked for 7½ years?

Mr. ROBINSON. Well, until 1942, when I went into the Government service.

Mr. McCANN. I am not trying to confuse you, sir. I just want to get an accurate, chronological story here.

Mr. ROBINSON. I understand.

Mr. McCANN. Prior to 1936 where did you work?

Mr. ROBINSON. From 1934, at the time of the maritime strike after the strike was settled I was with the Marine Engineers Beneficial Association as organizer. Patrolman was the title they put on it. Upon the formation of the Maritime Federation of the Pacific, in addition to my duties as patrolman for the marine engineers, I was president of District Council No. 4 of the Maritime Federation of the Pacific.

Mr. McCANN. Is that an AFL organization?

Mr. ROBINSON. No; it was not AFL. The marine engineers, during my time with them, were strictly an independent organization with affiliations only with the Big Four Brotherhoods. But all of the other organizations in the Maritime Federation were AFL organizations. There wasn't any CIO at that time.

Mr. McCANN. Did you have any business experience prior to that time?

Mr. ROBINSON. I was a marine engineer prior to that since—I received my first engineer's license in 1919 and alternately went to sea and worked ashore as a stationary engineer, power plant engineer.

Mr. McCANN. When did you move to California?

Mr. ROBINSON. 1931.

Mr. McCANN. Could you start with your experience in California then and just give me the experience that you had in California from '31?

Mr. ROBINSON. Yes. I went out to California in 1931. I was about 3 months recuperating. I had been quite sick.

When I got back on my feet I went to work for the Union Oil Co.

I was with the Union Oil Co. for about a year. It was a very slack time, as you will remember. I was laid off but the engineer with the Union Oil Co. obtained another position for me with the Chile Steamship Co. I stayed with the Chile Steamship Co. until they sold their ships.

Mr. McCANN. When was that?

Mr. ROBINSON. That was in '33, the latter part of '32 and the first part of '33.

Mr. McCANN. Did you know Charlie Sherman with the Union Oil Co.?

Mr. ROBINSON. No; I don't.

Mr. McCANN. He was vice president there. I wondered if you knew him.

Mr. ROBINSON. No; I did not. That was a little above my head.

Mr. McCANN. What did you do after the Chile Steamship Co. sold out?

Mr. ROBINSON. I went with the Gulf Refining Co.

Mr. McCANN. How long were you with them?

Mr. ROBINSON. I was with them up until the 1934 strike. That was the forepart of 1934.

Mr. McCANN. Where was that strike?

Mr. ROBINSON. It was all over the Pacific coast.

Mr. McCANN. How long did it last?

Mr. ROBINSON. Well, I was involved in it for about 4 months.

Mr. McCANN. On behalf of the strikers?

Mr. ROBINSON. Yes. I came off on strike and stayed with the strike. After that strike then we had another strike along about '35, what they called the tanker strike. Of course, I was a patrolman.

Mr. McCANN. Were you involved in that?

Mr. ROBINSON. Yes; I was involved in that.

Mr. McCANN. Did you ever belong to the CIO or the AFL?

Mr. ROBINSON. There was not any such thing as CIO at that time.

Mr. McCANN. You did not belong to the AFL at all?

Mr. ROBINSON. No; not at that time. I belonged to the marine engineers. As I say, they were unaffiliated.

However, they are at the present time a CIO organization.

Mr. McCANN. Tell us how active you were in that strike?

Mr. ROBINSON. Well, I was a total stranger there with the boys when I came ashore. I was just another engineer. Through my assistance in the strike and so forth, I was quite active and fairly well able to speak. At the strike termination they decided to set up a federation of some kind for all the maritime unions, including the longshoremen and everybody.

I was elected as a delegate for the marine engineers to go to San Francisco for the formation of this federation as a delegate.

Mr. McCANN. What year was that?

Mr. ROBINSON. That was in '35. We were quite some time deciding what we were going to do and so forth. We did not know how we were going to go about it but we finally came out with a constitution and set it up. We submitted it to all the different organizations on the whole Pacific coast. It was finally endorsed by the membership.

Then we held an election of officers.

Harry Lundberg of the Sailors Union of the Pacific was elected as the first coast president. Harry Bridges was elected as president of the San Francisco Bay area district and I was elected for the southern California district.

Mr. McCANN. Then you are personally acquainted with Lundberg, of course?

Mr. ROBINSON. Oh, yes; he is a personal friend of mine.

Mr. McCANN. And Harry Bridges?

Mr. ROBINSON. Yes—I would not say the same thing about Harry Bridges, but Harry Lundberg and I are very, very close friends.

Mr. McCANN. Go on and give us your experience from then on.

Mr. ROBINSON. From then on I had quite a time. All my life I have been very much opposed to communism as a theory. I opposed it in the labor movement very seriously and fought it. We had a pretty good organization on the coast that was able, for the coast as a whole, to keep the Communist element pretty well subdued.

Harry Lundberg, Fisher from Seattle, myself down in San Pedro, we were quite active in keeping the Communist element subdued, every place except in San Francisco.

Mr. McCANN. You were living at San Pedro then?

Mr. ROBINSON. That is right.

Mr. McCANN. As a representative of the union there?

Mr. ROBINSON. That is right.

Mr. McCANN. Proceed.

Mr. ROBINSON. Then it got pretty strong, of course. We were pretty much on the spot in those days. In fact, I was on the spot—

Mr. OWENS. Mr. Chairman, I would like to ask a question to clarify this.

Mr. KEARNS. Yes, sir.

Mr. OWENS. You were at San Pedro?

Mr. ROBINSON. Yes, sir.

Mr. OWENS. Mr. Fisher was up at Seattle?

Mr. ROBINSON. That's right.

Mr. OWENS. Lundberg was between San Pedro and Seattle?

Mr. ROBINSON. He was all over the coast, he was the coast president.

Mr. OWENS. Then you are intimating the difficulty was at Frisco, where the fourth man was, Harry Bridges?

Mr. ROBINSON. That is right.

Mr. OWENS. That is where you were having the Communist difficulty?

Mr. ROBINSON. We had Communist trouble all over the coast. They would receive their instructions from San Francisco and then try to carry them out down in San Pedro and disrupt our set-up there. At that time we had the longshoremen. Of course, the sailors' union has always been, since Harry Lundberg has been the head of it, an anti-Communist group. My organization up to that time had been too, but in San Francisco our national committeeman—I wouldn't say he was a Communist but he was certainly under the control of the Bridges element.

Well, I fought them as long as I could. As long as I was in the organization I was twice elected president there.

Mr. McCANN. What years were you president?

Mr. ROBINSON. '35 and '36.

Mr. McCANN. Go ahead.

Mr. ROBINSON. Of course, we used to have our spies in the Communist Party just the same as they had in our organizations. We used to try to find out what they were doing and they used to catch us sometimes, too.

At any rate, they had to get me out of the movement. Like a lot more of the boys, they finally got us all, except Harry Lundberg. He is the only one of our old group that has been able to hold out against them.

Mr. McCANN. You mean the Communists managed to get you thrown out?

Mr. ROBINSON. Yes, sir.

Mr. McCANN. Were you defeated in '37 as president?

Mr. ROBINSON. No; I was not defeated. I have been dropping down so fast my ears are blocked up and I cannot hear very good. I am sorry.

No; it was in '36. I was never defeated in an election at any time in the San Pedro area. I will say that I had the good will of all the members of all the unions in San Pedro.

But through Mr. Merriweather, who is the head of the engineers for the coast, he figured a way to get rid of me.

He made a trip around and called on the executive board of the marine engineers around the whole country and told them that I was

a disrupter, because I had opposed his policies in the marine engineers.

Mr. McCANN. Was Mr. Merriweather a Communist?

Mr. ROBINSON. No. I would not say Mr. Merriweather was a Communist. That I don't know, but he did take his instructions from the Bridges group.

Mr. McCANN. Didn't you just tell us you were elected as president?

Mr. ROBINSON. President of the federation, that is right.

Mr. McCANN. In San Pedro for 2 years?

Mr. ROBINSON. That is right.

Mr. McCANN. '35 and '36?

Mr. ROBINSON. That is right.

Mr. McCANN. How did they get you out of an elective job in '36?

Mr. ROBINSON. Just the same as they got me out of my membership in the marine engineers. They went through the simple process of having the executive board cancel my membership in the marine engineers without any trial and without any hearing. In fact, it was done right here in Washington, while Mr. Brown was president of the marine engineers at that time. They just cancelled it.

They found a slight discrepancy that the president of the local in San Pedro had made in my application and they used that as the basis to cancel my membership.

Mr. McCANN. Who is the president of the national organization today?

Mr. ROBINSON. Today I do not know who the president of the national organization is but Randolph Merriweather in San Francisco runs it. I don't know what his position is today because I have been out of it so many years. I have stayed away from the waterfront, with the exception of twice filing application to see if I could get back and had them reject me again.

Mr. McCANN. The national organization has its headquarters in Washington, is that right?

Mr. ROBINSON. That is right. They used to be and I presume they still are.

Mr. McCANN. What is the name of the national?

Mr. ROBINSON. Marine Engineers Beneficial Association, better known as the MEBA. I have my own membership card in my pocket. Here is my honor certificate from the marine engineers.

Mr. McCANN. Mr. Chairman, I will read this into the record. It says:

#### HONOR CERTIFICATE

Marine Engineers Beneficial Association, Inc., No. 79, 605 South Beacon Street, San Pedro, California, hereby extends its expression of appreciation and vote of thanks to our loyal brother, John R. Robinson, a member of Marine Engineers Beneficial Association No. 79 for his valuable services and sacrifice for the order during the 1935 tank-ship trouble.

EDWARD H. SHEA, *President*.  
HARRY NORMAN, *Secretary*.

Dated this 18th day of June 1935.

Now, will you proceed and tell us what you did after you were thrown out of that organization in 1936?

Mr. ROBINSON. Well, having my membership cancelled in the marine engineers automatically removed me from the Maritime Federation. Several other unions offered me membership in their organizations: the shipyard workers and several of the other organi-

zations wanted me to stay in and offered me membership in their organizations, but the principle of it was wrong because I am a marine engineer and a ship's officer and I did not feel that that would be right: it would be more or less of a subterfuge and sooner or later it would cause trouble.

Mr. McCANN. Proceed now.

Mr. ROBINSON. So I resigned as president of the District Council No. 4. At that time I was considered Harry Bridges' biggest opponent on the Pacific coast, that is, I led the opposition. Harry Lundberg was a very able sidekick of mine, and Bill Fisher, of Seattle. I represented the engineers, Harry Lundberg the sailors, and Fisher the longshoremens.

Mr. McCANN. What time did you resign?

Mr. ROBINSON. I haven't got the exact date but it was in '36.

Mr. McCANN. Was it in the fall, the spring, the summer, or when?

Mr. ROBINSON. I think it was along in the latter part of the year.

Mr. McCANN. Then what did you do?

Mr. ROBINSON. Well, I was without a job, of course, so I went up to the Board of Mechanical Engineers of the City of Los Angeles and took the examination as a stationary engineer; I passed it, and in due time received my license as a stationary engineer and obtained a position with Mission Dry Corp. as stationary engineer. I was also with the Pepsi-Cola Co.

Mr. McCANN. How long were you with the Mission Dry Corp.?

Mr. ROBINSON. I was with them on two different occasions. They process orange juice and during the processing seasons I put in two seasons with them.

Mr. McCANN. Was that the winter of '36 and '37 or when was that?

Mr. ROBINSON. That was the winter of '36.

Mr. McCANN. Were you with them the winter of '37?

Mr. ROBINSON. No; when I finished that first period with them then I went on the frequency change job for the city of Los Angeles bureau of power and light.

Mr. McCANN. How long were you there?

Mr. ROBINSON. That was about an 8 months' job.

Mr. McCANN. When did you start and when did you get through?

Mr. ROBINSON. I am not exactly sure of that, because I would have to check back. That was about an 8 months' job to convert from 50 to 60 cycle the whole city of Los Angeles.

Mr. McCANN. Then what did you do?

Mr. ROBINSON. I worked at the Mission Dry Corp. for a short time. I had joined the International Union of Operating Engineers during the time that I was a stationary engineer.

I had only been in there a short time and Charlie Knowlton, the business agent of the operating engineers, of course had heard of my reputation on the water front, my activity and strife and so forth. We had—when I say "we" I mean the engineers local—had quite a number of members in the studios, employed at the studios as engineers.

At that time they were forming an organization. They wanted to form an organization patterned after our American Federation. He asked me if I would not go out with them to one of the meetings of all the representatives of the various studio unions and lend them some

advice as to how they could go about the formation of the federation. I did.

I gave him an outline of what we had gone through in the maritime industry.

Mr. McCANN. When did you do that?

Mr. ROBINSON. That was in, I would say, the latter part of 1936. It was while I was employed with Mission Dry and was working at the time as a stationary engineer.

Shortly after that—I don't remember just how long it was, but it don't seem to me that it was over 6 weeks or so after I had been out—that there was a strike called in the studios of all these organizations that had been in there. I believe the only ones that were not involved were the IATSE and the electrical workers, the IBEW. They did not participate. However, the carpenters, the machinists, painters, and all the other crafts, including my own, went out on strike. That was the first I knew about it when I read about it in the paper.

Mr. McCANN. You are talking about your own as the stationary engineers?

Mr. ROBINSON. That is right.

Mr. McCANN. They went out on strike?

Mr. ROBINSON. That is right.

Mr. McCANN. All right; proceed.

Mr. ROBINSON. I think we had some 42 men involved in that strike.

Mr. McCANN. Proceed.

Mr. ROBINSON. Then 3 days after the strike was called—no; 2 days after the strike was called—I attended a meeting at my local.

Mr. McCANN. What was the name of your local?

Mr. ROBINSON. International Union of Operating Engineers. I think it was local No. 63.

Mr. McCANN. Are you still a member of that?

Mr. ROBINSON. No; I am not. I have been away from the stationary game for some time.

Mr. McCANN. Go ahead.

Mr. ROBINSON. Mr. Knowlton, as the business agent, was not a very good speaker. They were going to have a meeting of all the strikers at the Hollywood Legion Stadium the next evening. He told me the membership at the local that while I was not an officer of their organization or anything of that kind, I had been very helpful to them at the previous meeting out in Hollywood and that he would like to have the organization authorize me as a delegate to go to that meeting at the Hollywood Legion Stadium, for the operating engineers. He asked me if I would do it and I assured him that I would be glad to. Anything that I could do to help them I would be glad to do.

I appeared at that meeting that night. My organization being the smallest organization numerically involved in the strike, we were the last ones to be heard, so it gave me a pretty good idea of what was going on in the strike. I could see that there wasn't much coordination because I heard the representatives of all the other organizations talking.

It appeared to me that if they continued the way they were going the strike was going to fall apart, and undoubtedly it would have. In fact, I think quite a few of the boys had gone back to work already.

Finally they got around to my organization and Mr. Knowlton, as our business representative, got up and said he would like very much

to have me speak for the engineers. He gave an introduction and told about my past experience with the maritime industry.

From what I had sized up of the other speakers, the other representatives' talks, they only seemed to have a grasp of their own individual union's troubles; they did not seem to grasp the entire picture. One seemed to be going in one direction and the other in another.

Well, I got up intending to talk for about 10 or 15 minutes. I never realized the time, but I guess I talked for about 2 hours. I gave them a pretty good picture of how if they wanted to win that strike they would have to go about it.

Well, out of a clear sky after the meeting was adjourned they literally dumped the strike in my lap and asked me if I would not cooperate with the strike committee in an advisory capacity and point out the pitfalls to them and help them get the strike working on a business basis.

That was about 3 o'clock in the morning that this occurred, this meeting at the stadium. I went home and got a few hours' sleep and got back down first thing next morning.

Incidentally I lost out on my job because of not being there for it—I passed up work.

I had quite a chat with the boys there. I said I would like to take a trip around the studios and see just what was going on, how they were conducting the strike.

Mr. McCANN. At that time you were working for whom?

Mr. ROBINSON. I was working for the Mission Dry Corp.

Mr. McCANN. And you passed up your job there?

Mr. ROBINSON. Yes. It was just about the tail end of it.

Mr. McCANN. So you did not go back there but you went out on this strike line at the studios?

Mr. ROBINSON. Well, I went up to strike headquarters.

They took me in a car and made a round of all the studios. It was—excuse my sailor term—but it was the damndest mess I ever saw in my life. This organization had no system to the picketing. Nobody seemed to know there would be a big mob—that's all you could call it—at the studio gates.

Mr. OWENS. In other words, it was massed picketing?

Mr. ROBINSON. It was not picketing at all, it was just a mob. That, of course, I knew would never do.

That was customary at every studio, excepting one, and that was Warner Bros.

When I got to Warner Bros. studio they had a picket line there that was functioning perfectly, with military precision, at each one of the gates. They had them all fully covered. They were really doing a fine job of picketing. I was quite surprised after seeing the rest of them, particularly at Paramount. That was really a mess down there.

Of course, I did not know any of the people involved in this strike. They were all strangers to me.

Mr. KEARNS. Pardon me there. Were you paid?

Mr. ROBINSON. No, sir; I never received 5 cents. I just went up there to help the boys out and never received a dime at any time for my assistance in that strike. In fact the boys didn't have anything to give me. I was just a union man and wanted to help them out.

I asked who was responsible for the fine picketing going on out at that studio. They said, "Oh, there's a painter by the name of Herb



Sorrell." So we stopped and I was introduced to him. I complimented him on what a nice job of picketing they were doing there and how well they had handled it, then went back up to strike headquarters. They asked me what I thought of it, and I said, "You are going to have to straighten those picket lines out or your strike is going to dissolve. For one thing you are going to have a lot of people in jail."

I said, "You are not doing any picketing, you just have a group of mobs out there. My suggestion would be that you get hold of that fellow that is the picket captain out at Warner Bros., get him in here and let him appoint his lieutenants and teach them all how to picket and get the picketing going on like that at all of the studios."

MR. OWENS. How long did you talk with Sorrell at that time?

MR. ROBINSON. Oh, that was just merely an introduction out there.

MR. OWENS. That was 11 years ago. What did he look like?

MR. ROBINSON. Well, he had a busted nose, caulflowered ears. I have seen pictures of him recently. He has probably put on 60 or 70 pounds since I saw him at that time.

MR. OWENS. How tall a man was he then?

MR. ROBINSON. How tall?

MR. OWENS. Yes.

MR. ROBINSON. Oh, I imagine Herb must be about 5-10, 5-10 or 11, something like that. I think he told me he used to be a middleweight boxer at one time. That would put him in the category of around 160 or 65 pounds, although he weighed a little more than that then. He probably weighed 185.

They sent right out and got Herb and brought him in. I had quite a chat with him then. I told him that I had recommended to the strike committee that he be appointed as picket captain for the whole group of studios. They immediately appointed him to that job and authorized him to go ahead.

Understand, I had no authority in it at all. All I did was give advice.

MR. KEARNS. Sort of like a coordinator?

MR. ROBINSON. That is right, because I had held no official position with any union. I was just a member of the engineers. They had requested that I come in and act in an advisory capacity and that I did.

They followed my advice and appointed Herb as the picket captain.

Prior to that I don't believe Herb had any official status in the painters' union at all. He was not on the strike committee. I believe that was his introduction to leadership in the union, so far as I know. Of course, I was not in the painters' union, but he was just a picket captain and a painter at Warner Bros., so far as I understand.

Well, he appointed his own lieutenants for each studio and instructed them on how to conduct the picket lines, and so forth. It didn't take him long to get things well organized.

In fact, about 4 or 5 days later he and I made a round of all the studios to see how the picket was progressing and it was very orderly. The boys hadn't gotten into trouble. They had a couple dozen of the boys pinched but it was for minor offenses that we were able to clear up.

MR. McCANN. Could you give us some date on when this was?

MR. ROBINSON. Well, if you know the date of the time of the strike—understand, at that time there was so much confusion there—if you can trace the date of the strike, I can give you the time when the strike was called. I came into the picture 3 days after it started.

Mr. McCANN. Three days after the strike was called you came into the picture?

Mr. ROBINSON. I came into the picture at the Hollywood Legion stadium.

The fourth day was the day I made the rounds of the picket lines and met Herb Sorrell and he was appointed picket captain for the entire strike.

Mr. McCANN. You made him what he was then, didn't you?

Mr. ROBINSON. Well, more or less when I took him out of the picket line.

Mr. McCANN. Proceed, then.

Mr. ROBINSON. Well, he was quite proud of the result. Of course, as I say, I did not know anything about any of the boys up there then. They were all strangers to me.

I met all the boys out there but I met so many of them I could not remember half their names. I think I knew most of the boys who were business agents. They came too fast for me.

But the strike was progressing very nicely. So this day Herb and I made a trip around the picket lines.

Mr. McCANN. How long after you met Herb was that?

Mr. ROBINSON. That was about 4 days.

Mr. McCANN. Four days after you met Herb?

Mr. ROBINSON. It had only been 4 or 5 days he had been conducting the picketing and had it organized. We made the rounds of Paramount, RKO, and all the rest of the studios, out to Culver City, and then over into the Valley, Universal, Warner Bros. After making the round I went up to Herb's home at Burbank and we started back to the strike headquarters.

Mr. OWENS. You went to his home, you say?

Mr. ROBINSON. Yes, sir.

Mr. OWENS. Did he have a family at that time?

Mr. ROBINSON. Yes, sir. He was married and I think he had one youngster, if I am not mistaken. I think he told me he had one youngster.

Mr. OWENS. Did you meet his wife or his youngster?

Mr. ROBINSON. I believe I did. I was in his home, but he just stopped to pick up something. It was just a moment's stop there.

Mr. OWENS. Just a casual visit?

Mr. ROBINSON. A casual visit. It didn't amount to anything. He said he wanted to drop up to the house before going back to the strike.

Of course, Herb didn't know anything more about me than I knew about him, excepting the fact that I had been on the water front.

So on the way back he asked me how I happened to get out of the water-front picture.

"Oh," I said, "I had a little disagreement with the Communist group, didn't see eye to eye with them, and they boosted me."

So we got into a discussion about the Communist Party and the labor movement. I said, "Well, I never trusted them very much: it is my opinion that the Communist Party is the worst enemy of organized labor that I know of and all the chambers of commerce, merchants, and manufacturers, and like organizations that there are."

Well, we had quite a discussion on it. Then he finally said, "Well," he said, "I don't believe it. In fact, I am a member of it, I am a member

of the Communist Party." And he pulled out his membership card in the Communist Party and showed it to me.

Mr. OWENS. What did it look like?

Mr. ROBINSON. It was in a little folder—he had his billfold and it was in a little folder.

Mr. OWENS. Was it white or blue?

Mr. ROBINSON. Yes; I believe it was white. The thing I noticed in particular on it was his name and we kidded about it.

Mr. OWENS. What was that?

Mr. ROBINSON. That was Herb Stewart. I said, "Well, hell, this isn't your name——"

Mr. KEARNS. Mr. Robinson, will you——

Mr. OWENS. Just a minute, Mr. Chairman, if you please. I think he had better exhaust his independent recollection without seeing it.

Mr. KEARNS. Well, he identified it as being white. I think that is enough information.

Mr. ROBINSON. It has been 11 years and some of these things are not exactly clear in my mind, but the general trend of it—there was a positive statement that Herb was a member of the Communist Party.

Mr. OWENS. You said you saw the name Stewart on the card?

Mr. ROBINSON. Yes. He explained they never used their own names for the reason that the records might be caught and they would get in a jam. Of course, that was old stuff to me. I knew that years before.

Mr. McCANN. How long did he say he had been a member?

Mr. ROBINSON. Just a short time at that time. He stated he had joined it sometime before. He had not been a member very long.

I think I made the remark to him at the time, "When you find out what the picture is, I don't think you will want to be in there." I think I had a very high regard for Herb, his honesty, his unionism, and I thought he was just off on the wrong foot.

So we discussed it all the way back into strike headquarters and discussed it many times after that.

Mr. KEARNS. Can you recognize this card, sir? [Handing witness a document.]

Mr. OWENS. Mr. Chairman: is it a card or a receipt?

Mr. ROBINSON. That looks like it, yes, but if I remember correctly it had another part to it, it was folded and he had that in his billfold. It seemed to me it was a folder of some kind.

Mr. OWENS. You are now looking at what is marked "Exhibit 1 for Identification of March 4." I believe.

You say it was not like that, that it was a folded card?

Mr. ROBINSON. It was a folded card; yes.

Mr. McCANN. Mr. Chairman, he is now looking at control card, first half of 1937, Book No. 74282.

Mr. OWENS. I think you will find the identification mark on the back of it, Mr. McCann.

Mr. ROBINSON. I am awfully sorry Herb isn't here to probably refresh my memory on some of the things we probably discussed at that time.

Mr. McCANN. This card is marked for identification "Exhibit 1."

Mr. OWENS. What date?

Mr. McCANN. March 4, 1948.

Now, you say that you have seen that card?

Mr. ROBINSON. It seemed to me that the card was actually a folded card.

Mr. OWENS. He didn't say he saw that, he said he saw a folded card.

Mr. ROBINSON. Yes; as I recollect it.

Mr. KEARNS. Did you ever see another Communist card?

Mr. ROBINSON. I don't believe so. He had his billfold out there and was showing me the card. Well, hell, I just took it, I glanced at it and said, "Well, hell, this isn't your name." He laughed about it and said, "Oh, hell, I don't use my own name; we don't use our own names in case the records are stolen or something."

Mr. KEARNS. Have you seen the cards other so-called Communists have carried?

Mr. ROBINSON. Oh, yes.

Mr. KEARNS. Do you identify that, then, as a control card?

Mr. ROBINSON. I would say that that is a Communist control card; yes.

Mr. McCANN. Have you ever seen any other card like that in your lifetime?

Mr. ROBINSON. Well, we had a lot of cards. They have had more different types of cards. When I was on the water front we raided their headquarters one time down in San Pedro and we got a lot of stuff out of there. They had quite a number of different types of identification cards, and so forth.

Mr. OWENS. What further conversation did you have with him at that time?

Mr. ROBINSON. Well, that was the general run of it. We argued back and forth. Of course, I didn't state just how much opposed I was. Once I found out he was a member of the Communist Party that immediately put me on my guard. I knew what I was going to have to contend with then, because I had already put him in a position or got him in a position where he was really in the saddle and not knowing that he was a member of the Communist Party at the time, then finding out that he was, I thought, well, I better find out whether he has the Commies all lined up in this deal.

Mr. KEARNS. In what way did he try to convert you, then?

Mr. ROBINSON. Well, he tried to sell me on the idea of what a wonderful thing communism was, and I let him proceed with it. I offered very serious arguments against it. Inasmuch as he didn't know what my background was, I thought, well, let him go ahead and sell me.

Mr. KEARNS. How was his salesmanship?

Mr. ROBINSON. Very poor. That is, his salesmanship to me as an officer, he didn't put it very well. I went along with him because I figured it was the better policy to do it, as I wanted to find out as much as I could about how strong he was. The Communists were pretty strong in Hollywood, but I didn't know how strong. I later found out.

Mr. McCANN. Mr. Chairman, I would like to show him a card marked No. 60622, and on the back of it for identification it is marked "Exhibit 2, March 4, 1948." I will ask you if you ever saw that card.

Mr. ROBINSON. By God, I believe he had that in his—well, I won't swear to having seen that card; no.

Mr. McCANN. You won't swear to having seen that card?

Mr. ROBINSON. No; that card.

Mr. McCANN. Now, that card on the face of it is a card which states, "I have received membership book." You don't recall having seen that?

Mr. ROBINSON. I wouldn't swear to it. I saw his identification there, but I wouldn't swear—I undoubtedly did see it, but I wouldn't swear to it.

Mr. McCANN. Now, is this the card you referred to as the card which was his Communist card?

Mr. ROBINSON. That is the one I had reference to. The name was what struck me. He very clearly stated that he never used the name.

Mr. OWENS. Did you say you saw a card that was folded?

Mr. ROBINSON. Yes; it seems to me it was in a folder.

Mr. OWENS. You said that it was folded up?

Mr. ROBINSON. If I remember correctly it had another half on it. What was on the other side of it now I don't remember.

Mr. McCANN. Mr. Chairman, I call attention to the fact that this card does not seem to have a perforated edge. The card which he said he could not identify did have a perforated edge.

Mr. OWENS. In other words, it was a different card than that.

Mr. McCANN. What conversation did you have after that, Mr. Robinson?

Mr. ROBINSON. Well, we arrived down at strike headquarters. There wasn't anything out of the ordinary; apparently it was just a couple of strike leaders discussing things. We had many other things come up there to occupy our time.

But then I started watching things a little closer to see what was happening.

During the progress of the strike there were many things came up that to me bore the stamp of pure Communist actions, that is, sabotage and stuff like that that they wanted to pull, that I immediately vetoed. It was brought up before the strike committee—

Mr. OWENS. You what?

Mr. ROBINSON. It was brought up before the strike committee that they wanted to do a lot of sabotage, and so forth. I always explained to them that if a strike was to be won at any time, any strike anywhere, it had to be with the good will of the public. We had to keep the good will of the public, keep the public behind us. If we pulled any sabotage and got the public against us, we were sure to lose. I was able to keep down most of the violence, and so forth.

Mr. McCANN. How long were you identified as one of the leaders in the strike, sir?

Mr. ROBINSON. Until the agreements were signed by all organizations, except for my own.

Mr. McCANN. When was that?

Mr. ROBINSON. I don't remember the exact date. If I remember correctly, the strike lasted about 7 weeks.

Mr. McCANN. And you were identified with them for the entire 7 weeks?

Mr. ROBINSON. Yes.

Mr. McCANN. Did you see Sorrell at any other time after this trip?

Mr. ROBINSON. Oh, sure, I would see him every day at strike headquarters.

Mr. McCANN. For 7 weeks?

Mr. ROBINSON. If I remember correctly, that is what it lasted, about 7 weeks.

Mr. McCANN. And you were liaison men for this committee, going around and seeing that things were operating?

Mr. ROBINSON. That is right, giving them the benefit of my experience, and so forth.

Mr. McCANN. Did you get any compensation for that during the 7 weeks?

Mr. ROBINSON. No, sir; I never received any compensation.

Mr. McCANN. What did you do when the 7 weeks were up?

Mr. ROBINSON. I went to work for the city of Los Angeles. That is the time that I—I was on five different civil-service lists for the city. I had taken five different examinations and ranked one, two, and three on all of them.

Just as soon as the strike was over, all organizations involved in this strike, with the exception of my own, received agreements. We were left out in the cold because of my activity in the strike and they would not sign up with the engineers. All our membership ought to go and join either the electrical workers, the IA, or some other organization in order to continue their work in the studio, and to this day I don't believe the engineers ever had an agreement.

Mr. LANDIS. Did Herb belong to any Communist-front organizations that you knew of?

Mr. ROBINSON. Well, at that time I don't know what his other connections were, because I had my hands full at that time being busy with the strike.

Mr. OWENS. How long a period of time were you with him during those 7 weeks?

Mr. ROBINSON. Well, it was a matter of every day; we were at strike headquarters, you see.

Mr. OWENS. I mean, for how long a time during the day?

Mr. ROBINSON. Oh, that would vary. We would be there pretty early in the morning and generally in and out until probably 10 or 11 o'clock every night.

Mr. OWENS. Did you ever get out to his home again after that?

Mr. ROBINSON. No; I never went to his home again. Something occurred—of course, Herb was not directly responsible for that. I met quite a number of people in the Screen Actors' Guild through the strike there. In fact, they wanted me to come and speak at their meeting at the stadium at one time, but I didn't do it. I got pretty well acquainted with quite a number of them that were supporting the strike in indirect ways. I stood in pretty good with them until one day I was up in Laurel Canyon. They were entertaining me there and having quite a time. They were having the guests come in, and lo and behold, among the guests was Harry Bridges.

Mr. OWENS. Harry Bridges at the meeting of the—

Mr. ROBINSON. This was a bunch of screen actors out there.

Mr. OWENS. Was Sorrell there then?

Mr. ROBINSON. No, sir; Sorrell was not there then. I was with some of the actors.

Mr. OWENS. Sorrell is a man with a pretty good memory, didn't you find that out?

Mr. ROBINSON. Oh, yes; that is right.

Mr. OWENS. If he were with you for every one of those days for 7 weeks, he wouldn't be likely to forget your name would he?

Mr. ROBINSON. Oh, certainly not.

Mr. OWENS. I do not want to notice your affliction, but I see you have a curvature of the spine.

Mr. ROBINSON. I have a broken back and a broken neck. I had a broken back at that time, but I have broken my neck since then.

Mr. OWENS. When did you break your back?

Mr. ROBINSON. Seventeen years ago.

Mr. OWENS. Did you have that curvature at that time in '37?

Mr. ROBINSON. That is right.

Mr. OWENS. How did you break your neck?

Mr. ROBINSON. I broke my neck in an automobile accident on July 15, 1941.

Mr. OWENS. But you have been able to go along pretty well and work despite those afflictions?

Mr. ROBINSON. Oh, yes; I still make my living and am still able to function.

Mr. OWENS. So that Mr. Sorrell shouldn't have any difficulty in remembering you from your description and your name?

Mr. ROBINSON. Oh, no; everybody out there knows me as "Robby." I am well known all over the coast out there in maritime and all labor circles as just plain "Robby."

Mr. OWENS. Would you be surprised if you were told that he couldn't remember your name?

Mr. ROBINSON. Don't worry; Herb knows me. I would be quite surprised.

Mr. OWENS. After the strike ended, what did you do?

Mr. ROBINSON. I just stepped out of the picture; there was no further use for me. I understand that Herb was later elected business agent, or something for the painters.

There was another man that came into the picture now, and I want to get this straightened out, too. There was another man by the name of Robertson, who wears a Thomas collar. I believe, and has some affliction. I believe he was connected with the bonus march, or something like that.

I think he got into quite a lot of trouble. I think he is a very active member of the Communist Party. I got this from the head of the Red squad, Red Hynes in charge of the police department at the head of Red activities; when my appointment came up to the bureau of construction for the city of L. A., the board hesitated about appointing me because I was supposed to have been a Communist.

Mr. OWENS. Who said you were a Communist?

Mr. ROBINSON. Well, a fellow by the name of Hawk. He was a member of the board for the board of public works; he was a member of the board of public commissioners. Charlie Britten was the superintendent of construction for the city of Los Angeles and he told me what the charges were. I said, "My God, here all my life I have fought the labor movement and I have fought the Communist Party, and then they have me being accused of it."

I said, "There is one person right here in the city hall who ought to be able to clear this up for me."

I went right down to Captain Hynes. He has a reputation of being pretty tough out there; if you know anything about the Red activities out in Los Angeles there. He used to treat the Commies with the kind of language they really understood.

Mr. OWENS. Is that why they call him "Red" Hynes?

Mr. ROBINSON. No; that is his nickname. Hynes is his last name and he is red-headed. He is an old ex-marine and quite a tough guy. He used to speak their language. In other words, he used to fight them and work them over.

So he had a pretty bad reputation, but I knew so far as I was concerned, Red Hynes had nothing against me. The fact of the matter is, that I talked to the man quite a number of times.

Mr. OWENS. What did he do about you?

Mr. ROBINSON. Well, he got out the files, the records, and he told me what had happened. But as soon as I stepped out of the picture in Hollywood this Robertson stepped in. The membership, of course, all felt they knew me, they knew Robby. They had seen me at the American Legion stadium, and so forth, and all the different organizations out there were under the impression that I was still there, because they didn't notice the difference in the name Robertson and Robinson.

I understand that he promoted some regular Commie stuff out there in Hollywood.

Mr. McCANN. What union is he identified with?

Mr. ROBINSON. I don't know. He was just with the Communist Party, I guess.

Mr. McCANN. You don't know whether he worked in the movies or not?

Mr. ROBINSON. I don't know whether he was employed in the movies or not. I understand—to identify the man a little closer—I understand he was one of the instigators of the bonus march.

Mr. OWENS. Did Hynes take any steps with respect to you?

Mr. ROBINSON. Yes; he did. He got out all the records, my records, and also the records of Robertson, and took them to the board of public works. He himself explained it to the board of public works that they were entirely wrong; that they were accusing the wrong man. He showed them the record of this Robertson and showed them my record.

Mr. OWENS. Then you got your position?

Mr. ROBINSON. Yes, sir, and I was appointed there.

Mr. OWENS. You had been out of work for how long a period of time up until then?

Mr. ROBINSON. Well, I had lost about 7 or 8 weeks. Then I got the appointment to the bureau of construction. I put in about a year at the city hall in Los Angeles, then I was transferred to my own office in charge of the harbor area.

Mr. OWENS. Had you considered yourself affiliated with the city of Los Angeles prior to that time?

Mr. ROBINSON. Well, I had worked for the bureau, for another division of the city of Los Angeles, the bureau of power and light.

Mr. OWENS. That was from 1936 until some part of 1937?

Mr. ROBINSON. That is right, on that frequency change job.



Mr. OWENS. So you considered your service with the city of Los Angeles dating from some time in 1936 to about 1942, with this time out?

Mr. ROBINSON. Yes, with the time out. When the frequency change job was completed I lost out on another good job, incidentally, because I had been out of their employ for over the 60-day period. I had taken an examination for engineer at Boulder Dam and had topped the list of that examination. Five hundred and eighty-four took that examination and I landed on top of it. I was about to be appointed to the job when they looked up my record and found out I had been out over the 60 days. They called for a physical recheck, then, of course, when a physical recheck came up I was reexamined by the bureau doctor.

Mr. OWENS. During the time you were there, did you have any more experience with Sorrell or any contact with him in any way?

Mr. ROBINSON. After I left?

Mr. OWENS. While you were with the city of Los Angeles.

Mr. ROBINSON. Oh, no, I got out of the labor picture. While I was with the civil service, I still retained my membership in the engineers. I later transferred from 63 down to the one at the harbor, 235, and was finally elected vice president of 235. Then I was chairman—I used to conduct their apprentice school for them. I conducted that at the city hall. I used to conduct an apprentice school there three nights a week for our apprentices.

Mr. OWENS. At the time you were there with him on the strike, did you observe his acquaintanceship, if any, with the police, and what it was?

Mr. ROBINSON. Well, it wasn't very cordial. The police didn't like him.

Mr. OWENS. I see. Did he know any of the chiefs of police there or officers that you know of? Did you observe that?

Mr. ROBINSON. Well, he knew Red Hynes pretty well. I used to help get him out of a mess every once in a while with the Red squad.

Mr. OWENS. Did you report to anyone his connection with the Communist Party?

Mr. ROBINSON. Oh, no, no. We had a strike to win. We had a strike to win and those things—during the strike I wanted to win that strike. It was no time to start any arguments about whether a man was a Communist or anything else at that time. I didn't want to bring anything of that kind in.

Mr. OWENS. Was there anything said about jurisdiction in that strike at that time.

Mr. ROBINSON. Yes; I believe there was a jurisdictional strike. Quite a number of the scenic artists, set designers, laborers; we had the carpenters in in the first part of the strike, but as I understood it, President Hutcheson was given the word that the strike was being conducted by Communists, so he ordered the carpenters back on the job. They pulled out of the strike, oh, I think about a week after I came into the picture.

Mr. OWENS. Did you ever meet Hutcheson?

Mr. ROBINSON. No; I never have. I don't know Mr. Hutcheson. I don't know what the result is going to be, but I carry a card in Mr. Hutcheson's union right now.

Mr. OWENS. How did you happen to send a telegram to me with respect to this matter?

Mr. ROBINSON. Well, when he said he had never been a member of the Communist Party.

Mr. OWENS. I am Owens, incidentally.

Mr. ROBINSON. Oh, you are Mr. Owens?

Mr. OWENS. Yes, sir.

Mr. ROBINSON. I happened to read in the paper where he said he never was a member of the Communist Party, and I knew damn well that he was.

Mr. OWENS. You mean the day that I examined him?

Mr. ROBINSON. Yes; I read that article. I think it was on a Friday.

Mr. OWENS. Thursday is the day. The paper would have come out on Friday.

Mr. ROBINSON. Well, I read that and it just burned me up because I know what the picture is out there in Hollywood.

In fact, I know what the picture is on the whole Pacific coast, so far as that is concerned, anything that I could do, that I could assist the committee with to bust up that deal, and—finally for 8 years I have stayed completely out of the picture because I don't think it would have been healthy for me, the way the set-up was and the politician drag they had—I would have been crucified if I had done that a couple of years ago.

Mr. OWENS. Did anyone speak with you at all before you saw that picture or before you sent the telegram to me?

Mr. ROBINSON. No, sir. I was prompted; I was sitting at home, I am all alone there now. I was reading the Los Angeles Examiner; I read that statement. I went over and picked up my telephone; I never did discuss it with a soul. I just picked up my telephone, gave the message to the operator, wrote out what I wanted to say to you; gave it to the operator and asked her to send it as a night letter.

Mr. OWENS. It is such a repetition that happened in another case about a year ago, that I am just marveling at it.

Mr. ROBINSON. There is something I would like to get cleared up right now: That is, how, the next day, in fact at 10 o'clock the next morning, I received a caller—not from this committee, but from one of the unions involved out there.

Mr. OWENS. Well, that can possibly be explained by the fact that I sent the message immediately to the chairman of this committee, and it was announced to the people. That perhaps would explain it.

Mr. ROBINSON. That is something that has had me very, very worried and suspicious. In fact, that is why I would never make any affidavits or sign anything, because I thought there was something fishy about it.

Mr. OWENS. In other words, it was someone from the IATSE came out?

Mr. ROBINSON. Yes, sir; an investigator came out to see me.

Mr. OWENS. And you did not give them any information?

Mr. ROBINSON. Oh, sure, I would.

Mr. OWENS. But I mean you wouldn't sign anything?

Mr. ROBINSON. No; I wouldn't sign anything, because it looked fishy to me that I should send a message to you, and have a representative or investigator for the IATSE call on me at 10 o'clock the next morning.

Mr. OWENS. I was in Chicago. I might say, at the time my secretary, as I understand it, gave the message to the chairman. He immediately passed the information on to the people that were here. Is that correct, Mr. Chairman?

Mr. KEARNS. That is right.

Mr. OWENS. That is, to Mr. Levy, to Mr. Sorrell, and Mr. Bodle.

Mr. KEARNS. To the counsel.

Mr. ROBINSON. Did Sorrell say that he didn't remember me?

Mr. OWENS. I was not here at the time that examination was made, but I was told by the chairman he said he did not remember you. Is that correct, Mr. Chairman?

Mr. ROBINSON. I am awfully sorry, I got down here after Herb had left, because we were pretty close for quite a while.

Mr. OWENS. That is all I have.

Mr. ROBINSON. If there is anything further on it, if I am ever called on, I can assure you of this, that any time you want to call on me for any of the Communist activity in the labor movement on the Pacific coast I will only be too glad to come down here.

Mr. McCANN. You told us a moment ago that you were a member of the carpenters' union. When did you become a member of the carpenters' union?

Mr. ROBINSON. When I went to work for the Bechtel Corp.

Mr. McCANN. How long ago was that?

Mr. ROBINSON. January 22.

Mr. McCANN. You joined the carpenters' union January 22, 1948?

Mr. ROBINSON. Yes; I have it wrong here. They have it 1947, and it is 1948.

Mr. OWENS. That often happens in January. They often put the previous year's date on it.

Mr. ROBINSON. That is right.

Mr. McCANN. But the next date is February 1948.

Now, Mr. Robinson, I want to ask you in regard to the last part of your message:

Can furnish detailed information covering his testimony as published, as I was very active in conduct of strike.

Now, do you want to give us any further information?

Mr. OWENS. I think he has covered that pretty well, Mr. Chairman.

Mr. McCANN. I just want to make sure if he had anything else.

Mr. ROBINSON. Well, when I read his testimony that he was not a member of the Communist Party, I know definitely that Herb was a member of the Communist Party. If you want me to go on in detail I can give you some examples of what transpired out there in the way of sabotage, and one thing and another that I had to contend with. I don't know how far you want me to go with this.

Mr. LANDIS. Go ahead, as far as you want to go.

Mr. ROBINSON. Well, for one thing, he introduced me to some of the boys. Of course, I knew right away as soon as the things they proposed to me, I knew right away they were Communists. He introduced them to me, and said, "They have some ideas they want to push."

Mr. McCANN. Do you remember who those boys were?

Mr. ROBINSON. I don't remember their names; no.

Mr. McCANN. You don't remember their names?

Mr. ROBINSON. No, I don't; hell, no. The names wouldn't mean anything anyway, because I know they would be phony names that they would give me, because they wouldn't use their own names.

They were brought up from Communist headquarters. They were not members of any of the unions involved in the strike.

One of the propositions they submitted to me was that inasmuch as the IATSE was having some difficulty with them—that is beside the point. I was not particularly interested in the jurisdiction out there in Hollywood. That was none of my business. But apparently the IA was opposing what I found out was the Communist group there and every union out there had a lot of Communists in it. There is no question about that. Every damn one of them, including the carpenters' union, and all of them, they all had them.

They were quite influential, however. Although they might not have been very large in numbers, four or five of them rehearsed what they were going to take into a meeting and they could just about control any meeting out there.

Well, it seems they had a little trouble with the IA. To get back with them, they figured in going after them in every theater in the United States.

They submitted the proposition to me that they would stink bomb every theater in the United States if I would give them the word. That is what I had reference to when I told the boys:

No; definitely not, because then you would not be hurting the IATSE; sure you would close up the theaters so that a man would lose a day's work, but what you would be hurting is the public. The public would get so antagonistic to you that you would not have a chance of getting anything.

Mr. McCANN. So that wasn't done?

Mr. ROBINSON. That was not done. There were many other things along that same line.

Some things were done that got away from me before I could get hold of them. Understand, there was a lot of sabotage that was cooked up down at Communist headquarters and never even came out to the strike headquarters. Before I knew it, it was pulled and I was called out at all hours of the night to go down and straighten out things. The police would notify me.

I don't want to give the impression that I played with the police, but the police all knew me pretty well, and they knew what my stand was on communism.

Just as soon as they would get in some of our picket lines where they were picketing theaters, if they would start Communist activity there in the picket line, the police would call me, and I would have to go down and get them out of there.

That happened all the time. I not only had to fight to win the strike from the producers, I had always to be alert to the—as I say—the enemy of union labor. That was in the strike itself.

Mr. McCANN. What was your position there? Were you the chairman of the strike committee?

Mr. ROBINSON. No; I was not. I actually was not on the strike committee at all. I was an adviser.

Mr. McCANN. Adviser to the strike committee?

Mr. ROBINSON. That is right. The actual chairman, it was brought out, was a fellow by the name of Lessing. I believe he is a scenic

artist, or something, in the painters' union. He was a very nice "old lady," and was technically the head of the strike after it had been in progress for two or three weeks. In other words, he was the front man. He made all the statements and acted as the supposed leader. However, I was still the guy behind the guns with the strategic moves and so forth, and the winning of the strike was my responsibility.

Lessing was the front man that issued all the newspaper reports. All the newsmen out there knew what was going on.

Mr. McCANN. May I ask one other question, because I want to be sure there is no point—

Mr. KEARNS. Mr. McCann, we are going to ask the witness to come back in the mornnig.

Mr. McCANN. Fine.

Mr. KEARNS. Do you have any questions in mind, Mr. Fisher?

Mr. FISHER. I may not be here in the morning, so may I ask him one or two?

Mr. KEARNS. Surely.

Mr. FISHER. You were shown exhibit No. 1, the white card?

Mr. ROBINSON. Yes, sir.

Mr. FISHER. You identified the one you saw in Sorrell's possession as a white card with the name of Herbert Sorrell written on it?

Mr. ROBINSON. Herbert Stewart.

Mr. FISHER. With Herbert Stewart written on it?

Mr. ROBINSON. That is right. We kidded about that name. That is what drew it to my attention.

Mr. FISHER. Your impression is that it was a folded card?

Mr. ROBINSON. That is, as I can remember. He pulled it out with his billfold, see.

Mr. FISHER. Was it enclosed in a case?

Mr. ROBINSON. No; it was right in his billfold.

Mr. FISHER. Was it loose; was the card itself loose?

Mr. ROBINSON. Yes; it was loose. He didn't have these whatcha-call-'ems on there; he had it shoved in a pocket like, and he pulled it out and showed it to me. We were driving along in a car when he showed me this, and he stated he was a member of the Communist Party.

Mr. FISHER. Then you are not certain about the identity of this particular card?

Mr. ROBINSON. Well, it does look like it was something very similar to that.

Mr. FISHER. It was either this one or one very similar?

Mr. ROBINSON. That is right. I took it as just his means of proving to me that he was a member of the Communist Party.

Mr. FISHER. Did he at any time tell you how many members of the Communist Party there were that he was affiliated with?

Mr. ROBINSON. No; he didn't have to tell me. I pretty well knew how many there were around Los Angeles because I had been on the spot with them.

I might say this, the Communists in the Los Angeles area—I used to have to go around with a bodyguard back there because of my physical condition, and they killed my bodyguards down in San Pedro trying to get me.

Mr. FISHER. Shot them?

Mr. ROBINSON. No. One of them, we saw them trailing us and trying to stop us. We shot down Beacon Street. I jumped out of the car and dashed up the stairs to my office and got away. He went on down the street, got out of the car and left the car parked there and walked down the street to a little restaurant where some of our other boys were. His name, incidentally, was John Riley, a big Irishman, who really could fight.

He went down to this little restaurant and got these other boys, four more, to come out and they were looking for these fellows. He found them, all right, and instead of being just one carload there were 30 of them. They came at him from both ways. They knocked John down. He was sitting on the sidewalk dazed. They hit him with a club, or something, and knocked him down. I was up at the window upstairs. Of course, I got out of the picture with them. I could not fight anyway because of my physical condition.

So John was sitting on the sidewalk dazed and they put a crowbar right down through the top of his head.

Mr. OWENS. They what?

Mr. ROBINSON. A crowbar, a steel bar.

Mr. FISHER. Regardless of whether the card that has been shown to you is the identical one that you saw at the time, he did tell you at that time definitely that he was then a member in good standing?

Mr. ROBINSON. Yes, sir.

Mr. FISHER. Or at least he was a member of the Communist Party?

Mr. ROBINSON. Definitely yes, and the card he showed me was to prove or substantiate his statements.

Mr. KEARNS. Mr. Robinson, I will ask you to report back in the morning.

We will be in recess until 10 o'clock tomorrow morning.

(Whereupon, at 5:15 p. m., the subcommittee recessed until 10 a. m. of the following day, Wednesday, March 17, 1948.)

# JURISDICTIONAL DISPUTES IN THE MOTION-PICTURE INDUSTRY

WEDNESDAY, MARCH 17, 1948

HOUSE OF REPRESENTATIVES,  
SPECIAL SUBCOMMITTEE OF THE  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D. C.*

The subcommittee met, pursuant to adjournment, at 10 a. m., before Hon. Carroll D. Kearns (chairman of the special subcommittee).

Mr. KEARNS. The hearing will please come to order.

I will ask Mr. Zorn to take the stand first this morning. You have been duly sworn, I understand?

Mr. ZORN. Yes, sir.

Mr. KEARNS. You have some additional evidence to submit?

Mr. ZORN. I have, Mr. Chairman, and this will only take a moment.

## TESTIMONY OF BURTON A. ZORN—Recalled

Mr. ZORN. When I was on the stand yesterday, I introduced in evidence a series of photographs of mass picket lines and violence in connection with the Columbia and Warner Bros. studios, both in the 1945 and the 1946 strikes. I received this morning—and I had requested them some time ago—a series of photographs from Metro-Goldwyn-Mayer showing strike activities, picketing, and violence in connection with the 1946 strike.

I have here a batch of 16 photographs. The dates they were taken are identified on the back. I would like to have them entered as reference exhibits, but I would like the members of the committee to take a look at them now.

That completes my statement.

Mr. KEARNS. This one looks like Czechoslovakia.

Mr. ZORN. That is what Mr. Sorrell described as a peaceful picket line.

Mr. KEARNS. At this time we will be very happy to enter these picture as exhibits for the record, Mr. Zorn.

Mr. ZORN. One further statement and then I am through, Mr. Chairman.

Yesterday morning I informed the committee—I think in your absence—that we had motion pictures of picketing and violence in connection with both strikes. Those motion pictures are here. They have been sent out from Hollywood. They are at the Motion Picture Association in Mr. Bryson's custody.

I made the request yesterday that at the committee's convenience I would like very much to have the committee look at those pictures.

Mr. Owens indicated yesterday he thought possibly we should make them available for inspection by the other side, namely, Mr. Sorrell, and of course, we will make them so available.

But if Mr. Sorrell does not come back, I think this committee ought to look at them anyhow. I think they are an essential part of this case.

Mr. KEARNS. We will arrange to see them. I will get in touch with Mr. Bryson about that.

Mr. ZORN. Thank you very much, sir.

Mr. KEARNS. Thank you, Mr. Zorn.

Judge Levy, will you take the stand?

#### TESTIMONY OF MATTHEW M. LEVY—Recalled

Mr. KEARNS. Mr. Levy, it was requested by another committee member, and I would have made the same request, that you establish the source of the Communist cards that you presented to the committee.

Mr. LEVY. Yes, sir.

Mr. KEARNS. On which we had the examination made by the Bureau of Investigation. If you could do that at this time before Mr. Robinson continues, I would appreciate it.

Mr. LEVY. Yes, sir. May I have the book, please, sir?

Mr. KEARNS. Yes, sir. [Handing book to Mr. Levy.]

Mr. LEVY. These documents were received from Michael G. Luddy, Esq., the west coast counsel for the IATSE. He had telegraphed me on the 13th of March 1948, as follows:

HON. MATTHEW M. LEVY,

*Hotel Stutler, Washington, D. C.*

In response to your request for information as to the source from whom I received original receipt for membership book No. 60622 bearing the signature "Herb Stewart" and original control card for the first half of 1937, book No. 74282 bearing the signature of "Herbert Stewart." This is to advise that I received these documents from William Hynes, formerly with the Los Angeles police department as acting captain in charge of its subversive activities division from 1936 to 1939, who in turn received them from undercover men which undercover men withdrew them from the files in the headquarters of the Communist Party in Los Angeles.

MICHAEL G. LUDDY.

Now we have received from Senator Jack Tenney, the chairman of the California Committee on Un-American Activities, a transcript of the testimony of William F. Hynes, taken in executive session before the Tenney committee, on January 4, 1946, which transcript has been certified by Senator Tenney as a true and correct copy of the original appropriate portions of which I think should be read into the record here, in view of the committee's request.

EXECUTIVE SESSION, TENNEY COMMITTEE,

*2:25 p. m., Friday, January 4, 1946.*

The CHAIRMAN. The committee will come to order. Senator Dilworth, will you swear the witness?

WILLIAM F. HYNES, called as a witness by the committee having been first duly sworn, testified as follows:

By the CHAIRMAN:

Q. State your full name for the record.

A. William F. Hynes.

Q. What is your occupation?

A. Retired Los Angeles police officer.



By Mr. COMBS :

Q. Captain Hynes, how long were you a member of the police department of the city of Los Angeles?

A. Twenty-one years.

Q. You retired when?

A. December 1943.

Q. You did, did you not, have charge of a squad of police officers engaged in antisubversive activities?

A. Yes; I was in command of a group of officers known as intelligence bureau for approximately 16 years.

Q. Continuously for 16 years?

A. Yes.

Q. About how many officers did you have on that squad as the average?

A. Well, the squad had anywhere from 12 to 16 regular men. In addition also under-cover operatives, and handled all labor troubles within the city, all riots and demonstrations of all kinds, and we had anywhere from 50 to 200 off and on. We would average about a hundred officers a day throughout the year, handling strikes and demonstrations.

Q. And you were in charge of that detail for 16 years?

A. Yes, sir.

Q. In connection with that work of course you had occasion to investigate communism generally, did you not?

A. Yes.

Q. As a matter of fact, you concentrated your efforts more on that than any other phase of subversive activities.

A. Yes; that was the main concentration.

Q. From your under-cover operatives who were members of the Communist Party did you receive from time to time from Communist Party members books and receipts for dues, and so forth?

A. Yes; throughout the whole period we kept ourselves informed as to all phases of Communist Party activities and gathering all evidence in the form of confidential Party documents, membership records, registrations, books, publications, and so forth.

\* \* \* \* \*

Q. I show you a photostatic copy of a document which states, "Control Card, first half of 1937, Book No. 74282. Name, Herbert Stewart, State, California; County, L. A.; City, L. A.; District, 13; Section, Industrial; Unit, Studio No. 2; Occupation, painter, Union Painters 644; mass organization; male, yes; female, blank. Age 41. Negro, blank. White, yes. Native, blank. Foreign-born, blank; dues paid up to and including month of, blank." It is obviously a printed blank filled in with pencil, and I will ask you if you have ever seen the original of which that is a copy?

A. Yes; this is out of a control card that is taken out of a 1937 Communist Party membership book.

Q. Have you ever seen the original of which that is a photo?

A. Yes; I have—I think I have the number of that. Yes; this is a document in the name of Herbert Stewart.

Q. That is the original of it?

A. Yes; that is the original. It is taken out of the 1937 book, and I have the 1937 Communist Party membership book for comparison here.

Mr. COMBS. The witness has handed me a small paper-bound book, and in the front of the book is a card identical in size with the card which the witness has handed me, that is, with the name of Herbert Stewart on it, No. 74282. The card in the book which the witness has handed me is attached to the book, but it is attached by a perforated piece of paper so that it can be torn out, and the printing which appears on the card in the book is in every way identical with the printing which appears on the original control card, book No. 74282, of which the photostatic copy has already been introduced in evidence. I now offer in evidence this 1937 Communist Party membership book, bearing the signature of William Schneiderman, who was then secretary of the Communist Party, District 13, for California, Arizona, and Nevada, as exhibit No. 1, in connection with the testimony of Captain Hynes.

The CHAIRMAN. It is so received.

By Mr. COMBS :

Q. Now, I hand you, Captain Hynes, a mimeographed sheet of paper entitled "Plan for Registration," and ask you what that is, if you know?

I now would like to bring to the attention of the committee the mimeographed plan for registration which was heretofore delivered to the chairman of the committee, but no reference has been made to it yet. That plan for registration in this book is apparently what is referred to by Mr. Combs in his question before the executive session of the Tenney committee.

A. This is a document issued by the Communist Party which I received from the Communist Party operatives in the party, employed by the intelligence bureau of the Los Angeles police department at the time the registration was in effect in 1937. It contains directives for the registration procedure and method of registration.

Q. Which, of course, would govern the method of filling in and tearing out the sheet of paper which has been mentioned in my examination of you?

A. Yes.

Q. This document is a photostatic copy of the original I have just been talking about, is it?

A. It is.

Mr. COMBS. I offer in evidence, as exhibit 2, in connection with this witness, this document.

The CHAIRMAN. It is so received.

By Mr. COMBS:

Q. I now hand you a mimeographed sheet entitled, "Directives for Comrades Responsible for Registration," and ask you if you obtained that from your undercover member in the Communist Party?

I point out that that is the second mimeographed sheet which was included in the book and which was delivered by me to the chairman some days ago, entitled "Directives for Comrades Responsible for Registration." I think that is the paper to which Mr. Combs, counsel for the California committee, refers and to which Mr. Hynes made the answer:

A. I did.

Q. It is a Communist Party document?

A. Yes.

Q. And is the one I have just questioned you about?

A. Yes, sir.

Q. Is this a photostatic copy of it?

A. Yes; this is for the 1938 registration to take place December 1 to 16, 1947.

Mr. COMBS. I offer in evidence this exhibit as exhibit No. 3 in connection with the testimony of Captain Hynes.

The CHAIRMAN. It is so received.

By Mr. COMBS:

Q. I now show you, Captain Hynes, what purports to be a receipt for a Communist Party membership book, and the receipt is numbered 60622. I hand you the photostatic copy and ask you if you have in your possession the original document of which this is a photostatic copy?

A. I do.

Q. May I see it, please?

Mr. COMBS. The witness has handed me a small blue card bearing the number 60622, and reading as follows: "I have received membership book." Signed "Herbert Stuart" in ink. "State of California, District 13, County L. A., City L. A., Section Ind., Unit Studio 2, dated 2-12-37, "Be sure to sign and return to the membership director." How did you obtain that, Captain?

A. This was obtained through undercover sources.

Q. From members of the Communist Party?

A. Yes; from members of the Communist Party who had control of this country.

Q. Are you able to testify positively that is an official receipt for the Communist Party membership book?

A. It is, and I have other books for 1938 which are identical of this Communist Party membership book.

Mr. COMBS. The witness has handed to me a Communist Party membership book bearing the official stamp of the Communist Party, Los Angeles section, and

in front of the book is a perforated blue page which has on it the identical printed matter that appears on the one bearing the signature of Herbert Stuart.

By Mr. COMBS :

Q. May I have this for the purpose of introducing it in evidence?

A. Yes.

Mr. COMBS. I offer this, then, as exhibit 4 in connection with the testimony of Captain Hynes.

The CHAIRMAN. It is so received.

By Mr. COMBS :

Q. Captain Hynes, what is the significance, if you know, of the printed language at the bottom of the sheet, "Be sure to sign and return to membership director"?

A. Well, that is for the membership director to have a record, whether it is in the true or party name, to have a complete record of the membership.

Q. In other words, the party name is the fictitious name used by the member?

A. They were instructed that they could adopt a fictitious name, and that was referred to in those 1938 registration directives.

Q. So the membership director would have to have this slip to have a true record of the true name and the party name of the member?

A. Yes, it was taken off the 1938 registration—the true name would be taken off the 1938 registration.

Q. Then the substance of your testimony, summarizing it briefly, Captain Hynes, is that these two photostats which have already been introduced in evidence in connection with the testimony of the handwriting expert, Mr. Clark Sellers, are photostats of original documents in your possession which were obtained by you from members of the Communist Party, working undercover for you at the time, and that they are positively a receipt for a Communist Party membership book and a control card in the Communist Party for the first half of 1937?

A. That is right. Well, some documents I have—I don't know particularly about all of them, some were obtained after the Intelligence Bureau had been dissolved.

Q. But they were obtained from Communist Party sources?

A. Yes; they were obtained from Communist Party sources.

Q. And your testimony is that these originals of which these are photostats are authentic Communist Party receipts and documents?

A. Yes; they are authentic.

Q. Receipt No. 60622 being a receipt for Communist Party membership book, showing the members in the Communist Party?

A. Yes; that is right.

Q. And the control card signifying what?

A. Shows the dues for the 6 months of 1937 was paid up.

Q. I show you a photostatic copy of what is entitled "1938 Registration Blank," and ask you if you have the original of which that is a copy?

A. I do.

Q. How was it obtained?

A. This was obtained through undercover sources.

Q. Members of the Communist Party?

A. Yes; members of the Communist Party.

Q. Is it an official Communist Party document?

A. Yes. They were issued to all the party members and functionaries who had charge of the registration for 1938, a group of them, particularly the membership directors, and each member was required to fill out one of these in accordance with the directives issued for the method of taking the registration that you have. It refers to the party, although it doesn't say Communist Party, but it refers to the party and would have to be considered in conjunction with the 1938 registration directives. The connection between this and the other is that it does give the information, the real name of the party and his party name, and the particular book number which bears the receipt card of which his signature is a part—the name Herb Stuart.

Q. These registration blanks are hardly ever made out by the member, are they? They are made out by somebody in the office?

A. The member is not required to fill them out. They are made by the office and sent in, but he is supposed to sign his receipt card for his book.

Q. I see. Of course, that is an official record taken out of the office of the Communist Party, isn't it?

A. This is an official record taken from the official membership records of the Communist Party, and I have any number of these on other members, like ones; and this instrument here, this registration blank, indicates the particular 1938 No. 60622 which is the same number as the receipt card for his 1938 book; and this also indicates, while I have the 1937 control card taken out of a 1937 Communist Party book, this document indicates that he had lost his 1937 book, but it contains other information as to his nationality, his age, his occupation, his function in the unit he belongs to, and his function in that particular unit, whether he had any party schooling, how many children he has, and things like that, and also gives the section to which he is assigned, which you compare with the information on those other documents that were introduced.

Q. The control card and the receipt for the membership book?

A. Yes—studio unit, too.

Mr. COMBS. So much for that subject.

(The witness is excused.)

Mr. KEARNS. Now according to that statement, Mr. Levy, the committee would have to assume then that this former police captain, Mr. Hynes, was it?

Mr. LEVY. Captain Hynes; yes, sir.

Mr. KEARNS. Received these cards from an unknown source, a Communist or other people who had access to the files and this information, is that correct?

Mr. LEVY. Let me answer that sir, in this way: The testimony before the Tenney committee was that Captain Hynes was in charge of the antisubversive squad in Los Angeles and that he knew and knows a 1937 and 1938 Communist Party card when he saw it.

These specific cards he received from his undercover Communist Party operatives in the Communist Party, but anyone who is an expert in the field can identify the cards as authentic Communist Party cards and Captain Hynes under oath so testified before the Tenney committee.

Mr. OWENS. In other words, it was done under his direction and control? The investigation was carried on under his direction and control?

Mr. LEVY. That is correct.

Mr. OWENS. So he would testify just like anyone would respecting any matter which would be under his control?

Mr. LEVY. Yes, sir.

Mr. OWENS. Is there anything in that book to show the names or the actual name of the party who applied for that membership?

Mr. LEVY. The control card indicated that Herbert K. Sorrell was the real name—the registration blank of 1938 indicated that Herbert K. Sorrell was the real name and Herbert Stewart was the party name.

Mr. OWENS. But Herbert K. Sorrell did not sign that?

Mr. LEVY. No, sir.

Mr. OWENS. They just wrote his name down, is that it?

Mr. LEVY. That is correct.

Mr. OWENS. That was written by the secretary of the Communist Party?

Mr. LEVY. From the information I have obtained through the testimony of Captain Hynes before Senator Tenney it would indicate that that registration blank was the record kept by the functionaries of the Communist Party. Whether it was a secretary or not, I would not be in a position to say.

Mr. McCANN. May I see that blank? It does not appear in your printed folder, does it?

Mr. LEVY. That I do not know.

Mr. KEARNS. In that way, judge, do you understand that anybody could sign us up whether we agreed to that or not?

Mr. LEVY. I am sorry, I did not understand that.

Mr. KEARNS. Anyone could sign us up at headquarters as a potential member of the party, but it would not become authentic until we signed the card?

Mr. LEVY. Oh, I have no doubt but that if Herbert K. Sorrell, in his own handwriting, did not sign Herb Stewart, that the documentary proof as to his membership in the Communist Party might be affected. But Herbert K. Sorrell signed "Herb Stewart" as a receipt for a membership book which the experts have testified is a Communist Party membership book.

If the committee would like I have no doubt but that the operators of the FBI and the Un-American Activities Committee of this Congress would be able to have their experts, without question, identify this as a receipt for a Communist Party book, signed by—as the FBI stated, as Clark Sellers testified to, and as the other expert, John Harris, testified to—that those cards were in the signature of Herbert K. Sorrell.

Mr. McCANN. May I ask a question there, if you don't mind?

Mr. Chairman, I am not well informed with respect to the testimony taken by the Tenney committee but I have made a check of the testimony of Mr. Sellers and of Mr. Harris, and of the FBI. I wish you would correct me if I am wrong, judge, but I note that one of these cards is identified by both of those experts in California as the signature of Herbert K. Sorrell. The other card is not identified by one of the experts as the signature of Herbert K. Sorrell.

There is a difference, as I read the excerpts which you have given us, in the testimony of the experts.

As of this date, Mr. Chairman, we do not have before us in any form the registration blank to which reference has been made by Judge Levy, so far as I know, and that blank I notice apparently is all in ink, except the real name, which is inserted in pencil. I would like to call the attention of the committee to that fact. We do not have in our files some of these mimeograph pages to which you have referred in your record.

Mr. LEVY. You have asked three questions and I will try to answer them seriatim.

Mr. McCANN. Now, Mr. Chairman, I would like to ask at this time that this entire file marked "Re Sorrell-Stewart" including the signature made by Herbert K. Sorrell at the request of Mr. Kearns and the report of the Federal Bureau of Investigation, be received in evidence for reference purposes, and that the two cards previously presented to the committee and marked for identification "Exhibit 1," and the other card marked for the purpose of identification as "Exhibit 2," on March 4, 1948, be received in evidence and reproduced in our record.

Those two cards have been referred to by the experts before the Tenney committee and are referred to in our records.

I want to call attention to the fact that the two cards mentioned in the FBI record are referred to under different identifying symbols. For example, the card which is a receipt for the membership book No. 60622, bearing the signature "Herb Stewart" is identified by the FBI as specimen "Q" and is the same card which Congressman Owens had marked "Exhibit 2" for identification on March 4, 1948, and the card which reads "Control Card First Half of 1937 Book No. 74282" was referred to by the FBI as "Q 2" and was marked on March 4, 1948, by Mr. Owens as "Exhibit 1" for identification.

The reason for asking that these two cards be reproduced in the record as actual exhibits is that these two cards have been testified to by the FBI and by two experts in California. I believe that these two cards should be received as exhibits at this time and reproduced in the record.

Mr. KEARNS. So ordered.

(The cards referred to are as follows:)

CONTROL CARD FIRST HALF OF 1937

Book No. 74282

Name: Herbert Stewart.

State: Calif. County: L. A. City: L. A.

District: 13. Section: Industrial. Unit: Studio No. 2.

Occupation: Painter. Union: Painters 644.

Mass organization \_\_\_\_\_

Male: Yes. Female: \_\_\_\_\_ Age: 41.

Negro: \_\_\_\_\_ White: Yes. Native: \_\_\_\_\_

Foreign born: \_\_\_\_\_

Dues paid up to and including month of \_\_\_\_\_

Mr. McCANN. On the back of this card is noted "Exh. 1st 3/4/48."

No. 60622

I have received Membership Book

HERB STEWART

(Signature)

State \_\_\_\_\_ Cal \_\_\_\_\_ District \_\_\_\_\_ 13

County \_\_\_\_\_ L. A \_\_\_\_\_ City \_\_\_\_\_ L. A.

Section \_\_\_\_\_ Ind \_\_\_\_\_ Unit \_\_\_\_\_ Studio

2-12-37

(Date)

Be sure to sign and return to the membership director

Mr. McCANN. On the back of this card is noted "Exh. 2nd 3/4/48."

Mr. OWENS. I imagine, Mr. Chairman, the order ought to include that after the book has served its purpose, plus the two original cards, that they will be returned to the party who placed them in the record?

Mr. McCANN. May I be heard on that?

Mr. OWENS. Yes; of course.

Mr. McCANN. Mr. Chairman, it is my thought this investigation may lead to a recommendation by the committee or by the committee of the whole with respect to prosecution.

In the event that should happen our committee should have the custody of this entire file so that we may transfer it, with any recommendation which we care to make, to the Department of Justice, so I respectfully suggest, Mr. Owens, that the custody of this entire file be reserved by the committee. I do not want the responsibility for it, so

I will ask that the file be kept by the chairman of the subcommittee, with your permission.

Mr. OWENS. That is what I mean, until it has served its full purpose.

Mr. KEARNS. It is my understanding that inasmuch as counsel for the IATSE submitted it to the committee, it would be ours to use until we had completed our use of it.

Mr. LEVY. Until you had exhausted all purpose for which you think those documents can be useful.

Mr. KEARNS. Then I would be very glad to return it to you, Judge,

Mr. LEVY. Thank you very much.

Now the learned counsel for the committee asked a number of questions. One of them referred to the 1938 registration blank, does it appear that the real name of Herbert K. Sorrell is in pencil, and that the rest of that blank is in ink?

My answer to that is "yes," and that it is obvious that the real name Herbert K. Sorrell written in pencil was written by the same person who wrote Herb Stewart and wrote the rest of that 1938 registration blank.

Mr. KEARNS. That is obvious.

Mr. LEVY. The second statement Mr. McCann made was that as he read the record of the testimony of the handwriting experts in California, Clark Sellers and John Harris, that one of them stated Herbert K. Sorrell had written his name on the receipt for membership book No. 60622, and also on the control card book No. 74282, and that another handwriting expert of the two mentioned had only identified one of them as the signature of Herbert K. Sorrell.

I think counsel is in error. I think both Mr. Harris, and Mr. Sellers, as confirmed by the Federal Bureau of Investigation, testified before the Tenney committee that in their professional opinion as handwriting experts Mr. Herbert K. Sorrell signed both the receipt for the membership book, No. 60622, and the control card, first half of 1937, book No. 74282.

Mr. McCANN. Mr. Chairman, at that point may I interrupt to read from the testimony very briefly so that there will be no argument?

Mr. KEARNS. Proceed.

Mr. McCANN. This is testimony given by Mr. Harris, who was one of the experts testifying before the Tenney committee:

For the purpose of determining whether or not the person who wrote the material on the exemplars was the same person who wrote the material which appears on the two questioned documents.

That is the question at the bottom of page 17. The answer is:

Yes; that was the purpose of my examination.

Q. What was your conclusion?

A. My conclusion was that the signature of Herbert Stewart—is this exhibit 3?

Q. That is right.

A. On exhibit 3, and all of the pencil writing—this document doesn't have a number.

Q. All of the pencil writing on the document which states control card, first half, 1937?

A. Yes.

With the possible exception of the 1 and the 3 opposite the printed word "District" it is my conclusion and my opinion that all of that writing was written by the same person who wrote these exemplars, identified to me as the genuine

handwriting of Herbert Sorrell, that is excusing on this exhibit 3 the writing beneath the signature.

Mr. LEVY. I listened to you attentively, but I do not see where that upholds your position.

Mr. McCANN. Well, he does not give any testimony that the signature on the other document was the signature of Herbert K. Sorrell.

Mr. LEVY. Well, in the first place, Counsel, that is not what you said when you made your statement. You said one of them testified that he could identify one card and not the other.

Mr. McCANN. No.

Mr. LEVY. Now you say he made no statement with respect to the other. Let us examine the record and see if you are not also in error there.

Mr. OWENS. Mr. Chairman, I do not think it is material anyway. It is just the fact that they did not altogether agree on two different cards. In the Chrisoffel case you will agree we had the matter of membership and support of various party organizations, and someone having identified him as having been with parties, and he said he didn't know. The jury found him guilty and it did not even include things of this kind.

Mr. LEVY. Mr. Owens, it may not be material to the committee, but I beg of you to let me indicate it is material to us in this respect:

If the entire testimony of Mr. Harris was read you could see without question that he stated that both No. 74282 and No. 60622 were signed by Herbert K. Sorrell.

Mr. OWENS. I so observed in the reading of it myself.

Mr. LEVY. I do not understand the basis for the doubt involved.

Mr. McCANN. Mr. Chairman, if that is true I am most distressed. From my examination of the "excerpts from Senate Journal of February 19, 1946," I am of the opinion that there is a variation and for that reason I called it to the attention of the Chair.

Mr. KEARNS. The Chair rules it is purely a matter of opinion. I am not interested in the disagreement between the two counsel.

Mr. McCANN. I have no desire to have any representation here that is not 100-percent right.

Mr. LEVY. That is what the Chair asked me to come back for.

Mr. KEARNS. That is right.

Mr. LEVY. I will proceed with the rest of the testimony later.

Mr. KEARNS. That is right.

Mr. LEVY. Thank you very much, sir.

Mr. KEARNS. Thank you, Judge.

Mr. Robinson, will you take the stand?

#### TESTIMONY OF JOHN R. ROBINSON—Recalled

Mr. ROBINSON. I would like to make a little statement here before I start it with any more questions. In fact, my coming down here had nothing to do with these gentlemen. I did not have the meeting with the IATSE until the last minute last night.

I did not come down until I was informed that you actually wanted me.

Also with regard to this Captain Hynes that was referred to in the former testimony, that is the man I referred to as "Red" Hynes. I can



assure you that he gives you the straight dope on the Communist Party out in southern California.

Mr. LEVY. I never met Captain Hynes.

Mr. KEARNS. No; but when you read the material into the record he was referred to.

Last evening as you left the stand you were going to divulge some information that would be of importance to the committee with regard to the riots, the sabotage and one thing and another out there during the strike.

Mr. ROBINSON. Yes; it came up repeatedly. I think I cited one instance where they asked my permission to go ahead and stink bomb all the theaters throughout the country.

Mr. KEARNS. Do what?

Mr. ROBINSON. Use what they call stink bombs, bombs which have a very offensive odor. They explained to me how they would do it. They would go in the theater, throw this bomb down on the floor, get up and walk out and after they left the bomb would go off and it would chase everybody out of the theater. That was one of the ways to get a crack at the studio.

Then there were other instances. One I tried to stop but was unable to do so. This will probably be news to these gentlemen here—that was the wrecking of the IATSE office on Santa Monica Boulevard, during that 1937 strike.

I got down and saw that but I was trying to get down and stop it, because I heard it was going to take place. But I did not get there; I was across the street at the time it happened.

Those things, in my estimation as a union man and in my battles for organized labor, have always been a very bad thing in my estimation. The newspapers get hold of those things and they make all of us men in the labor movement look like a bunch of thugs. That is something if we want to win a strike and want to win recognition that we cannot have.

Mr. OWENS. I want to ask a question, sir. I was not able to tell, Mr. Robinson, from your statement yesterday, when you mentioned that you wanted to see this strike succeed, and when you also told about the fact that most of the picket lines were in disorder and that the line a Warner Brothers in charge of Mr. Sorrell was in good order—

Mr. ROBINSON. It was.

Mr. OWENS. Did you mean by that picket lines which were not violating the law?

Mr. ROBINSON. That is correct.

Mr. OWENS. In other words, at that time he was conducting a picket line which was not in violation of the law?

Mr. ROBINSON. That is correct.

Mr. OWENS. Do you know whether he ever changed his method in any way?

Mr. ROBINSON. Well, publicly, no. I complimented him for the picket lines and that was why it was such a surprise to me when I found he was a member of the Communist Party, because as my picket captain—I say “my” because I was actually in charge of the strike; not for the public to know, but I was conducting it. All of the picket lines that his lieutenants established at the other studios were very orderly. As a matter of fact, Captain Hynes kept a very close watch

on all picketing activity and saw to it that there was not any mob violence or anything of that kind.

Once in awhile things would break out but they would get it straightened up.

I complimented Herb on his conduct of the picket lines. But it was these things that transpired away from the actual picket lines.

Now we did have many times picket lines at the theaters around town. And then from the Communist Party and from the—I believe they call them the Young Communist League—there would be volunteer pickets come up there and join those picket lines. They would come right direct from the Communist Party.

Of course, when that would happen there used to be quite a rumpus. I would be called immediately. I would go down there and check on everybody that had a union card and get them out of the picket lines, because I didn't want any kind of that stuff in our picket lines.

It was good policy once in a while to put a picket line around the theaters, Warner Bros., and the rest of them.

Mr. McCANN. In other words, you would remove from the picket line all who were Communists and leave only regular union men?

Mr. ROBINSON. Only recognized union men with their card in their pocket who were legitimate pickets.

Of course, you can understand Captain Hynes was supposed to be antiunion. However, I can say this, that Captain Hynes was not antiunion. As far as a good American union man was concerned, he had nothing to fear from Captain Hynes if he obeyed the law.

Mr. McCANN. Did these pickets who were representing the Communist League and the Communist Party carry banners designating who they represented?

Mr. ROBINSON. Oh, no; certainly not. They used to just carry placards and banners.

Mr. McCANN. How did you tell they were members of the Communist Party and of the Young Communist League?

Mr. ROBINSON. Well, they were brought right up to the strike headquarters and introduced to me.

Mr. McCANN. That is the way you found that out?

Mr. ROBINSON. That is right, and where they came from.

Mr. McCANN. I thought you said you found it out because of the fact that they were in front of the theaters, you would go down and check and ask them for their union cards and chase them away?

Mr. ROBINSON. That is right. Whenever I would find them in the picket lines. But they brought these young Communists up to the strike headquarters and I met them up there. I was amazed that they were principally students of the Los Angeles Junior College.

That at that time was a hotbed and stronghold for the Young Communist League. They used to have big meetings and dances down on Avalon Boulevard.

I opposed their support. I did not want their support because it reflected on the men who were out in a truly labor fight.

Mr. McCANN. Did you do any undercover work for Captain Hynes?

Mr. ROBINSON. No, sir; I never have done any undercover work for anyone.

Mr. McCANN. But you were very close to him?

Mr. ROBINSON. No, I was not very close to him. How I got acquainted with Captain Hynes was on the water front. Captain Hynes

happened to be an ex-marine from the First World War, a wounded marine. I had on the water front what I would term my "educational committee." It was also composed of a bunch of ex-marines that were longshoremens.

That educational committee, it was their duty to educate people that were strikebreakers on the principles of unionism. Of course, that was strictly legitimate.

Mr. McCANN. What else did your educational committee do?

Mr. ROBINSON. They tried and succeeded quite often in educating some of the Communists to some clear Americanism. And they didn't do it with any kid gloves on. They were a pretty tough bunch of boys.

Two of these boys that were on my educational committee happened to be in the same outfit that Capt. "Red" Hynes was. I had six of them. They were all boys who had been in the Marines and were then working as longshoremens at San Pedro.

Those were the boys I brought up to Hollywood, incidentally, and they helped me in Hollywood to kind of educate some of the Communists out there.

Mr. McCANN. You did then bring some of your old staff from San Pedro—

Mr. ROBINSON. To Hollywood.

Mr. McCANN. When you were running the strike there in 1937?

Mr. ROBINSON. Yes, sir. When I found out what I was up against with the Communists I knew I had to have some protection.

Mr. McCANN. Did you have them as a bodyguard?

Mr. ROBINSON. Well, you might term it so. However, I was not particularly worried about my body.

Mr. McCANN. From the testimony yesterday you had reason to be worried about your body, didn't you?

Mr. ROBINSON. Oh, yes; they bumped off a couple of my buddies.

Mr. OWENS. Mr. Robinson, did you know a police officer by the name of Elmer Adams?

Mr. ROBINSON. Elmer Adams, no, I don't recall the name.

Mr. OWENS. Mr. Sorrell testified that at the time he was captain of that Warner picket line one Elmer Adams, a police officer, came down and drove through the mass picket line he had there and told him that he could not picket a driveway. Did you find that the driveways were being picketed when you were there?

Mr. ROBINSON. Yes; they were. However, you are confusing the Los Angeles Police Department with the Burbank Police Department. I know nothing at all about the Burbank police.

Mr. OWENS. I am more interested in the fact that by Sorrell's own testimony he did have a mass picket line there and was blocking the driveways.

Mr. ROBINSON. Oh, yes. At that time we did not have any limited number of pickets that could be placed at a studio.

Mr. OWENS. Did you find he was blocking the driveways?

Mr. ROBINSON. Oh, sure. We used to have enough men out there to form a continuous line, just keep them going, keep them on the move all the time, not in a solid mass.

Mr. OWENS. That was peaceful picketing?

Mr. ROBINSON. That was peaceful picketing. They were not doing anything wrong, just marching around in a circle. And it was permitted at that time.

However, the law was later changed so that you could only have a certain number of pickets. But then there was no limit to the number of pickets.

Mr. OWENS. But after Mr. Adams told him that, he said he then blocked the roads so that even the police cars, the firemen couldn't get through to where there was a fire.

Mr. ROBINSON. That was in '37?

Mr. OWENS. For that reason he was continuing to carry on his picket line in that way. Did you know anything about that?

Mr. ROBINSON. No.

Mr. KEARNS. Will the gentleman yield at that point?

Mr. OWENS. Yes.

Mr. KEARNS. When you made the speech that night regarding the philosophy of strikes, where you were supposed to speak for 30 minutes and then spoke for 2 hours or something and then had the job consigned to you to handle this strike, you immediately went out and appointed Sorrell as captain of the pickets after you went down and observed the job done at Warner Bros.; isn't that correct?

Mr. ROBINSON. Yes, sir. I didn't actually make the appointment, because I had no actual authority.

Mr. KEARNS. You said you took over?

Mr. ROBINSON. I took over and recommended to the strike committee that they take that action.

Mr. KEARNS. Who established the policy of the conduct of the strike?

Mr. ROBINSON. I did.

Mr. KEARNS. Then you adhered to everything that Sorrell did as the policy that you set up?

Mr. ROBINSON. Well, not everything he did.

Mr. KEARNS. He worked under you, didn't he?

Mr. ROBINSON. No; not actually under me. He was actually under the strike committee. They were following my recommendations.

Mr. KEARNS. Did you have the right of removal?

Mr. ROBINSON. Yes; but once I set them up there I couldn't very well take them out, because he had proven such a good job of handling the pickets that I would have looked rather ridiculous. However, I knew I had to do something to keep the Communist activity down.

Mr. KEARNS. But you didn't approve then of everything that he did?

Mr. ROBINSON. Indeed not. In fact, I called him on the carpet many times.

Mr. KEARNS. But you felt that you had appointed him once, and you could not remove him?

Mr. ROBINSON. That is right. After all, I actually had a three-sided strike on my hands.

Mr. KEARNS. What do you mean, three-sided?

Mr. ROBINSON. Well, I had the producers to fight for one thing. I had the Communist Party for another thing and then I had to keep an eye on them. Then in addition to that and this is going to hurt some people in this courtroom, I imagine—I had Mr. Browne and Mr. Bioff of the IATSE. They came out—and I think the committee is aware of their activity out there at that time—with the avowed purpose of breaking up that strike. Upon my meeting these gentle-

men last night I gave them a little idea: however, I only talked to them for a few minutes. I did not get a chance to tell them very much about it, but I wanted to clarify why I would not come down here for the IATSE.

Mr. Bioff established an office in the Taft Building. One of the unions involved in the strike was the laborers union of the studios, whom they call the grips. I had quite a number of those boys there. A fellow by the name of Joe Marshall was president of the laborers.

He was also at that time, I think, third vice president of the American Federation of Labor, a very, very fine old man, fine character, good union man, very honest and conscientious. I have the greatest respect for Joe Marshall.

He was called up to the IATSE office and paraded through a bunch of gunmen—I say “gunmen” because that is what they proved to be later on: they were part of a Capone gang. I got this story from Joe when he came back down as to what had transpired. Bioff pointed to these men and told him he better get his boys back in the studios and cut out the strike, because those boys were going to take care of him, they were going to break up the picket lines. They were going to end this damned strike.

He says, “I want you to go back there to strike headquarters and tell that guy Robinson to get the hell out of Hollywood, or we will leave him on his doorstep.”

Joe came back and he was scared to death, and he came right to me and told me that. He told me they weren't fooling, that they really meant business. I said, “Well, Joe, I don't scare very easily. He's got some tough guys, sure, but I have, too.”

That is when I brought my educational committee up from San Pedro.

Mr. McCANN. Who was it made that threat?

Mr. ROBINSON. Willie Bioff made it to Joe Marshall, and Joe Marshall in turn brought it down to me.

Mr. OWENS. Was Nitti there at that time?

Mr. ROBINSON. Nitti?

Mr. OWENS. Frank Nitti.

Mr. ROBINSON. I don't know what the names of his lieutenants were. However, my educational committee took care of quite a few of his boys. Then I sent word by Joe Marshall back up to Mr. Bioff that if he sent any more of them down the street I was coming right up in the Taft Building and get him.

Mr. KEARNS. I resent the job assigned to an educational committee.

Mr. ROBINSON. You can take it from me, Mr. Chairman, they were one of the finest bunch of teachers of pure Americanism that it is possible to get, even if they had to do it with baseball bats and cargo hooks, but they taught real Americanism.

Mr. OWENS. Did you know anything about Captain Hynes driving the picket line off by force at any time?

Mr. ROBINSON. Oh, yes, he had it busted up many times out there, when they would get piled up in a gang. Some of the nonstrikers would try to go through.

Now there were quite a number of unions that had agreements with the studios. It was a rather difficult proposition. The electrical workers were working under an agreement and they had no grievance.

They were working in the studios. The IATSE had an agreement and they were working in the studios.

Then in addition to that there was considerable construction work going on.

Mr. KEARNS. Who was doing the construction work?

Mr. ROBINSON. Oh, various carpenters. The construction crews had nothing to do with the operation of the studio and in no way affected our strike. Building had nothing to do with the owners of the studio.

So Neal Haggerty—C. J. Haggerty, I believe is his name—now president of the State federation of labor—in fact, Neal Haggerty is one of them who called me from Washington and asked me to come down here. He was here at the time shortly after that telegram I sent. Neal Haggerty called me from Washington and asked me to appear because Neal knew the whole picture back there as to what I went through.

Neal at that time was president of the building trades council, the Central Labor Council of Los Angeles. Neal and I got together to allow his building trades members to go into the studio and do his construction work.

We worked out a plan whereby one gate would be used at the studios where the construction work was going on, and his membership would do the policing of that gate, and no employees of the studios would be allowed to go through there, nothing but the construction crews, and as a result we would not put any pickets at the gate because after all they were not affected by the strike, but his men would not go through our picket line.

So that the only way we could let them work on this construction work was to have one gate for their use exclusively and keep the pickets away from there.

Mr. OWENS. Did you know a man by the name of Joe Tuohy?

Mr. ROBINSON. Joe Tuohy? Yes; I believe he was with the teamsters, if I am not mistaken.

Mr. OWENS. Did he have a picket line set around the plant at that time?

Mr. ROBINSON. Tuohy?

Mr. OWENS. Yes.

Mr. ROBINSON. No; not that I know of. Around the studios?

Mr. OWENS. Yes.

Mr. ROBINSON. Not that I know of.

Mr. OWENS. Mr. Sorrell testified that he was taken over to the Tuohy picket line to see how a picket line should be handled.

Mr. ROBINSON. Oh, Tuohy may have had some pickets at some other place, some plant. Joe was an expert at picketing, of course.

Mr. OWENS. Just one other point and I will be through. Do you know whether or not Mr. Sorrell was arrested during any of that time while you were there?

Mr. ROBINSON. There were many boys arrested out there at that time. I think Herb was possibly picked up in the dragnet a couple of times, too. But through my connections with the then prosecutor of the county, Buron Fitts—Buron Fitts knew me; he knew that my work was good and if I would try to keep things in order he would not prosecute me.

Mr. OWENS. Did you know a man by the name of Ralph Peckham?

Mr. ROBINSON. The name is familiar, but I do not just recall him; no.

Mr. OWENS. Do you recall of any incident where Sorrell and Peckham were arrested about the same time?

Mr. ROBINSON. That would not be at Burbank, the time they had them in the Burbank jail, took them down under the county prosecutor? There were so many cases that kept me busy running down to the prosecutor's office to get those boys out of jail I can't remember them all.

Mr. OWENS. Yes; that was the Burbank jail.

Mr. ROBINSON. Well, I went down there and got them out under the district attorney. The district attorney sprung them without any charges being preferred against them.

Mr. OWENS. This is one in which he sued for false arrest afterward. Do you know anything about that?

Mr. ROBINSON. No; that would not be the case then, because—well, it might have been, I don't know. You see, I got out of the picture. As soon as the strike was over I stepped out of the Hollywood picture because after all I had a living to make and I was not making anything up there. I had to go back to work again.

Mr. OWENS. I think that covers everything I want, Mr. Chairman.

Mr. McCANN. Mr. Chairman, I have one question which I think is only proper to ask at this time, because in the absence of some of the lawyers who were here I know Mr. Cobb would ask, if you don't mind.

In the testimony of Mr. Robinson yesterday he made this statement, on page 3484 of the record:

I was not particularly interested in the jurisdiction out there in Hollywood. That was none of my business. But apparently the IA was opposing what I found out was the Communist group there and every union out there had a lot of Communists in it. There is no question about that. Every damned one of them, including the carpenters union and all of them, they all had them.

Now on behalf of Mr. Cobb and in his absence I am going to ask if he can name any members of the carpenters union who were Communists?

Mr. ROBINSON. No. I was then a good deal like I was when I walked in here yesterday. Understand, I was never employed in the studios. When I went out into that picture they were all strangers to me, everybody. I was asked at various times to attend these meetings. The fact of the matter is, the night that President Hutcheson ordered the carpenters back into the studios I was sitting right in his union meeting that night.

As far as naming the actual members of the Communist Party, I am under oath; I have no proof other than my knowledge, knowing how Communists work, fighting them these many years. I can spot a Commie almost that quick [indicating]. I saw them in all of these units where I attended their meetings, that is, the local unions. I could spot their propaganda and the things they tried to put over.

It was such an old story to me, fighting them on the waterfront, that it doesn't take me but just a moment to spot a Commie.

Mr. OWENS. That question of counsel poses an interesting question which I opened up with you a bit yesterday. That is, knowing that

Mr. Sorrell was a Communist—having learned that in your first few days' acquaintance with him—and knowing, for instance, that this IA group seemed to be opposing communism. I am a little bit puzzled about the fight that you carried on with those seemed to be opposing communism at the time.

Mr. ROBINSON. The reason I oppose them—I can't swear to it, but we had it on pretty good information that Mr. Bioff received a pay-off from the studios to break up that strike. After all, to me while the IA was opposing communism I deemed him nothing more or less than a racketeer and a strikebreaker.

His organization, yes; they were opposing communism. They had a lot of them in there, don't kid yourself, they had a lot of them in the IATSE.

Mr. OWENS. In other words, you were called upon to decide in your own mind the difference between communism and the racketeering?

Mr. ROBINSON. Two bad evils; that is what I said, I had three sides to fight on. I had the producers, I had the Communists within the striking unions, then I had the outside, the IATSE to fight, and I mean it really kept me going.

Mr. OWENS. So you chose the Communist-led group as opposed to the racketeers and the producers?

Mr. ROBINSON. No, I didn't choose them. I just tried to keep them subdued. I had to put up with them. I had to countenance with them. I had to put up with them and try to keep them from losing our strike for us by their overt actions.

Mr. OWENS. Did you feel in your own mind that it was a Communist-led movement, the one that you were supporting there?

Mr. ROBINSON. No, sir. Originally the strike was not Communist-instigated. I am confident of that because the man who was then business agent of the painters union, a fellow by the name of Cole, Ruddy Cole I believe his name was—

Ruddy Cole. Yes; that is the one that Mr. Sorrell mentioned.

Mr. ROBINSON. I would almost take an oath that that man was not a Communist, that he was purely a union man who struck me as trying to improve the wages and working conditions of the membership of his own union.

Mr. OWENS. That was the man who made the closed-shop agreement with the producers after the strike, is he not?

Mr. ROBINSON. He was still business agent; yes.

Mr. OWENS. Then he ran for another office, did he not?

Mr. ROBINSON. I do not know anything about the internal politics of the painters union.

Mr. McCANN. On behalf of one other union, if you don't mind, I would like to ask this question. You at one time were a member of the stationary engineers?

Mr. ROBINSON. That is right.

Mr. McCANN. Did you meet a Mr. Wayne out there at that time?

Mr. ROBINSON. I don't recall the name.

Mr. McCANN. Did you meet a Mr. Hill out there at that time?

Mr. ROBINSON. It is pretty difficult for me to remember all the different people's names that I met.

Mr. McCANN. Were there any Communists that you know of in the stationary engineers group at that time?



Mr. ROBINSON. I only had about 42 men when the strike started, and at the time the strike ended I think I wound up with 12 of them, all of the rest of them had filtered back into the studios either under the IATSE or the electrical workers, so I only wound up with about 12 men and we didn't get any agreement at all.

Mr. McCANN. Let us take the other two unions that have been before us testifying here and do the same thing for them.

Did you meet the men who were at the head of the machinists?

Mr. ROBINSON. Oh, yes; I attended several meetings of the machinists union.

Mr. McCANN. Who was the head of the machinists group?

Mr. ROBINSON. I have forgotten what his name is now.

Mr. McCANN. Do you recall who their business agent was?

Mr. ROBINSON. I don't remember right now.

Mr. McCANN. Do you recall any Communists among the machinists?

Mr. ROBINSON. They were a good deal like the engineers. They were small in numbers and I do not think they were very badly influenced.

Mr. McCANN. You do not think they were influenced by the Communist group?

Mr. ROBINSON. No; they were not strong enough to formulate any policy.

Mr. McCANN. Now, outside of Sorrell, whom you have identified in your own mind as a Communist, can you tell me if there were any other Communists in the painters group that you can identify?

Mr. ROBINSON. There are many of them that I know are Communists, yes; but none that I can say positively that I have their word for it, that they told me or anything of the kind. I will not under oath here declare a man to be a Communist unless I know him to be one.

While in my own mind I am convinced of either their Communist membership or being a fellow traveler, as they say, I certainly would not pin that on anyone unless I were sure.

Mr. McCANN. That is all that I have.

Mr. KEARNS. Mr. Robinson, you say you were at sea many times. Did you ever have any incidents happen while you were at sea of which you would like to inform the committee?

Mr. ROBINSON. Prior to the 1934 strike of seamen we had considerable trouble with the Communist group. It was the only union of seamen then. It was directly chartered by the Communist Party. I believe they called themselves the seafarers—no; anyway it was an industrial union. I have forgotten exactly what title they used but they had a union that was sponsored and chartered by the Communist Party.

As an officer on this ship they were giving me lots of hell. I used to get rid of them as fast as I could. I am a damned good union man myself and I didn't go for the kind of stuff that they would pull aboard ship. As you know, when we are out to sea the chief engineer or captain, when he issues an order, you dare not stand there and argue with a sea lawyer as to the advisability of carrying out that order. Those were the tactics they used to use.

Mr. KEARNS. Were you at sea during the war?

Mr. ROBINSON. Yes, sir. During this war?

Mr. KEARNS. Yes.

Mr. ROBINSON. Yes, sir; and the previous one.

I gave up my civil-service rating with the city of Los Angeles, resigned my position there to go into the Government service. I volunteered and was commissioned by the United States Maritime Service. I hold a commander's rating. I have my identification here and I still hold my active commission.

Mr. OWENS. Were you a warrant officer?

Mr. ROBINSON. No, sir; a commander.

Mr. OWENS. Were the ships on which you were located in the zone of attack?

Mr. ROBINSON. Oh, yes, sir; I was in there several times.

Mr. OWENS. Did you ever have any incidents where your ship was under attack?

Mr. ROBINSON. Yes, sir; I caught a fish one time.

Mr. OWENS. You mean by a fish a torpedo?

Mr. ROBINSON. Yes, sir.

Mr. OWENS. You mean your ship was torpedoed?

Mr. ROBINSON. Yes, sir; but we brought it back; just a little hole in it.

Mr. OWENS. You call that catching a fish when your ship is torpedoed?

Mr. ROBINSON. That's right. Several of them missed us. We had several other experiences with them, but we came through all right.

I got pretty well banged up. I got my jaw broken. In addition to having my back broken and my neck broken when I went out there, I came back with a broken jaw and that is how I happened to stay ashore and was with the Navy for the remainder of the war. I thought I better stay on the beach.

Mr. KEARNS. Mr. Robinson, you have had quite an experience as a strike leader. I can see that. Inasmuch as you were affiliated with labor organizations it seemed to be your duty to be assigned to such jobs as that.

Mr. ROBINSON. No; I am primarily an engineer. Let me tell you something. Believe it or not, the job I am in now for the first time, in all my years of association with organized labor, this is the first time I have ever had the pleasure of working under a union contract, in all the years I have ever been associated with labor, and that was since I was a kid.

But union labor has always been my hobby. I have never drawn a salary from a labor organization in my life.

As an organizer for the marine engineers I was not on a salary. I was paid a commission. I had to be a good salesman and I was a good salesman on unions. I got a commission on all the initiations that I brought into the marine engineers and I really built them up.

I was able to go out aboard the ships and convince the marine engineers on the ships that we had a fine organization, that we could do a lot for them and I had to sell them. I was really a union salesman.

I was sold on it myself and I made a pretty fair living by going out and selling it to the other engineers.

Mr. KEARNS. You feel even today that strikes are the answer for success of unionism in America?

Mr. ROBINSON. Oh, no. A strike should never be resorted to except in complete deadlock. I have found it so in my experience as head of the Maritime Federation there, that many of the shipping concerns, after they found out that we really had the same interest at heart that they had—in other words, myself or any other seaman knows that the ships have got to run in order for us to make any money or for the shipowner to make any money. So we have something in common.

When agreements were made, or in order to get an agreement, I many times acted, along with the representative of the particular union that was after the agreement—I sat in with them in the conferences with the employers.

In the majority of cases we were able to sit down and talk business as Americans, and arrive at something that was fair both to the shipowner and to the employee.

For instance, my very good friend Harry Lundberg; I think that his union enjoys the finest conditions—far better than the NMU or any other unions enjoy. Men of Harry Lundberg's union enjoy the finest working conditions of any seamen anywhere in the world, and Harry has not had to call a strike in a long, long time, although the shipowner knows if he does not play fair with him there will be a strike called.

There is an example of it. The shipowners know that he will keep his word, that he will keep an agreement and he is able to get a good agreement without a strike.

So it is not always necessary. Years ago we only figured to win one out of five strikes that we went into.

Mr. KEARNS. Do you have any other information you would like to give the committee that you haven't discussed?

Mr. ROBINSON. No; I think the only thing involved here at the present time is the studios. I am going to be very glad if you people have to take up the matter of the waterfront situation. That will be another angle of it which will give me great pleasure to get back into. But I think this only deals with the studios and I have about given you my knowledge of that.

Mr. OWENS. Mr. Chairman, it is just my thought that inasmuch as Mr. Robinson is here and Mr. Bodle and Mr. Sorrell saw fit to leave while this hearing was still in progress, that it might be well to inform Mr. Bodle that Mr. Robinson is here and if Mr. Sorrell wishes to return he can come here to check with Mr. Robinson, whom he has already said he did not know.

Mr. KEARNS. Does his testimony so read?

Mr. OWENS. That is what I understood.

Mr. MCCANN. As I understood it, he said he did not know who Robinson was. That is my recollection of the testimony.

Mr. ROBINSON. I always figured he was a little punchy, but I didn't think his memory had slipped that much.

Mr. KEARNS. I think the Chair will rule in that case that we will discuss it among the committee and decide the merit of doing such a thing, then inform Mr. Robinson this afternoon whether or not we will take such action.

In view of the President's speech at 12:30 we will stand in recess until 2 o'clock this afternoon.

(Whereupon, at 11:30 a. m., a recess was taken until 2 p. m. of the same day.)

## AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m.)

Mr. KEARNS. The hearing will be in order, please.

**TESTIMONY OF MATTHEW M. LEVY AND ROY M. BREWER—Recalled**

Mr. KEARNS. I have one communication to read into the record. It is addressed to me under this date, March 17:

Will you be good enough to read into the record the following request by me, since I cannot be at the hearing this afternoon?

With respect to briefs, I would request that in accordance with the usual practice, Mr. Cobb be directed to serve a copy of any brief filed by him with the committee on me. I would like then to have the opportunity of filing a reply brief if I think it necessary on behalf of the producers.

(S) BURTON A. ZORN.

Mr. OWENS. Mr. Chairman, may I say that from just the way it has been read into the record, we are encouraging the writing of briefs.

Mr. KEARNS. We permitted Mr. Cobb to present a brief. Mr. Cobb, out of the whole hearing, merely took 1 day. Instead of putting a lot of the evidence in, I think he said he would rather present it in the form of a brief, which we permitted him to do.

Mr. OWENS. Then the other side will have to have the same opportunity.

Mr. KEARNS. I have no objection, even if you want to write a brief, that you do that.

Mr. LEVY. I was going to suggest that I accept that privilege, and that Mr. Cobb and Mr. Zorn should be notified to serve briefs on all the counsel, and we can respond accordingly, if we consider it necessary. I do not think it will be necessary, but I want to have the same privilege accorded to me as is accorded to counsel for the other parties.

Mr. KEARNS. That is right.

Mr. LEVY. Thank you very much.

Mr. KEARNS. You may proceed.

Mr. KEARNS. You may proceed.

Mr. BREWER. Mr. Sorrell gave some testimony concerning Dominic Bruno. His testimony was to the effect that Bruno had made the statement presumably to him that "he sees Bioff and thinks he's a nice guy." At the time he gave that testimony I could not conceive that that was factual, but before I had a chance to contact Mr. Bruno I got a communication which I understand was addressed to you, and I received a copy which I would like to read into the record.

Mr. OWENS. Is this a sworn statement?

Mr. KEARNS. This is a sworn statement. I have a sworn statement of it.

Mr. BREWER. It is March 12, 1948, addressed to—

Hon. CARROLL D. KEARNS,

*Chairman, Congressional Subcommittee on Labor,*

*House of Representatives, Washington, D. C.*

DEAR CONGRESSMAN KEARNS: According to press releases, Herbert K. Sorrell, while testifying before your committee, made the following statement:

"Dominic Bruno was put into Eagle Lion by the IA to run things and bragged to me that he sees Bioff and thinks he's a nice guy."

This testimony by Herbert Sorrell is completely and unqualifiedly false, and I respectfully request that this letter be read into the records of your commit-

tee—that I have never met Bioff and do not know him at all, and I have never held a conversation at any time with Herbert Sorrell.

I am the assistant technical director at Eagle-Lion Studio, and my immediate superior is a former member of the Conference of Studio Unions—and not a member of the IATSE.

Respectfully submitted.

DOMINIC L. BRUNO,

5758 Cedros Avenue, Van Nuys, Calif.

This was sworn to before a notary, State of California, county of Los Angeles, subscribed and sworn to before me, a notary public in and for the county of Los Angeles, State of California, on this, the 12th day of March 1948.

Raymond E. Schultz, notary public, with the seal.

I would like to say in connection with that, Mr. Chairman, that the immediate supervisor of Mr. Bruno was a man by the name of Henry Firman. Henry Firman was an active participant in the 1945 strike on behalf of the carpenters and served on the committee which negotiated with the carpenters' union, he serving in behalf of the carpenters' union when that strike was settled.

In the interim period, Eagle Lion was organized. He was put in as the superintendent of construction. Because of his bias in behalf of the CSU we felt that there was discrimination against our members and in order to balance the situation Dominic Bruno was put in as assistant to him, so that the situation would be balanced. His statement speaks for itself.

Now, speaking briefly about the situation in the independents, there is one point which has not been brought out and which we feel is important. That is, that the reason which we attributed to Sorrell's attitude toward these independents was that he assessed every man, who worked in the independent field during this strike a daily assessment which he used for a slush fund to use against us. Some of those men paid as high as \$8-a-day assessments, so that you can figure if he had 400 or 500 men in the CSU working in the independent field paying up to \$8-a-day assessment, he had a pretty substantial fund to use against us. That was why we felt, in self-protection, we had to take the same attitude with the independents toward him that he took toward us with the majors.

We did our very best to protect ourselves and still not injure the independents. We worked with them. I think you will find every independent in the field recognized that we did our very best to protect ourselves against the attacks being made against us, without injuring the independents. I am sure they will testify that is a fact.

Mr. OWENS. You mean you created a slush fund, too?

Mr. BREWER. No, sir; we did not, but we did do everything we could to reduce the size of Mr. Sorrell's slush fund.

There were no independents complained, although I do know they were solicited. Efforts were made to get them to come before the committee and complain, and they would not do it, because I think they all realized that in view of the circumstances we had bent over backwards to prevent them from being injured in the situation.

Now, Sorrell spoke quite at length about this alleged kidnaping and beating which took place just about a year ago. He also discussed the shooting which took place, I think, in the last strike.

Of course, he attempted to leave the impression that the IATSE was in some measure responsible for that.

I don't know who was responsible for that. But I want to say to this committee that I do know that nobody, with whom I had any association in the IATSE, had anything to do with it. I want to say further that I discussed the matter informally with representatives of the police department and that there were a lot of questions, particularly about the kidnaping, which were never answered.

So far as I know, not one member of the IATSE was ever questioned by the police as being suspected of any connection with that.

I want to state further that so far as the persons whom I talked to about the situation are concerned, they felt it was phony, because it came at a time when the strike was at a low ebb; that it was losing its place in the newspapers, and that the public sentiment they tried to whip up was beginning to die down. This, of course, was a great dramatic incident.

Then to further confirm my suspicions that that was the purpose of it, when he was brought back from the hospital at Inyokern, a great mass meeting was held in typical Communist-front style, welcoming Sorrell back, welcoming the "great martyr" back to Los Angeles.

I have here a photostatic copy of the call for this rally. I will submit it as a reference exhibit for the committee.

I would like to say in connection with this meeting that the speakers at this meeting were, among other people, Phil Connelly, of the CIO; Ellis Patterson, former Congressman; Mr. Dalton Trumbo—whose name I am sure is familiar to you—and Mr. Averill Berman, commentator, whose name has not been mentioned here, but who was a very important factor in whipping up the hysteria that went with this strike. Mr. Berman has a long record of pro-Russian activity, so far as his commentating on the radio is concerned. His speeches are a matter of record.

At one time he was called before the Un-American Activities Committee.

Those were the principal speakers at this big rally which welcomed Sorrell back from Inyokern.

Now, Sorrell mentioned the question of arbitration and there are two points that are important with respect to arbitration.

I testified previously about our efforts to arbitrate through Mr. Keenan. Sorrell in his testimony said that this actually broke up as a result of a conference between Mr. Morris Hutcheson and Mr. Walsh. Technically that is true, but I pointed out that we had arrived at a basic agreement. Then when the lawyers redrafted that agreement they completely eliminated several of the basic provisions, namely, that it be signed by the presidents and that the December 26, 1945, decision be the fundamental basis for jurisdictional divisions.

The lawyers repudiated those two points.

Then before we knew they had repudiated those two points Mr. Keenan had already been asked to come to Los Angeles and was on his way. So when he came on he held some conferences. There was a very significant point came out in those conferences which was that Morris Hutcheson wanted to know why we were insisting on William Hutcheson signing the agreement. We pointed out that we did not

want someone to come back at a future date and say, "I fired the fellow who signed that agreement, therefore, it isn't binding on me."

So they kept pressing the point, "Wouldn't it be all right if an official of the carpenters' union would sign it, an authorized official?" In the effort to compose that difference, Mr. Keenan called a conference between Mr. Morris Hutcheson and Mr. Walsh. President Walsh said, "Well, all right, if you will give me a letter saying that you accept the decision of the three-man committee over the signature of a responsible official of the carpenters' brotherhood, I will accept that and then I in turn will give you one."

Morris Hutcheson said, "Why, no, we wouldn't do that."

Then he was asked, "Well, how do you reconcile that with your apparent agreement to sign this arbitration agreement, with your position now that you won't accept the directive?"

And he said, "Oh, well, we figured the agreement would only be for 1 year; we would be willing to accept it for 1 year, but not for longer than that."

That was a complete repudiation of the whole program of arbitration and the actors were very much put out when they found that after they had been struggling to solve this thing once and for all what they were actually talking about was merely a 1-year agreement when they would be relieved to open the whole thing up again.

Now, the whole approach to arbitration on the part of the CSU was dishonest.

Sorrell submitted here a copy of an agreement which he proposed. This is what he would do: The CSU would propose that they enter into an arbitration agreement and give it to the newspapers. Then when we would ask them about the internationals, will the internationals agree to this arbitration, they couldn't answer that.

So the only advantage was that they were trying to hold us up to the public as not being willing to accept their proposal for arbitration, while as a matter of fact, when you went into it, none of those proposals were honest proposals, because when you pinned them down they admitted that they could not speak for their internationals and their internationals wouldn't be bound.

Now, Sorrell makes the charge which is not important, in my opinion, but I want to call it to your attention, briefly.

He makes the charge that the IATSE is a company union. I have here a complete file of agreements, which I will submit to the committee for reference, all the IATSE agreements in the Hollywood studios.

I want to point out that these agreements are as fine union agreements as exist anywhere in America, if not in the whole world. They are agreements which contain wage scales ranging from \$1.50 an hour for apprentices to \$1.675 an hour for what is termed "common laborers," up to a minimum of \$425 a week for top cameramen.

In addition to that, they have all the standard provisions for time and a half for all overtime over 8 hours, and 40 hours; double time for Sundays; minimum calls, special minimums for distant locations—all of these detailed provisions.

I do not think there is a more detailed set of agreements in America. All these detailed provisions were negotiated as a result of hard and arduous bargaining on the part of the IATSE and its constituent unions.

I submit these agreements, and there they are, the agreements for consideration of the committee in passing upon this charge which has been made many times, that the IATSE is a company union.

Mr. KEARNS. They will be entered as reference exhibits.

(The documents were filed with the committee.)

Mr. BREWER. Now, Mr. Sorrell mentioned briefly *Duel in the Sun*. What happened very briefly in *Duel in the Sun* was that the Selznick Co. had a clause in their contracts with the actors which permitted them 6 weeks, in the event of a strike, to shut down. They could suspend an actor for a period of 6 weeks in the event of a strike.

Now, at the end of 6 weeks they either had to start up again and put their actors back on pay roll, or they had to cancel the contract and release them.

Now, the Selznick Co. did close down because they thought they would have trouble. But at the end of the 6 weeks they had to face the facts of their contract. They either had to release their actors, or they had to go ahead and produce their pictures.

They came to us and asked us if we would help them get the people. We did. They finished the picture. The cutting which Sorrell referred to had nothing to do with the technical phases, because the most difficult sets in that picture were made by our members during the strike and they were never cut out of the finished product. That is a story in itself and it has nothing to do with the strike.

Now, there is one other point that I think is very important for the committee to understand, of what was going on in Hollywood. That was the situation in which the IATSE found itself with relation to jurisdiction.

I know Mr. McCann makes a charge that the briefs said we were always involved in jurisdictional troubles. The fact is that the CSU was set up, in our opinion, for the specific purpose of creating jurisdictional problems.

Our union has been a part of the A. F. of L. for many, many years. We have tried to live within the A. F. of L. consistent with our responsibilities to that organization. The question of jurisdiction among A. F. of L. unions was supposed to be settled between A. F. of L. unions, without resort to governmental boards.

As was pointed out in the early days of the National Labor Relations Board they refused to take a case where there were two competing A. F. of L. unions.

But in the studios, the IATSE found itself in the position that the machinists, the electricians, the carpenters, all these IATSE crafts were demanding that the IATSE give up jurisdiction because of their claim that the craft jurisdiction of their particular craft was being infringed upon.

They never made any claim that the people who were doing this work wanted to be represented by the carpenters, they were making their claim for jurisdiction under the traditional relationships between two A. F. of L. unions to each other.

Then along comes the CSU and sets itself up to supersede the relationship of international unions to local unions and started a drive.

In the set decorators' case, as well as in the case of the office workers, the screen publicists, they completely violated the basic relationships of A. F. of L. unions to each other.



So on the one hand we had the A. F. of L. craft unions like the machinists, carpenters, plumbers, and others saying to the IATSE, "Give us jurisdiction because our charter grants us certain basic craft work."

Here was the CSU saying to us, on the other hand, "Give us the set decorators, because we have gone out and organized them into our union."

They couldn't make any claim from the IATSE that they should give them set decorators, because they were painters, because the set decorators are essentially stage employees.

So if there were jurisdictional disputes, it was because basically the relationship of A. F. of L. unions to each other was being completely violated by the whole structure and the whole existence of the A. F. of L.

Now, there was one point I wanted to make with regard to the machinists' situation. That is, that the basic difference of opinion between the IATSE and the Conference of Studio Unions in the situation with the machinists in April of 1946, was because the CSU had refused to let the men go back to work in the studios who had joined the IATSE during the 1945 strike.

There were some 40 members of 1185 who had abandoned 1185 and had gone back to work in the studios.

The Cincinnati agreement said that all strikers should go back to their jobs, but Sorrell refused to let those 40 men go back. Some of those men were the finest camera mechanics in America. One of them in particular, a man by the name of Herman Lentz, is recognized as the outstanding camera technician in the firm industry.

Because of the fact that he had joined the IATSE, he was forbidden to go to work. It was that issue and that issue only which we were forcing: that men who stuck by us ought not to be deprived of their employment just because Mr. Sorrell didn't like them.

There was a great deal of discussion by Mr. Sorrell about the attitude of the People's World to this strike. I don't know that that is so important now, but there are a couple of important factors I would like to briefly point out.

One of them is that the official position of the Communist Party toward the Hollywood strike in 1945, as far as we can determine, was not known by anyone when that strike was called.

It was obvious to us, and obvious to everyone, that the Communist Party line called for the support of the Sorrell forces in the studios.

It was also their established position that there should be no strikes. But Sorrell announced the strike in Hollywood on March the 9th. He announced on March the 9th that a meeting would be held on Sunday, March 11th, at which the strike would be called and would be arranged for.

Now, if the People's World had been so violently opposed to the strike, it is logical to assume that the minute that announcement was made there would be a protest against it.

There was not a word in the People's World on Saturday, March 10; there was not a word in the People's World on Monday, March 12, although all the papers in America, practically, were headlining the fact that on March 12 a major strike had occurred in the Hollywood motion-picture studios. There wasn't one word of recognition

that such a strike existed, in the People's Daily World, until Thursday, March 15.

The reason we see why there was no announcement was that even the People's World, up until March 15, did not know what the attitude of the Communist Party was going to be toward that strike.

So that on March 15, as was testified to by Mr. Bodle, but not until March 15, did the official party line come down, "end the strike."

Now, on Saturday, March 17, they laid down the basis for settlement of the strike. The People's World laid down the basis for the strike.

The basis for ending the strike was that all parties should agree to accept the decision of the National Labor Relations Board and go back to work.

Mr. Sorrell immediately accepted that settlement. He announced that he would be willing, if all the parties would agree to accept the final decision of the National Labor Relations Board—and we did agree to it, and the producers did agree to it—that he would see about ending the strike.

So actually, as we see it, what happened was, Mr. Sorrell had made a deal with Mr. Hutcheson; that while Mr. Sorrell was submissive to the Communist Party desires, Mr. Hutcheson was not, so that he was caught in the situation and while he wanted to, he was unable to put his people back to work.

A study of the People's World will show rather conclusively that they did not attack Mr. Sorrell because of that.

There were some mild editorials about the fact that they ought to get in line with the progressive unionism program, but there was no attack on Mr. Sorrell, which we think bears out our contention that there were these two forces which were seemingly incompatible, but which worked together in this strike for a common end; they were the Hutcheson influence and the Sorrell influence as the spearhead of the Communist movement to get control of the Hollywood unions. There is one other point I want to make, and then I will finish. That is the question of Mr. Leo Gallagher.

Mr. Leo Gallagher, we believe, is a very important man in the Communist set-up in Hollywood. Mr. Sorrell testified quite at length about his relationship with Mr. Gallagher. He made the positive statement that Mr. Gallagher could not be a member of the Communist Party because he went to the Catholic Church.

It so happens that in November 1947, last November, Mr. Howard Rogers, a screen writer, and myself, participated in a debate with Mr. Leo Gallagher on the question of, "Should Russian visas in this country be canceled?" That testimony is so revealing as to the Communist Party philosophy as expounded by Mr. Gallagher, and his predictions as to what will happen in the world with respect to the Communist influence and power, that we had a recording of that made.

At the close of the session, Mr. Chairman, I have those recordings here, and I would like to play them. I believe it is important not only to this case, but to the whole problem of Communist infiltration in Hollywood and in the Nation.

When a man with Mr. Gallagher's conception of Communist philosophy can operate under the protection of persons in American labor,

I think it is very significant. If I may be permitted to do so at the close, I would like to play that.

With that I will close my testimony. Thank you very much for the opportunity.

Mr. KEARNS. All right, Mr. Brewer, thank you very much.

Do you have any questions, Mr. Owens?

Mr. OWENS. No, I think not.

Mr. KEARNS. All right, Mr. Levy.

Mr. LEVY. Mr. Chairman, and gentlemen of the committee, I have a few brief comments to make in closing the matter. Some of them I want to mention now in response to some of the points made by Mr. Cobb.

He urged the IATSE to agree to submit the controversy to the National Labor Relations Board and to the courts, for the purposes of solution.

My answer to that was and is that we have agreed to submit the matter to any court or any tribunal having legal jurisdiction to dispose of the matter.

The National Labor Relations Board, as he himself testified, has dismissed his cases and has dismissed the cases presented by Mr. Kamaroff on behalf of the members of the CSU.

The United States district court of California has dismissed his case. That was unanimously affirmed by the United States circuit of appeals in that circuit.

We don't know what else to say than to say that if Mr. Cobb were so anxious to go to court, I should suppose he should have endeavored to go to court before his clients issued the ultimatum and declared the sets hot, and he should not, now that he has been defeated in his jurisdictional aggressions, on the economic front of labor, now cry that there ought to be an injudicious judicial determination of the question.

The time for him, it seems to me, to have invoked the aid of the appropriate tribunals, was before he made the issue so hot by declaring the sets hot.

Mr. Cobb stated that the three-man committee of the American Federation of Labor indicated in its decision and in their testimony that they intended to decide in accordance with the division along the historic lines of work.

Both in the hearings in California and here a lot of talk has been going around as to the historic lines of division of work.

Now, a lot depends on what you mean by history, and a lot depends on when you want history to begin. If I were to talk about historic division of work, representing, as I do, the IATSE, and the studios being an amusement industry and stemming from the theatrical field, there is no doubt about the fact that a historic division of work would, without question, justify the position which the IATSE has taken in the studios.

If I were to say that history begins with a certain year, then of course I can freely talk—if I represented the carpenters—talk about the historical division of work.

I think what the committee did can best be indicated by what the committee said in its written decision. It did not say a word about historical division of work and Mr. Cobb's constant repetition of that statement is not supported by the record of the committee's written decision of December 26, 1945.

What the committee said was "We will want to put into force and effect the specific agreements made between the parties" and no reference whatsoever was made with respect to any attempted determination of what is or what is not historical. Because, as I say, history might begin in 1893, when the IATSE was organized, or history might begin a few years later when the carpenters' union—not merely 1946 and '47, but way back in 1920 or '21, or 1919—wanted to oust the IATSE from the American Federation of Labor because, as the carpenters claim, there was an interference with the carpenters' rightful jurisdiction.

I do not mind going into history, but I do not want an artificial line of demarcation to determine the date that history begins.

Mr. Cobb several times stated in response to Congressman Landis' question that there was no objection to the December 26, 1945, decision by the carpenters; that what their objection was to the incorrect interpretation placed upon that decision by the producers and by the IATSE. Now, that is not so. I do not think Mr. Cobb intended to say something that isn't so.

But if it was only the so-called incorrect interpretation of the decision that the carpenters did not like, why was it immediately that the carpenters objected to the decision itself? The very fact that they objected on and after December 26, 1945, to that decision by the three-man committee, was not because of any incorrect interpretation with respect to where set erection would go, they properly interpreted it; the producers properly interpreted it; the IATSE properly interpreted it, and promptly. And that gave rise to the Miami meeting in January 1946, within less than a month after the decision came down, and as a result partly of pressure from the CSU and carpenters in Hollywood, the executive council undertook to say that that decision was what it read and there would be no change, modification, clarification, interpretation, reversal, or whatever you have.

A whole lot was said by Mr. Cobb about the fact—and Mr. McCann, in some of his questions seemed to indicate credence in that position—that the IATSE forced the carpenters to go out on strike on September 23, 1946.

I have this peculiar notion about strikes. If I don't want to go out on a strike no outside organization can force me to go out on a strike.

If you will remember, that is precisely what the position of the Japanese was after Pearl Harbor. They took the position that they didn't bombard Pearl Harbor as an offensive act; oh, no, the United States forced the Japs to bombard Pearl Harbor, and by the same token, the IATSE forced the carpenters to declare the sets hot, to refuse to work on them, to go out on strike, and that the IATSE caused it all.

Well, I think that is silly. I think the carpenters declared the sets hot because of the fact that they felt they again would undertake—with the cooperation of Mr. Sorrell and the Conference of Studio Unions, and the Communists—to create economic turmoil in a situation where, after 7 months of strife, with all sorts of bitterness, they could now accomplish their aims with respect to disturbance and jurisdiction.

I recalled the Japanese incident to you. I want to say this: A lot of criticism has been leveled upon the proposition by some of the

questions put by the counsel of the committee, and indicated by Mr. Cobb, that the producers should not have undertaken to create the incidents for the purpose of relieving their internal situation in the studios of the possibility of turmoil and strife.

I say to you in all seriousness, the testimony shows without question that the producers felt they had to clear the situation up, either to find out whether the carpenters' ultimatum was genuine, and if it be genuine and intended to be followed through, that there be no internal strife within the confines of the studios.

If I were the producer, I would isolate those who declared the sets hot, for my own protection, just as America isolated the Japanese when the war started, and just as I hope the FBI will isolate the Communists if we ever get into trouble again.

The producers should not be criticized for isolating those who have declared the sets hot.

Now, I am glad Mr. McCann is here, because he has asked throughout the hearings, both in California and here, "What about these minutes of the producers?" From which he has undertaken—and I gather that from the nature of the questions he has asked time and time again—to say that there was a collusion or conspiracy between the IATSE and the producers.

Mr. Brewer is here, Mr. Walsh is here, and I as special counsel of the IATSE am here. We entered into no conspiracy. We engaged in no collusion and every act, on the basis of the advice which I gave—and now I speak for myself as counsel; Mr. Brewer has spoken for himself as the international representative in charge in Hollywood; Mr. Walsh has spoken and will speak for himself as the international president of the IATSE—every act that was undertaken by the IATSE was undertaken in the protection of the membership of the IATSE, without conspiracy, without collusion, openly and above-board, for the purpose of not being deprived by this combination of forces of the work tasks and the jurisdiction which the IATSE had.

There has been no breach of contract charged against the IATSE.

There has been no breach of the peace charged against the IATSE.

There has been no violence charged against the IATSE.

There has been no unlawful conduct of any kind charged against the IATSE, except the general charge was made, without proof, of alleged conspiracy and collusion.

I want to examine, in Mr. McCann's presence, the notes of Mr. Clark, obtained from the producers, for the purpose of presenting to the committee my answer with respect to this oft-repeated and completely unproved charge of conspiracy.

Mr. McCANN. Would you object to one question?

Mr. LEVY. I will object to nothing that you ask me, sir. I will answer you, if I can.

Mr. McCANN. I would like to know why so many witnesses denied there were any minutes or records of the producers kept at these meetings prior to the time that we finally secured possession of them.

Mr. LEVY. Mr. McCann, that question, it seems to me, if you wanted to ask it for the purpose of getting an answer, and not merely to be rhetorical to interrupt what I was about to say—you would ask that of the people who had the minutes. We didn't have them. We kept

no minutes. They were not our minutes. They were notes kept by somebody else. We are of the IATSE.

Those questions, sir, you should ask when the producers' representatives are present, not of me.

By the way, I want to say since I read the record in California, and I participated in the hearings for a couple of weeks there, when Mr. Walsh and Mr. Brewer came in with me from Boston, that my recollection is the testimony was that these are not official minutes of the meetings: that they are not read back to the assembly as minutes usually are for approval; that they are Mr. Clark's personal notes; that in a number of very important respects, and particularly the one that I remember, Mr. Eric Johnston testified to, they stated that Mr. Eric Johnston urged that the studios be kept open, when he has stated several times under oath before the committee here that of all things he was the one person who insisted upon closing the studios.

Now, if you can rely on those minutes the benefit of them is yours.

In many vital respects I say that the notes are inaccurate. I have indicated one glaring one. I can mention more if necessary, but I do not think it is necessary to do so now.

I want to point out one set of notes. What I have to say will go with respect to them.

Considerable emphasis was placed upon the notes of September 17, 1946. It is stated that the notes read as follows:

Brewer said to put IA men on sets so carpenters and painters will quit, provided, 1, IA is advised in advance then and where; 2, put on enough set erectors and painters in a group for self-protection, and 3, keep procedure quiet so CSU cannot gang up at one spot.

Now, Mr. Brewer testified that he never made any such statement. I am bringing it out now again because I want this committee and counsel to examine Mr. Brewer while he is here.

He never stated that you should put IATSE men on sets so carpenters and painters will quit. There is no logical reason why Mr. Brewer should make any such statement on the 17th of September 1946, because it is wholly irreconcilable with the undisputed facts.

Now let me tell you what those undisputed facts are.

Since the end of January 1946, IATSE members were performing set erection pursuant to the December 26, 1945, award. The IATSE had not the slightest intention of abandoning that work under the threat of strike made by the carpenters union.

Prior to the September 17, 1946, meeting the companies had informed us of their determination to keep the studios open and to continue as theretofore to assign set erection to IATSE in accordance with the award.

Certainly, therefore, Mr. Brewer had no cause to seek to impose any added conditions or to seek to put IATSE men on sets because they had always been put on sets since the December 1945 directive was put into effect in January of 1946.

So the statement in the minutes upon which our adversaries rely so strongly, are inconsistent and illogical from the intrinsic evidence in the matter, and all that we have to do is to read it in order to be able to see it.

The policy of the companies—and that appears throughout all the notes of Mr. Clark—was not to deviate from the award, but to comply with it as they had been doing in the past.

The companies determined to call upon the IA to perform set erection in January of 1946 pursuant to the decision, and to call upon the carpenters' union to do trim and mill work thereon, and the painters' union to do the necessary painting for completion of the sets; and to use the language of one of the company witnesses, "To let the chips fall where they may."

Consequently, I can show that this was the policy of the companies, because it is substantiated from the notes themselves.

Take the note of September 17, 1946:

It was understood that the studios would begin on the first shift Thursday to ask carpenters and painters to perform work on sets they have considered hot and if and when they refuse to, then ask the IA to do the work after arranging with Brewer.

In other words, the IA people were not to do any work on the sets other than set erection, which they were doing then since the award, and there didn't have to be any arrangement between Brewer and the companies to put the IA on the sets to make them hot. Get that clear.

The only time that the IA would begin to work on the sets after they were declared hot, was to do the work which the carpenters and the painters abandoned because of their hot declaration. That is the uncontradicted, conceded fact through weeks of hearings in this record.

Let's take the minutes of September 20, 1946. Mill work:

If carpenters stop work in mill put set erectors on to take their jobs.

But the carpenters could continue to do the work in the mill if they wanted to do it.

Deadline: By 9 a. m. Monday, clear out all carpenters first and then clear out all painters, following which proceed to put on IA men to do the work.

Don't put the IA men on as the notes seem to indicate and as Mr. McCann's questions seemed to indicate; don't put the IA men on to make them hot and then get the carpenters and the painters to walk out, but after the carpenters and the painters have refused to do the work—not set erection which they did not refuse to do because that is what they wanted all the time—but the mill and trim work, then the IA would step in in order to see that the studios didn't close, that the work was done and that set erection was not taken from us notwithstanding the decision; then the IA would do the mill and trim work.

Mr. Brewer indicated—and he is here for cross-examination for that purpose—that in response to a question put to him by one of the company representatives as to whether IATSE would supply replacements to finish sets—finish sets—when and if carpenters and painters refused to do so in accordance with the December 26, 1945, decision, that the IA would furnish such replacements only if three conditions enumerated by him were followed.

Now what were those three conditions? One of them was that the IA should be advised in advance when and where the IA people should go. Another was put on enough set erectors and painters in a group for self-protection. The third was keep the procedure quiet so the CSU couldn't gang up on one spot.

Now after the testimony of violence in these hearings and after the photographs have been received in evidence, I think Mr. Brewer should be complimented for the fact that he told the companies:

We won't put our men on the sets to take care of the work which the carpenters and the painters abandoned, unless we get protection from physical violence.

And how do we get that protection? One, keep it quiet so that Sorrell and the CSU won't know about it; two, put on enough set erectors and painters so that they can take care of themselves.

Now if that is collusion, if that is conspiracy, then you will have to make the most of it.

Now I want to say this, and then I am through.

It seems to me everybody has been talking about being in the middle. I want to be in the middle a little bit.

I say on behalf of the IATSE that under the administration of President Walsh I think the IATSE is in the middle. I think he expressed that in a telegram to the chairman of this committee. I do not recollect that Congressman Owens was present at the time, therefore I take the liberty of just reading a passage from it:

There are two types of trade-union leadership I loathe—  
said President Walsh to the chairman of this committee—

the gangster-racketeer and the Communist-racketeer. Each breeds the other. They are both a menace and should be stamped out.

I say the IATSE is in the middle because it has stamped out the gangster-racketeers and is trying to stamp out the Communist-racketeers.

Before I close I want to express my sincere and deep appreciation to this full subcommittee of the Committee on Education and Labor, for opening up this entire matter, for going into it and for hearing the testimony, because I think you really would not have gotten a picture of this situation if you did not recognize that every facet involved in this dispute is something which Congress ought to have considered.

Mr. OWENS. Mr. Chairman, might I say at that point that those remarks of Mr. Walsh, at least in my mind, were thoughts that the Committee on Education and Labor had in the passage of its labor bill, to stamp out the very same kind of leadership.

We naturally expected opposition from that type of leadership, but from none other. That's all, Mr. Chairman.

Mr. LEVY. I want to express my thanks to the committee, sir.

Mr. KEARNS. Thank you, judge. I know on behalf of the committee we are very appreciative of the contribution you have made in this whole testimony, both on the west coast and here in Washington.

We also invite you to return in the event that we have communications from those accused of being connected with Communist fronts or being Communists, as indicated in the record.

Those hearings will begin on May 17, with California State Senator Tenney as the first witness.

Mr. LEVY. I shall be pleased to be present, sir.

Mr. BREWER. Mr. Kearns, I missed one important point. Might I take just a minute more?

Mr. KEARNS. Proceed, sir.

Mr. BREWER. There have been a great many references made to the allegation that the IATSE organized the set erectors local as a result of the decision of the three-man committee on December 26, 1945. That is not true. I find some persons who have followed this hearing closely understand that that was not true.

I want to take just a minute to explain the situation with respect to the existence of the so-called set erectors local.



That local was organized in August 1945. I have in my possession here—which you may see—cards with the initiation dates. I do not have copies of them. If you want copies I will get photostats, but I have to have the original cards back.

Those cards were issued in September and November of 1945, before the decision came down.

I have here a clipping from Variety of November 17, 1945, which says as follows—this is very short:

#### IA TO KEEP LOCAL 468

Mechanics local No. 468 will be maintained by the IATSE as a permanent studio local, members were advised over the week-end. Statement by Roy M. Brewer, IATSE international representative, said, "This is to advise all members of local 468 that the IATSE has no intention of disbanding this local now or in the future. We expect it to be a permanent addition to the family of IA locals in Hollywood."

Now the way that the words "set erectors" came about was as the result of the three-man decision. It came about as a wage classification.

These men who had been working in the studios during the 1945 strike were taken off the strike in October when the CSU men went back. A part of the Cincinnati agreement was that whatever jurisdiction the IATSE might be awarded, that the men who were standing by would be permitted to go back onto that work.

Now previous to the December 26 award the men who had done the work which at one time was done by carpenters, had a carpenter's designation. The grips had a separate designation and a different wage scale. The grips' wage scale was slightly lower than the carpenters' scale.

So that when the December 26 decision came down this small portion of the work which had previously been designated carpenters' work went to the IATSE. Now the wage rate for that work had always been a little higher than the grips and the established recognized rate for that work was higher than the grips. So the producers had to set up a new wage classification.

They arbitrarily accepted the term set erector for that new classification, so this local which had been in existence since August, and to which these men now designated as set erectors belonged, became popularly known as the set erectors' local. But it was not a new local. It had been in existence since August and we did not organize a local, as has been charged, for the purpose of taking advantage of that decision.

Mr. McCANN. Mr. Chairman, I think that his testimony is adequate without reproducing these cards.

Mr. BREWER. Now I gave some testimony about the arsenal in the headquarters of local 683 and the condition in which we found it.

I have here five photographs which show the trapdoor which was constructed, plus some of the ball bats and whatnots that were found up there at the time this headquarters was taken over.

I just want to make one more comment:

Mr. Owens made a statement when he was viewing some of these other pictures of violence. He asked the question, "How do they get people in the frame of mind to do these things?" I would like to submit, Congressman Owens, that this man Berman, if you could study

some of his broadcasts I think you might find a part of the answer. Then I think if you will look at this Flashes magazine, published by the former officers of local 683, and see the manner in which they have attempted to incite the minds of their people against the police who are trying to protect citizens, I think you will find a little more of the answer to that.

I just wanted to make those two comments. If you haven't seen this I think you ought to see the manner in which they have attempted to show that the police department, the producers, the IATSE, everyone else was using violence against these people, which was not the case but which is pretty cleverly portrayed to be the fact in this particular document.

Mr. McCANN. Mr. Chairman, I ask that these photographs and this copy of Flashes be received as an exhibit.

Mr. KEARNS. That has already been received.

Mr. McCANN. Have the photographs already been received?

Mr. BREWER. No; they have not been received. Six hundred and eighty-three was the local which I testified in my opinion was Communist-dominated and as a result of that Communist influence at a critical time joined the strike and became a part of the strike against the IATSE by the CSU.

Mr. KEARNS. That is known as 683-A now?

Mr. BREWER. No; Mr. Chairman. I suspect that is a development which has taken place since I left California. There was no 683-A. There was a time when a few of these officers attempted to dub the legitimate local which we set up as 683½, but I don't believe that I ever heard it dubbed 683-A until the telegram which you received was read, and I suspect—although I have no evidence—that that is a development which I will find it has been set up for the purpose of trying to further undermine our treatment of that local.

Mr. KEARNS. I would appreciate anything you find with respect to that.

Mr. BREWER. I would be very glad to submit it to you.

Mr. McCANN. Mr. Chairman, at this time for the purpose of affording an opportunity to counsel to examine the trial examiner's reports and decisions of the National Labor Relations Board, pertaining to the issues which have arisen involving the 1945 and 1946 strike, I ask that the records referred to may be received in evidence as reference exhibits.

Mr. KEARNS. So ordered.

(The documents are filed with the committee.)

Mr. KEARNS. Thank you, Mr. Brewer, and thank you again, Judge Levy.

At this time I would like to call Mr. Walsh to the stand.

You have been duly sworn?

Mr. WALSH. Yes, sir.

Mr. KEARNS. You may take the stand.

Mr. WALSH. Thank you.

#### TESTIMONY OF RICHARD F. WALSH—Recalled

Mr. KEARNS. I understand from your telegram as I read it into the record, Mr. Walsh, that you sent me from Pittsburgh, that you desired to come to the stand again to repudiate some charges that had

been made by Mr. Sorrell, and the opportunity is now afforded you.

Mr. WALSH. I want to thank you very much, Mr. Chairman, for that opportunity, because of the fact that all the time I have been testifying before this committee I have tried to keep away from condemning labor leaders, or so-called labor leaders.

To say I was surprised at Sorrell's testimony would be putting it mildly.

It seems that Sorrell dug up a villian way back in 1937, 1936, or somewhere around there. He is existing because of that villian, and every time he gets caught and has to make an explanation he brings out the IATSE and dresses them up as a villian and claims that this is his own villian, and nobody else shall touch him.

I testified before you in Los Angeles and I gave you the record of the IATSE since I became the president of the IATSE.

I am going to have to review a little bit of that now, because of the fact that Sorrell has put such vicious testimony in here.

Before I do that I want to say I was informed that Sorrell testified that the IATSE is being run identically the same as when President Browne was there and when Representative Bioff was there; that the only difference now is that the names have been changed to President Walsh and Representative Brewer.

I said in my telegram that his statements were a vicious lie, and I want to say under oath that his statements were a vicious lie.

I want to say that since I became the President of the IATSE I have not accepted any bribes, graft, or anything else from the producers, whether they be in Hollywood or any place else in the United States; that I have tried to operate as the president of the IATSE as a respectable labor leader, representing the people who pay me to represent them.

I listened here very attentively to see if Mr. Sorrell would offer anything to back up the statements he made about moneys, favors, or anything else. All he did was to talk around the bush. He never came out and said, "Walsh did this or Walsh did that, or Walsh accepted this, or he accepted that."

After listening to the way Sorrell has been accused of being a Communist, and also the fact that he denied he signed the card of the Communist Party or had anything to do with them, I don't know whether I should go on and say that Sorrell is really a liar or not. Maybe he will prove that himself later on, if the committees takes the proper action against him.

I would just like to review a little bit of the history of the IATSE.

When I was elected president, November 9, 1941, I was the most surprised man in the IATSE. The IATSE at that time was really a labor organization that nobody wanted anything to do with, because the president of the IATSE had been sent to jail, for taking money from the producers. It was a terrific handicap to become the leader of an organization the size of the IATSE, under those conditions.

However, since then I have made one rule. The rule is that I would carry on the business of the IATSE just the same as if I was living in a fish bowl, and the Lord knows that fish have no privacy. I don't think that the life of the president of the IATSE has had any privacy, since he has been the president.

At the time I became president there were certain things that had to be done in order to try to establish the good name of the IATSE.

One of the first things I did was to go to the Attorney General of the United States, Mr. Biddle, and lay the cards on the table with him—explain what my ideas of the IATSE were and how we were going to carry out the affairs of the IATSE from then on.

Of course, the IATSE was still under investigation at that time. Mr. Kostelantez, who was doing the investigating for the Government, was in New York City. I appeared before him and also explained how we were going to operate the IATSE.

We also drew up laws, rules, and regulations that we would like to have changed. We submitted those laws, rules, and regulations to the membership of the alliance to be voted on at the next convention. We submitted them first to Mr. Kostelantez to look over to see what he thought about them. He thought they were very good and if we could pass them at the convention he would have been happy, and so would we.

We went into the convention in 1942, which was only a few months after being elected, or at least after being appointed by the executive board, still having 2 years to run on that term, because the term of election at that time was 4 years.

All of the officers of the IATSE at that convention resigned, so that the delegates at the convention could elect new officers if they saw fit.

There was also an executive session held at that convention at which time the sins of the alliance—if I might call them that—were explained to the delegates. Each delegate was asked to talk on it, and express his opinion. The session ran from 3½ to 4 hours. Every man was given the right to talk on the floor, to criticize, or to do anything he wanted there. There was no parliamentary procedure. He was granted the floor and if anybody tried to shout him down or interfere with him, the man was told if he didn't stop it he would have to leave the hall, because there were some people who just wanted to "be on our side" let us say.

I was the chairman of the meeting and I told them that although they might be my friends everybody had the right to talk on the floor in any way they wanted.

If they had anything they wanted to accuse me of, they had the right to do it and any friend of mine who tried to stop them would be put out of the hall. The delegates were completely satisfied with this session.

A motion was made to adjourn after 3½ or 4 hours, when the delegates left that hall, and I think left it happily.

There was nomination for officers, I believe, 2 days later. Two candidates were nominated against me, making three candidates for the office of president. There was an entire slate nominated against the entire slate of officers that had been in there.

This election was held with a secret ballot, each man being given a paper ballot. He went into the booth, marked his ballot, came out and put it into a box. The votes were counted and we were elected officers of the IATSE again at that convention.

That carried over in the next convention. We stood for election again. One of the two candidates was nominated against me again.

There was a secret election held at that convention and we were re-elected.

Last year in Chicago we stood for election a third time. The same candidate who was nominated at the other two conventions was nominated against me at this one. I tell you that one of the finest campaigns ever put on in a labor organization was put on against me at the Chicago convention. I found out later that some representative of the Conference of Studio Unions returned to Hollywood and said they had spent some \$10,000 trying to defeat me as the president of the IATSE, but it looked like they lost, because we were elected again.

I explained to you at Los Angeles how we carried out the election at Chicago and how we carried out the convention.

We invited the press in for the first time at one of our conventions and put a table up front for them so that they could stay there during the whole convention. They were very much pleased about that.

Also, when the press asked if they could have a watcher at the polls when the ballots were being counted, that request was granted, and they were given the right to watch when the votes were being counted. They came out and expressed their opinion that it was a fair and honest election.

So as far as the IATSE is concerned, since I became president, I think it has been carried on as a labor organization that does not have to hang its head; as a labor organization that can stand inspection. We are pretty proud of it. We were proud of it before and we are doubly proud of it now.

Now, as to the studio situation.

Before I became president the basic agreement was in effect. There has been much testimony here about the basic agreement.

The local unions in Hollywood affiliated with the IATSE were not pleased with the basic agreement. Of course, you understand that the method of negotiations under the basic agreement were finally carried out by the international presidents. No representatives of the local unions were there, at least in the meetings. They were sitting out in the hall.

When I became president, I went to Hollywood and explained to the local unions that we could negotiate these wage scales either in Hollywood or in New York, but I thought the negotiations could be carried on better in New York, because the tops of the industry were there and we had a better chance of getting a decision.

These committees had been in New York for several months prior to my election and they had gone home without making any deal. They had spent a lot of money.

I promised them if they came to New York we would pay their expenses to New York. It cost the IATSE several thousands of dollars to do that.

Each local union appointed a committee, and that committee came to New York. They did not sit out in the waiting room. They came in and carried out the negotiations with the employer and myself representing them.

Those local committees went back to Hollywood. They were satisfied with the contract negotiations in 1942. The same type of negotiations has been carried out ever since, with the exception that they are now doing the negotiating in Hollywood and the local unions seem to be pleased with it.

I explain that, because much has been said here by many people as to why don't we go back under the basic agreement.

I don't think the local unions in Hollywood represented by the IATSE would want to go back under the basic agreement in Hollywood. They want to carry on the negotiations themselves and they want the assistance of the general office in case they need the assistance of the general office and that is the way we do it.

Naturally, I have had to make a couple of notes here because of the fact that I was not at the meetings.

I think it should be brought out in these hearings, because there has been much talk about the breaking of the no-strike pledge, that the IATSE lived up to its no-strike pledge, not alone in Hollywood, but in every local union in the United States.

MR. KEARNS. Since you have been president?

MR. WALSH. Yes. Well, the no-strike pledge was made after I became president. That was during wartime. We have nine hundred-some-odd local unions and when you say the IATSE lived up to that pledge, practically 100 percent—I think we had one local union who went on an unauthorized strike. We took the proper action against that local union. They went back to work and we carried out our pledge all during the war.

That was one of the reasons why in Hollywood we were not going to let anybody else break the pledge if it was possible to do it.

There has been much said here about the studios; that I claimed all of the jurisdiction in the studios and that I thought everybody should belong to the IATSE.

I don't want that misunderstood. Some people have gone around saying that the IATSE are hogs; they think they are going to grab everything that is within sight.

When I said I thought the studios belonged to the IATSE, or at least the jobs there, I do not want it to be misinterpreted because I think an industrial set-up in a studio would be a proper set-up and that the studio could work better under an industrial set-up than they could by having some 58 guilds or unions in there.

I believe there are many of those small groups who, if they had the protection of a large group, could go ahead a whole lot faster than they do if they try to operate as a small group with no protection whatever.

It is not the intent of the IATSE to walk into the studios or any place else and just ride roughshod over any other organization that might be in there carrying out its job and taking care of its people in the proper way.

I want to bring that to the attention of the committee so that the people who go around looking for something to fight with the IA about won't be able to say, "They want everything and they won't live up to any laws, rules, or regulations, so far as the labor movement is concerned."

I believe all through these hearings we have tried to show we are living up to the laws, rules, and regulations as best we can.

I believe the judge has read the statement about how the IATSE felt about Browne and Bioff. I did not have to elaborate on that. That statement was sent to each labor union. It is signed by all the officers of the IATSE.

We asked that the statement be read at a local union meeting and we asked that a card be filled out and returned to the general office, as to the number of people who were at that local union meeting, so that we would have a record of how many people heard this statement.

After the statement was read to the local unions, it was taken to the convention of the IATSE in Chicago and was read to the convention in Chicago.

As chairman, I stood there for fully 3 or 4 minutes, waiting for any delegate in that convention—and there were close to 1,100 delegates there—to get up and discuss it in any way he wanted to do it. The convention voted on it and accepted that as the statement of the IATSE.

So I do not think we have to go out and keep telling the public and everybody else every 5 minutes that we are through with Browne and Bioff, that we have nothing to do with them.

I am amazed sometimes about the way people talk about Browne and Bioff. Browne and Bioff are two criminals. They are out on parole.

If somebody saw Bioff in Hollywood and then homes were blown up and things were done that would be criminal, I don't know why somebody didn't go to the parole officer of Bioff and say, "He is out in Hollywood blowing up homes." It wouldn't take them long to put him back in jail again.

I am sure the parole officer must know where Browne and Bioff are and must know what Browne and Bioff are doing, because their terms are not up yet.

So when people testify here under oath that they heard or saw somebody, or know somebody's uncle who saw Bioff in Hollywood, I think they are just as crazy as some of the other statements that they make.

If that is the type of witness this committee wants to pay attention to then I miss my guess. If these Committees on Education and Labor are going to sit and listen to every labor dispute and give it the amount of time that has been given to the Hollywood labor dispute, I hope that the Lord have mercy on the committee.

Mr. OWENS. Mr. Chairman, we have been laboring for an education, haven't we?

Mr. WALSH. You are getting that.

There was a statement made here about the exchanges, the front offices, and what a sweetheart deal was made with the IATSE—how we formed a company union.

I want to say that as far as the IASTE is concerned, if we are a company union we are proud of it, and we hope that all the other unions who are not company unions can get agreements that will match ours, being a company union.

I would like to discuss the exchange set-up for just a moment. In the first place we did not get the city of Los Angeles, the exchange workers in Los Angeles, because they went to Sorrell's outfit out there.

At the present time in San Francisco there are one or two front rooms in the exchanges that are not organized under the IATSE right now.

In New York City there are four of the exchanges that belong to the CIO.

Now, if we made a "sweetheart" deal or a company union deal with the distributors, we made a bum one. We should have made them give them all to us and not just part of them.

So again the testimony that we made these "sweetheart" deals, I don't think is worth much, on that proof that we haven't a real "sweetheart" deal. She is a bum sweetheart.

We promised we would be out of here this afternoon. We came prepared to talk for three or four more days, but I don't think we should do it. I believe your patience is at an end.

You have been very nice, as far as the hearings are concerned.

I think the committee has tried to carry out its investigation. Sometimes I got a little suspicious of some of the questions asked me, but I think all in all you have tried to do a job.

I want to say that we are pleased with the results of the Washington hearing, especially because everything has come out in this Washington hearing.

There was much contention that nobody wanted to talk about communism, and nobody wanted to talk about Browne and Bioff. I am glad you talked about Browne and Bioff.

I come before the committee now and I ask the committee if they want to know anything from me about Browne and Bioff. If you want to know if Browne and Bioff are connected in any manner, shape or form with the IATSE now, because I stand ready to deny that they are.

There was a statement made here about moneys I had received. The moneys were explained by the judge here; that is yesterday's news. Every time there is a fight, Sorrell or somebody else comes up and talks about moneys that were received and handled in the IATSE.

We claim we have handled the money the best way we knew how, so far as our own money was concerned. If there were any taxes to be paid on the money, we paid the taxes.

I want to say to you that no producer, nobody in the IATSE or Browne and Bioff gave me any money and that I did not take any money from them.

The only connection with money I have had has been in connection with the IATSE. The money I have handled was not personal money, it was money of the IATSE and spent for the members of the IATSE, for their protection and their advancement.

I deny anything, either what Sorrell has said, or that anybody else has said, that I received any money in any way that would reflect upon me.

If there are any questions about it, I stand here ready to answer under oath.

MR. OWENS. Mr. Chairman, we can make it simple. Did you receive any money at any time from any of the producers?

MR. WALSH. No, sir. I can qualify that by saying, no, sir; no money.

MR. OWENS. Did you receive anything of material benefit to you from them?

MR. WALSH. No, sir.

MR. OWENS. That's all.

MR. KEARNS. Is that all the questions you have?

MR. OWENS. Yes, sir.



Mr. KEARNS. Do you have any other development, Mr. Walsh, that you want to present?

Mr. WALSH. I think I have covered it as well as we want to cover it. I still stand ready and willing to come back, if the committee wants to call me back. I have been here and have attended these sessions so that I could protect our organization.

Mr. KEARNS. Mr. Walsh, as I said before, I want to thank you for the contribution you have made. I say now, for the record, that I only wish every international vice president or president—whichever the title is now, of the unions in dispute were on the job as much as you have been during these hearings. I mean on the coast and here, also.

You have always complied with our wish and have always been present when asked for testimony.

I also extend the invitation to you to come back when we reconvene in May when we have these other people here who may have information regarding the Browne and Bioff situation which you spoke about a few minutes ago. I refer to Mr. Pegler in that case.

Before I recess the hearing, I want to take this opportunity of thanking the entire committee for their patience and cooperation. I also want to take this opportunity of expressing my appreciation to the press for a very unbiased coverage of this hearing. In a hearing such as this where all kinds of claims are made and where there are various compliments and uncomplimentary statements made, I think the press did an exceptional job in being very fair with all witnesses.

I also want to thank all the witnesses who have appeared here, whose names appear in the record, and who have made the contribution they did make toward the general and complete record.

Do you have a statement, Mr. McCann?

Mr. McCANN. I wanted to report, Mr. Chairman, that subject to your direction, I called Mr. Bodle. I took with me to the office the representative of the painters international, Mr. Gallagher. I got Mr. George Bodle at his office in California. I told him of the presence of Mr. Robinson and that you were willing to retain Mr. Robinson here if Mr. Bodle and Mr. Sorrell desired to or would come back and face him.

I also took the liberty of saying—when he asked me—whether Mrs. Rena Vale would be available. I said I am sure the chairman will have her available in the event that you want both of these people to be present when you met them.

Now, I have not heard from Mr. Bodle. Mr. Gallagher told Mr. Bodle to call Mr. Lindelof and talk with him and that he was to call me back afterwards.

I have not heard from him as yet, so I do not know what the Chair will feel disposed to do until we get an answer.

Mr. OWENS. Did you describe Mr. Robinson to him?

Mr. McCANN. I did; yes, sir.

Mr. OWENS. I think the Chair stated before with respect to Rena Vale that we do not feel we have any need for it, but if they care to bring her here arrangements can be made.

Mr. McCANN. I was having to act without any directions from the Chair at the moment. I thought if we were going to confront Mr. Sorrell with one witness, the Chair would desire that we confront him with both of them.

Mr. OWENS. But she did not testify, did she, Mr. Chairman?

Mr. McCANN. Her testimony has been read into the record two or three times.

Mr. OWENS. That was in California?

Mr. KEARNS. Yes, sir.

Mr. McCANN. Mr. Chairman, there is another point I think is rather important which the Chair might dispose of. I will ask Mr. Levy to correct me if I am misquoting him.

We were discussing the advisability of bringing back Senator Tenney in May.

We have had Senator Tenney's testimony given in this record three times, once by Mr. Levy, once by Mr. Brewer, and again from the records of the Tenney investigation which have been read here, their conclusions and all, and third, in the findings of the Un-American Activities Committee. Mr. Levy, I think, agreed with me that it would be a worthless thing to have the Senator come back and repeat it for the fourth time.

Mr. LEVY. Let me say this: I said that in the event there are to be no hearings on the 17th of May, it would be unnecessary in my judgment to have a hearing only for Senator Tenney. That was the import of what I said.

But in the event you are going to have hearings, whether or not Senator Tenney is to come is solely a matter between this committee and him. I have no control whatsoever over Senator Tenney.

Mr. KEARNS. I appreciate all the advice, but Senator Tenney asked permission to come before the committee, and I will hear Senator Tenney. That will settle that question.

Mr. McCANN. On the other matter I have reported fully to the Chair, and I ask his ruling.

Mr. OWENS. Mr. Chairman, I think in view of the fact that we have had a continuous hearing here and that Mr. Robinson appeared here 24 hours ago and has been here since that time, that there has been ample opportunity for anyone to have visited him. We construe that fact to be that there is no desire on the part of anyone to rebut his testimony.

Mr. KEARNS. The Chair has taken the position right along if Mr. Sorrell or his counsel, or delegated counsel from Washington, D. C., wanted to come over to disagree with any of his testimony, I think they would have made their appearance.

I know, had I been in his place I would have made an appearance by this time.

In view of that, I want to invite everybody to hear the recording that Mr. Brewer is going to play.

Mr. LEVY. It ought to be on the record.

Mr. KEARNS. I don't think we will take it on the record. I think it will merely be a recording for those who want to stay to listen to it. I would not put that in the record.

Mr. LEVY. Let me ask another question, sir.

Mr. Zorn invited committee counsel and the press to view the moving pictures of the violence. I understand that will take about an hour.

In the event this hearing is adjourned tonight, so that we will not have to stay here until tomorrow, I would appreciate it very much if you would let us know when the view is to be taken, because one of the

members indicated they wanted Mr. Brewer present. It can be shown again if, as, and when Mr. Sorrell gets back.

But Mr. Brewer, who visited the picket lines, could make certain identifications which might be important.

We were planning on Mr. Brewer leaving for California tomorrow at 3 o'clock.

I understand Mr. Zorn has arranged for these films to be shown any time that the committee wants to see them. If necessary, I will ask Mr. Walsh to remain over, and I will remain over. I feel sure the press would be interested in it. I feel counsel for the committee and the committee will be interested in it.

MR. KEARNS. Can it be shown in this room?

MR. BREWER. No, they will have to be shown in a projection room. It is not portable film, it is nitrate film.

MR. KEARNS. This will be off the record.

(Discussion off the record.)

MR. KEARNS. The hearing will reconvene, please.

I might say, the reason we called the meeting to order now is that we received a phone call from Mr. Sorrell, a communique that he would like to come here and face you, as I understand it. [Addressing Mr. Robinson.]

He has submitted these questions which I would like counsel to ask you before we adjourn.

MR. McCANN. Mr. Chairman, for the benefit of the record, I would like to say Mr. Sorrell asked if Mr. Robinson was a man with an injured back. I told him he was and he said, "I remember him, but I only knew him as Robby."

He said, "I would like for you to ask him some questions." The first question is:

Describe the house that you visited, that you told us about yesterday.

#### TESTIMONY OF FRANK R. ROBINSON—Recalled

MR. ROBINSON. It was a little white house. I don't remember what kind of trimming it had, located back up—oh, I think it was in the city of Burbank. It was up back there in the valley. It was a small house, I would judge possibly five rooms, cottage type, typical California cottage type, and as I remember, it was practically a new house.

I didn't notice anything in particular about it that I recall at the present time.

MR. McCANN. Did you go in the house?

MR. ROBINSON. I believe I did go in the house, and it seems to me I met his wife. Now, I will not say for sure. It was just merely that he wanted to go there and get something.

MR. McCANN. Do you recall whether there was a garage?

MR. ROBINSON. I don't believe so; I don't remember now. It seems to me it was in a new location. I don't remember whether there was a garage or not. Those things at the time did not have any bearing. As a matter of fact, I did not know he was a Communist.

MR. McCANN. The next question he requested I should ask you was:

Were the people that you brought up from the San Pedro region longshoremen?

MR. ROBINSON. Yes, sir.

Mr. McCANN. How many did you bring up?

Mr. ROBINSON. Six. I didn't bring them up. I telephoned down there and told them I needed their help, and for God's sake to get up there and back me up.

Mr. McCANN. Were those men paid anything for their services?

Mr. ROBINSON. Yes, sir; they received \$200 for over a week's time up there, to pay their expenses back and forth.

Mr. McCANN. They were paid \$200 for over a week's time?

Mr. ROBINSON. Yes, sir. That was given to me and I gave it to the boys to cover their expenses back and forth.

Mr. McCANN. They were not paid \$140 per day?

Mr. ROBINSON. My God, no. They received a total of \$200, merely for their expenses.

Mr. McCANN. That was only for a week?

Mr. ROBINSON. That was only for a week while they were up there.

Mr. McCANN. Is it or is it not a fact that Sorrell objected to those men being paid the money?

Mr. ROBINSON. That I wouldn't know. The only money that was given to those men was given to me to deliver to them by the strike committee, and the man that was chairman of the strike committee. Sorrell had no room for objecting to it. He objected to the men's presence there, definitely so, because he knew what they were there for.

Mr. McCANN. You say that the only money given was on one occasion?

Mr. ROBINSON. On one occasion, it was given to me and I turned it over to those men.

Mr. McCANN. And that was \$200?

Mr. ROBINSON. \$200. I can give you the name of the man who I turned it over to, the man who I called and who got them together, Benton is his last name, better known as "Red" Benton. He was the longshore foreman down there. He is the man I called and contacted and asked him to get the men together and come up there, an ex-Marine.

Mr. OWENS. Did Mr. Sorrell describe his own home to you so that you would be in a position to know?

Mr. McCANN. No, he did not; so I would not know what it was. He said, "I have no recollection of Robby going to my home, so I wish that you would have him describe it."

Mr. OWENS. But he did not describe his home so that you would be in a position to know?

Mr. McCANN. No; I am not in a position to give you any information about that, because I was never out to his home and I don't know anything about it.

Mr. KEARNS. Does that complete the questioning?

Mr. McCANN. That is all, sir.

Mr. WALSH. Mr. Chairman, I would like to ask when is Mr. Sorrell coming?

Mr. McCANN. He will not come until later on. He said he would send you a wire and he would expect to return here when you held your next hearings.

Mr. ROBINSON. Before you adjourn, I would like to ask a favor of you.

When Mr. Sorrell can make arrangements and notifies you that he is coming, I only hope that you will extend me the privilege of coming here and facing him.

Mr. KEARNS. All right, sir.

Mr. ROBINSON. If it is going to be adjourned and I am going to go back to my job, I want to thank you for the privilege of letting me come here.

Mr. KEARNS. We appreciate your coming here.

Mr. ROBINSON. I have one son serving his second enlistment in the Army. He is over in Japan now and anything that I can contribute I want to do.

Mr. KEARNS. Thank you very much, sir. We want to extend our appreciation to you for making the trip out here.

Mr. OWENS. He is a very good American citizen.

Mr. KEARNS. After receipt of information in the telegram sent to the Honorable Thomas L. Owens from Mr. John R. Robinson in California, stating that he had testimony to give to prove that he knew Sorrell at the time of the 1937 strike, and would like to give this testimony to the committee here in Washington, I informed Counsel McCann to notify Judge Levy of the IA and Mr. Herbert Sorrell of the Conference of Studio Unions that if either one wished to have Mr. Robinson in Washington they were free to do so, as I was not particularly interested at the time to receive his testimony and would not sanction expense on the part of the Government.

We stand in recess until May 17.

(Whereupon, at 5 p. m., the subcommittee adjourned until May 17, 1948.)

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