

A black and white photograph showing a book spine on the left and a large, light gray, angular object on the right. The book spine is dark with gold lettering. The large object has a checkered pattern on its top and bottom edges and two large, dark, oval-shaped cutouts. The background is a light gray surface.

CHARLES CRAPO

Ph. D.





105  
564  
THS



105

Ph. D.

105  
564  
THS



Ph. D.



THE NATIONAL UNION CONVENTION AS AN  
INTERNAL APPEAL TRIBUNAL

Thesis for the Degree of Ph. D.  
MICHIGAN STATE UNIVERSITY

Charles Crapo  
1966



This is to certify that the

thesis entitled

THE NATIONAL UNION CONVENTION  
AS AN INTERNAL APPEAL TRIBUNAL

presented by

Charles Crapo

has been accepted towards fulfillment  
of the requirements for

Ph.D degree in Economics

*Charles P. Larowe*  
Major professor

Date Aug. 1, 1966

ROOM USE ONLY

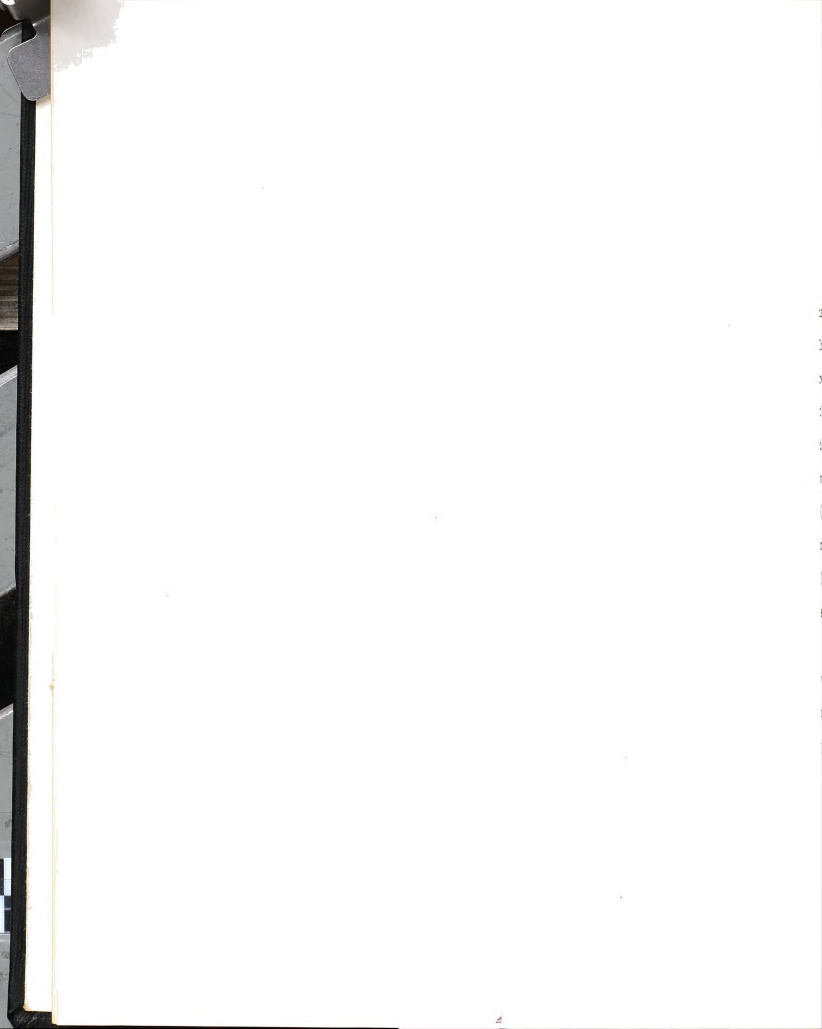












## ABSTRACT

### THE NATIONAL UNION CONVENTION AS AN INTERNAL APPEAL TRIBUNAL

by Charles Crapo

American trade unions customarily designate their national conventions as the final internal appeal body. Individual members or groups may submit for convention review either disciplinary action taken against them by the union or certain non-disciplinary administrative decisions. This thesis examines and evaluates the convention as an appeal tribunal. It is hypothesized that (1) the general control over the organization by the national union includes the convention and, as a result, (2) appeals are not reviewed in the impartial manner we expect of judicial tribunals.

Data were obtained chiefly from national union convention proceedings. One hundred unions, accounting for more than 95 percent of the membership of the unions which provide for convention appeals, were included in the study. Altogether the findings from 96 unions were used--some two thousand separate appeals. Internal appeal provisions in 75 of these unions were also reviewed to estimate the accessibility of the convention appeal for different persons, groups and kinds of disputes.





National union control over both the national convention and the review of convention appeals is apparent. Conventions are infrequently held, and time intervals are increasing, thereby weakening their potential check upon the leadership. Those who would question or challenge decisions of their union's national administration have limited and unequal access to the convention both as delegates and appellants. In practice, appealing in person to the convention is precluded by the cost. The large size of most conventions makes them unresponsive to individual appellants and minuscule groups, but at the same time it makes the delegates pliable to the demands of the governing officials. Convention committees are appointed by the national leadership, subject to ratification by the delegates, a pro forma ritual. Over half the appeals committees studied were headed by executive officers of the union or by persons accountable to the president. Moreover, the other committee members are usually perennial convention delegates with established sympathies for the administration point of view. The union president's position as convention chairman gives him operational control over the proceedings. His decisions are subject to challenge from the floor but these are so ineffective as to be negligible.

Procedures used to hear and decide appeals are inconsistent with impartial review. Convention delegates are not ordinarily given sufficient information on appeals nor are they allowed to hear testimony and review the



evidence. Moreover, most appellants do not have access to the convention to present their cases. Appeals are reviewed within the context of political considerations. Where politics and fair procedure are at odds the former prevails, and though convention delegates are not directly accountable to the leadership, there is a concurrence of interests so that the committee report is usually adopted without objection. About 10 percent of the appeals were sustained, most of them upon committee recommendation. Sustentions observably contrary to the national leadership, no more than .2 percent of the cases, reflected the importance of local autonomy in job-related appeals and, in a few instances, the influence of emotional appeals. Hence, rather than provide an effective judicial review, the national convention serves to ratify pardons granted by the union's president, to justify his judicial expediences and to confirm the dominance of the national union in all matters.

The cost of inadequate final review both to the membership and to the union is estimated. To date the courts have been reluctant to intervene in internal union appeal practices. It is concluded that the most desirable remedy is the establishment, perhaps as an alternative to legislative regulation in this area, of independent appeal boards such as the UAW Public Review Board.





THE NATIONAL UNION CONVENTION AS AN  
INTERNAL APPEAL TRIBUNAL

By

Charles Crapo

A THESIS

Submitted to  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of

DOCTOR OF PHILOSOPHY

Department of Economics

1966



622108  
1-18-67

© Copyright by  
CHARLES CRAPO

1967

to m  
as a  
init  
natu

Lari  
gove  
the  
rev.

the  
Dul

#### ACKNOWLEDGMENTS

I wish to thank Professor Jack Stieber for bringing to my attention the internal appeal procedures of unions as an area of investigation, and for his guidance in the initial research. His trenchant observations on the nature of the problem have been most helpful.

I am especially indebted to Professor Charles P. Larrowe whose insights into the processes of trade union government proved invaluable in the development of this thesis. His unstinted expenditure of time and energy in reviewing the early drafts will not be quickly forgotten.

The benefits of Professor Herbert Kisch's command of the literature and his universality of approach are hope-fully reflected in this work.



# TABLE OF CONTENTS

|                              | Page |
|------------------------------|------|
| ACKNOWLEDGMENTS . . . . .    | iii  |
| LIST OF TABLES . . . . .     | vi   |
| LIST OF CHARTS . . . . .     | vii  |
| LIST OF APPENDICES . . . . . | viii |

## Chapter

|   |    |
|---|----|
| I. THE PROBLEM OF INTERNAL APPEAL PROCEDURES .  | 1  |
| Introduction . . . . .  | 1  |
| The Problem. . . . .  | 2  |
| Objectives and Method of this Study. .  | 22 |
| Summary . . . . .   | 31 |
| II. THE CONVENTION APPEAL: FREQUENCY, ISSUES<br>AND APPELLANTS . . . . .  | 34 |
| Frequency and Origin of Convention<br>Appeals . . . . .   | 34 |
| The Internal Structure of the Organ-<br>ization and Its Appeal Frequency . . . . .  | 43 |
| Ratio . . . . .   | 46 |
| The Attitude Toward Convention Appeals<br>and Appellants and AFR . . . . .  | 49 |
| Factors Encouraging Convention Appeals.<br>The Relationship Between Executive<br>Decisions and Convention Appeals . . . . . | 53 |
| Convention Appeal Issues . . . . .  | 53 |
| Work Related Appeals. . . . .   | 56 |
| Union Related Appeals . . . . .   | 61 |
| Appellants . . . . .  | 68 |
| Summary . . . . .   | 69 |





| Chapter  | Page |
|--|------|
| III. THE APPEAL COMMITTEE . . . . .                          | 70   |
| The Convention Committee System . . . . .                    | 70   |
| Appeal Committee Hearings . . . . .                          | 83   |
| The Appeal Committee Report . . . . .                        | 91   |
| Conclusions. . . . .   | 108  |
| IV. DELIBERATION OF CONVENTION APPEALS . . . . .             | 111  |
| Introduction . . . . .                                       | 111  |
| The Frequency of Debate. . . . .                             | 112  |
| Character of Debate . . . . .                                | 117  |
| The Convention Chairman. . . . .                             | 149  |
| Structural Aspects of the National<br>Convention . . . . .   | 161  |
| Frequency and Length of the National<br>Convention . . . . . | 167  |
| Summary . . . . .  | 173  |
| V. FINAL DISPOSITION OF CONVENTION APPEALS . . . . .         | 175  |
| The Voting Procedure. . . . .                                | 175  |
| The Disposition of Convention Appeal<br>Cases . . . . .      | 182  |
| Analysis of the Final Disposition of<br>Appeals . . . . .    | 193  |
| Summary . . . . .  | 225  |
| VI. CONCLUSIONS AND POLICY RECOMMENDATIONS. . . . .          | 228  |
| Public Policy Recommendations. . . . .                       | 242  |
| Voluntary Impartial Review. . . . .                          | 253  |
| APPENDIX . . . . .   | 267  |
| BIBLIOGRAPHY . . . . .                                       | 295  |



# LIST OF TABLES

| Table   | Page |
|---|------|
| II-1 Restrictions Over Convention Appeals . . .   | 38   |
| II-2 Frequency of Convention Appeals by<br>Trade Group. . . . .                         | 51   |
| II-3 Ratio of Executive Board Decisions Appealed<br>to the National Convention. . . . . | 54   |
| II-4 Convention Appeals by Issue and Trade Group.                                       | 55   |
| II-5 Appeal Issue by Appellant. . . . .   | 58   |
| III-1 Status of Appeal Committee Chairman . . .   | 78   |
| III-2 Appeal Committee Recommendations . . . .  | 108  |
| IV-1 Frequency of Debate on Convention Appeals .  | 113  |
| IV-2 Debate by Union . . . . .  | 115  |
| IV-3 Debate by Related Issues . . . . .   | 116  |
| IV-4 Debate by Appellant. . . . .   | 118  |
| IV-5 Length of Debate by Related Issue . . . .  | 121  |
| IV-6 Frequency of National Union Convention . .   | 169  |
| V-1 Disposition of Appeals by Issue. . . . .  | 183  |
| V-2 Convention Appeals Referred Elsewhere. . .  | 189  |
| V-3 Decisions Amended by Convention Action . .  | 192  |
| V-4 Sustentions In Work-Related Cases . . . .   | 196  |
| V-5 Sustentions In Union-Related Cases. . . .   | 198  |
| V-6 Sustentions By Related Issue and Appellant .  | 223  |



LIST OF CHARTS

| Chart |   | Page |
|-------|---|------|
| II-1  | Average Annual Frequency Distribution of<br>Appeals . . . . . | 35   |



# LIST OF APPENDICES

| Appendix |  | Page |
|----------|--|------|
| A.       | Unions and Convention Proceedings Used<br>in the Analysis. . . . .                                     | 268  |
| B.       | Appeal Issues by Union, Appeals<br>Frequency Ratios, and Total Number<br>of Appeals by Union . . . . . | 271  |
| C.       | Appellants and Disposition of Appeals<br>by Union . . . . .  | 276  |
| D.       | Selected Appeals Committee Reports . .   | 279  |





## CHAPTER I

### THE PROBLEM OF INTERNAL APPEAL PROCEDURES

#### Introduction

In recent years the internal affairs of American labor unions have received increasing attention from scholars, from the government and, more recently, from the general public. Union administrators who for years had functioned autonomously by reason of the disinterest and relative isolation we reserve for unconventional institutions, were unpreparedly subjected to the scrutiny and publicity of the mass media and were brought within the purview of regulatory legislation. Such unique surveillance is justified as being in the interest of encouraging and protecting what is broadly termed "union democracy."

This thesis is concerned with one aspect of internal union affairs: the procedures available to individual members or groups who want to appeal disciplinary action taken against them by the union or to protest nondisciplinary administrative decisions. Though little information is available concerning existing practices, the appeal procedure in labor unions is one facet of union government frequently criticized in the literature. In order to clarify



this issue and to contribute to an understanding of actual practices, I have arranged this study in four parts: (1) the results of my own survey of member and group appeals to the national convention, the last step in the internal appeal procedure of most unions, (2) an analysis of these findings on the basis of hypotheses I will advance in this chapter, (3) my own evaluation of the national convention as an appeal forum, and (4) a consideration of alternative review procedures.

### The Problem

The problem of appeal procedures in labor unions is generally described as the absence "of an independent judicial system for determining rights and controversies" which results in a "fundamental weakness of union governments from a democratic point of view."<sup>1</sup> Because judicial functions reside with those individuals or groups who are responsible for administering union affairs, it is thought that justice exists at the whim of the executive officers of the union. Alice Cook summarizes this evolutionary paradox:

Historically, the union's system of appeal was conceived of as guaranteeing impartial review when matters of dispute within a local were placed before the international president for adjudication. So long as the president in any realistic sense was an outsider to the affairs of the local, and in most cases in the

---

<sup>1</sup>William M. Leiserson, American Trade Union Democracy (New York: Columbia University Press, 1959), p. 240.



early days of union history this was true, he could be nearly an ideal judge. Acquainted with union custom, familiar with the basic law of the constitution, and above the instant battle, he could indeed act in a judicial spirit. With the deeper and deeper invasion of local jurisdiction and autonomy by the parent internationals, this position above the battle disappeared and the president has more and more been by way of being a partisan.<sup>2</sup>

As a result, many writers contend, unions should establish boards of review staffed by persons who are outside the union administration and not dependent upon it for salary, status or amenities. But over the past decade a controversy has grown up between those holding this view--who are in the majority--and others who argue that the appeal procedure is efficient and fair, and need not be replaced by outside review boards or by any other mechanism. An examination of these views, historical and present, indicates more fully the nature of the problem.

Robert Michels, a German socialist, sought to explain the observable incompatibility between democracy and social organizations, whether in government, labor unions or political parties. Writing in 1915, he summed up the experiences of the major European socialist parties with his classic "iron law of oligarchy," upon which much of the current study of political institutions is founded:

It is organization which gives birth to the domination of the elected over the electors, of the mandataries over the mandators, of the delegates over the delegators. Who says organization, says oligarchy.

---

<sup>2</sup>Alice H. Cook, Union Democracy: Practice and Ideal: An Analysis of Four Large Local Unions (Ithaca, New York: Cornell University Press, 1963), p. 230.



Every trade union eventually "becomes divided into a minority of directors and a majority of directed."<sup>3</sup> Under these conditions it is not likely that an effective internal appeals mechanism would exist.

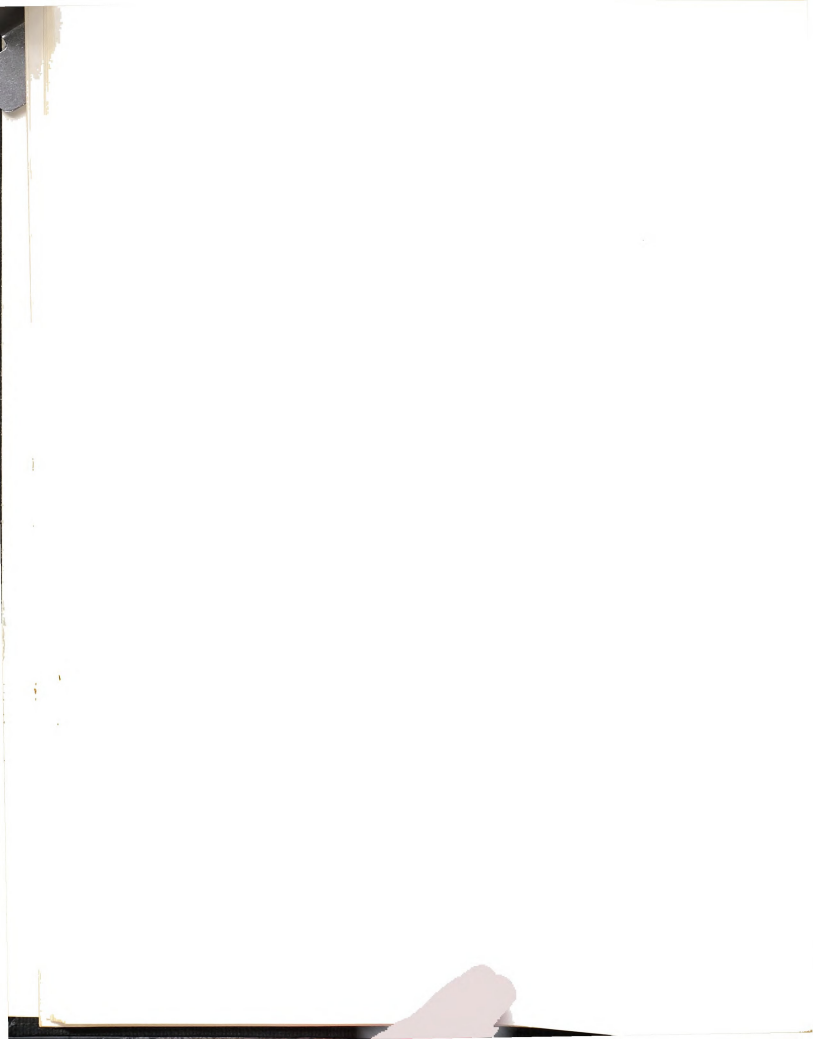
The first comprehensive study of labor union government in America appeared in 1913. Theodore Glocker, writing at Johns Hopkins University during John R. Commons's stay there, supplemented the union periodicals and documents of the day with his own observations of union meetings, including the national convention. He perceived the movement of judicial decision-making power away from the locals to the national union but saw no reason for concern. To him, it seemed that some judicial authority must be vested with the national organization, to interpret the rules, to discipline locals and members, and to hear appeals from local decisions. "If no such authority exists, the guilty may delay their punishment and the acquittal of the innocent may be postponed."<sup>4</sup> Of the national convention he wrote: it "is perhaps the most important part of the governmental machinery of national and international trade unions." But because it combines executive, judicial and legislative

---

<sup>3</sup>Robert Michels, Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy (New York: Crowell-Collier Publishing Company, Collier Books, 1962), p. 365.

<sup>4</sup>Theodore Glocker, "Johns Hopkins University Studies in Historical and Political Science," The Government of American Trade Unions, XXXI (Baltimore: Johns Hopkins Press, 1931), p. 174.





powers it jeopardizes "the political principles of those who hold that each of these . . . should be vested in a separate organ of government."<sup>5</sup> Nevertheless, Glocker thought that any effect this might have on convention appeals was unimportant because they were generally trivial in nature.

Acting as a judicial tribunal, the convention considers grievances brought by national officers, local unions, or members, and these grievances may involve violations of the rules of local unions as well as those of the national union. In consequence, while some of the suits laid before the convention are important, others are trivial. At one time the convention may be sustaining a subordinate union in imposing a fine of one or two dollars on a member for some petty misdemeanor. . . . Save in [the few organizations which do not allow convention appeals] the time of the convention has been largely wasted by the consideration of unimportant appeals.<sup>6</sup>

Internal union affairs and related problems such as appeal procedures were neglected for nearly thirty years as Perlman's theory of job-consciousness captured the interest of labor economists with its apparent explanation of unionism in the American setting. Shister could say as recently as 1945 that "Glocker's is the only study of American trade-union government (in its over-all aspects) now in existence."<sup>7</sup> But with the rise of industrial unionism, the

---

<sup>5</sup>Ibid., p. 157.

<sup>6</sup>Ibid., p. 158.

<sup>7</sup>Joseph Shister, "Trade Union Government: A Formal Analysis," Quarterly Journal of Economics, LX (November, 1945), p. 80. The best discussion of the early literature on union government is found in Joel Seidman, "Emergence of Concern with Union Government and Administration," Regulating Union Government, pp. 1-27.



resurgence of craft unions and the new legal protections afforded the labor movement, internal practices became the object of renewed attention. Appraisal of union governments led to four types of critical evaluation: (1) disapproval of the criteria with which the leaders chose to judge their own performance, (2) the centralization of decision-making powers, (3) an alleged neglect of minority rights and (4) the lack of independent judicial review.<sup>8</sup>

The last has been commented upon repeatedly. Writing in 1942, Troxell acknowledged the dearth of previous research to draw upon but surmised that while the convention might protect individual members from arbitrary treatment by the leadership there could be no assurance of this.<sup>9</sup> The remedy, to him as to most observers, was impartial review. In a volume dealing in part with internal union affairs, Seidman called attention to the reluctance of the courts to intervene and urged union executives to correct this deficiency by allowing "prompt appeal to an impartial tribunal" from disciplinary penalties.<sup>10</sup> A few years later

---

<sup>8</sup> Cook, Union Democracy: Practice and Ideal: An Analysis of Four Large Local Unions, pp. 10-14.

<sup>9</sup> John P. Troxell, "Protecting Members' Rights Within the Union," American Economic Review, XXXII (March, 1942), pp. 460-75.

<sup>10</sup> Joel Seidman, Union Rights and Union Duties (New York: Harcourt, Brace and Company, 1943), p. 22. He described how one company-union established a system of electing jurors to hear disciplinary cases as a civil court might. "Unions should experiment much more than they do with improvements in their judiciary machinery," he concluded, p. 28.



Sumner Slichter made a similar observation. Because the executive also controlled judicial procedures, he suggested, the individual should be entitled "to have any discipline imposed upon him reviewed for its reasonableness by an outside neutral agency."<sup>11</sup> But, Slichter added, because no union made such provision the National Labor Relations Board should perhaps be empowered to hear appeals.<sup>12</sup> Also about this time, Philip Taft advised national unions to "set up an impartial body to review complaints against arbitrary conduct of officials" if they wished to avoid "government intervention in their internal affairs."<sup>13</sup> And, though he later abandoned this position, speaking before the American Economic Association a year later, Taft warned union leaders that if they were to "ward off permanent and more stringent regulation" they must "create an impartial tribunal--a sort of Federal Trade Commission--which would furnish quick and inexpensive review."<sup>14</sup> This precaution was necessary, he insisted, because normally there is in union government "no separation of executive from judicial power." Hence, when appeals are taken to the national convention,

---

<sup>11</sup>Sumner Slichter, The Challenge of Industrial Relations: Trade Unions, Management, and the Public Interest (Ithaca, New York: Cornell University Press, 1947), p. 116.

<sup>12</sup>Ibid., pp. 119-120.

<sup>13</sup>Philip Taft, "Judicial Procedure in Labor Unions," Quarterly Journal of Economics, LIX (May, 1945), p. 385.

<sup>14</sup>Philip Taft, "Democracy in Trade Unions," American Economic Review, (May, 1946), p. 369.



"unless the accused is supported by a strong local or locals, the verdict of the officers is not likely to be upset."<sup>15</sup> Lloyd Reynolds, a co-discussant, shared this view. Because "of the infrequency of conventions and the basic unfitness of a large legislative body for judicial functions," he felt that internal appeals "should probably be handled . . . by a separate judicial body chosen from the general membership."<sup>16</sup>

In the first of several studies by him on this subject, Clyde Summers, a law professor, reviewed over two hundred union discipline cases appealed to the courts, to the NLRB and to various arbitration boards. He found that union officers enjoy considerable discretion in conducting judicial proceedings and that political influence often prevails.<sup>17</sup> Summers' work led him to this comment on the inadequacy of the convention as a final appellate body:

The opportunity of appealing beyond the officers to the international convention is, for the most part, an empty right. Such an appeal is almost always referred to a committee on appeals which is appointed by the officers. It holds its hearings and then on the last day reports to the convention. The tired delegates know nothing of the case, hear only one side of the story, and readily rubberstamp the committee's recommendations. Discipline cases are debated only when they become the focal point of a factional fight, and then the determination is not

---

<sup>15</sup>Ibid., p. 365.

<sup>16</sup>Ibid., p. 383.

<sup>17</sup>Clyde Summers, "Disciplinary Powers of Unions," Industrial and Labor Relations Review, 3 (July, 1950), pp. 483-513.





based on the merits of the issue but on factional strength.<sup>18</sup>

Like the others, Summers ended with a proposal for an independent judiciary and appeal system.

At this stage there was agreement among the writers in this area. It seemed that (1) judicial proceedings are arbitrary, (2) the convention appeal is an empty right and, (3) the most promising remedy would be a review board independent of the administration. But in 1954 Taft presented his findings on the discipline and appeal procedures of eight national unions which made available to him their files and records. Reversing his earlier stand, he concluded that the "appellate machinery offers real protection in most unions;" he could find "no evidence" that it "does not function effectively, that it is vain or useless, or that it would be improved by government supervision."<sup>19</sup> Consequently, he now saw no need for independent appeal boards.

The dominant view, nevertheless, continued to favor separate judiciaries, though not direct government intervention. This was reinforced by public exposure of corruption and undemocratic practices before the McClellan Committee which began holding hearings three years after

---

<sup>18</sup>Clyde Summers, "Disciplinary Procedures of Unions," Industrial and Labor Relations Review, 4 (October, 1950), pp. 24-25.

<sup>19</sup>Philip Taft, The Structure and Government of Labor Unions (Cambridge: Harvard University Press, 1956), p. 180.



Taft's study appeared. Within the next few years, Ornati, Lester, Leiserson, and Bromwich each concluded that union judicial procedures required impartial review and commended the UAW and upholsterers' unions which had already established such boards. In Ornati's opinion "the objectives of public policy could be, satisfactorily if not ideally, achieved by the establishment . . . of independent extra-union bodies which would be incorporated into the appeal procedures of the union as 'courts of last resort.'"<sup>20</sup> Lester saw in the auto workers and upholsterers unions' independent review boards the kind of self-regulation that Taft had recommended earlier and the voluntary actions which might obviate government intervention.<sup>21</sup> To Bromwich these experimental review bodies represented "a serious attempt . . . to keep the judicial decisions of the local and international officers under constant surveillance of a body whose independence cannot be matched by an [internal] union tribunal."<sup>22</sup> In his American Trade Union Democracy Leiserson acknowledged a need for judicial boards distinct from administrative agencies but it remained for Summer Slichter, in the preface

---

<sup>20</sup>Oscar Ornati, "Union Discipline, Minority Rights and Public Policy," Labor Law Journal, 5 (July, 1954), p. 479. About the time this article appeared the upholsterers' union established the first such review board to hear complaints regarding disciplinary action.

<sup>21</sup>Richard A. Lester, As Unions Mature (Princeton, New Jersey: Princeton University Press, 1958), pp. 150-51.

<sup>22</sup>Leo Bromwich, Union Constitutions (New York: The Fund for the Republic, 1959), p. 32.



which death prevented Leiserson from writing, to speak approvingly of these "outside neutral" boards.<sup>23</sup>

A majority of those currently writing on union government confine their studies to a single union. For example, the recent nine volume "Trade Unions Monograph Series" follows this approach; the internal affairs of one union are studied in depth on the presumption that procedures are so inter-related with the structure and development of the individual union that interunion investigations lack sufficient knowledge of the reasons for the practices which are discovered. These writers feel that by concentrating on a single union they gain the insight and thoroughness needed to produce an accurate evaluation of internal affairs. Then, on the basis of several studies in depth on individual unions, summary evaluations can be made which are more generally valid. In fact, the original "Trade Unions Monograph Series" plan included a summary volume of this kind.

Accompanying this change in investigative scope has been a generally more sympathetic view of judicial practices, and appeal procedures in several unions have been favorably commented upon. Convention appeals are sometimes dismissed as unimportant on the contention that justice is obtained at some other stage of the appeal process. Horowitz said of the carpenters' union procedure, for example, that "the member is free to appeal a decision to the general president,

---

<sup>23</sup>Leiserson, American Trade Union Democracy, p. xi.



and the appellate procedures do give the member a chance for redress." For this reason "it is impossible to find any value or merit to the appellate procedure beyond the general president."<sup>24</sup> Similarly, Kramer judged the state employees' union appeal process to be such that "as appeals go up the line, a greater measure of justice is possible;" admittedly, this might not be true in cases involving loss of membership or the internal politics of the union.<sup>25</sup> And Ulman, in his volume dealing with the steelworkers' union though declining to approve completely of that organization's procedures, did commend the executive board's willingness "to reverse local verdicts or to modify punishment voted by the local union."<sup>26</sup>

Procedures in other unions are defended because they have proved adequate in the past and because the large number of appeals would suggest that the members have confidence in

---

<sup>24</sup>Morris A. Horowitz, The Structure and Government of the Carpenters' Union, Trade Unions Monograph Series (New York: John Wiley and Sons, Inc., 1962), p. 111. In making an evaluation of the carpenters' appeal system, Horowitz quotes from Taft: "'all segments of the union are aware of their rights and have faith in the integrity of the appellant tribunal'", p. 99.

<sup>25</sup>Leo Kramer, Labor's Paradox: The American Federation of State, County and Municipal Employees AFL-CIO, Trade Unions Monograph Series (New York: John Wiley and Sons, Inc., 1962), p. 94.

<sup>26</sup>Lloyd Ulman, The Government of the Steel Workers' Union, Trade Unions Monograph Series (New York: John Wiley and Sons, Inc., 1962), p. 168.





al tribunals. Mark Perlman's interpretations of processes in the machinists' union and Rothbaum's of the petroleum workers are illustrative of this view.<sup>27</sup> Garth Mangum, writing about the operating engineers' union, found no evidence that the judicial procedure was inefficient or unfair; the number of appeals from local decisions sustained by the executive board indicates to him the availability of "effective protection from unjust local decisions." It is true, he concedes, that the convention appeal "in practice has proved to be of little value" because no new information is produced "and a reversal of the earlier decision is unlikely," but "neither is there evidence that failure to sustain an appeal has been based on political or personal consideration." Thus, to Mangum the absence "of an independent judiciary [in the operating engineers' union] may be disturbing in theory but seems to have caused no difficulty in practice."<sup>28</sup>

Still, the prevailing view in the recent literature requires independent review. Michael Harrington, for example, suggested that if the leadership of the retail clerks

---

<sup>27</sup>Mark Perlman, The Machinists: A New Study in American Trade Unionism (Cambridge: Harvard University Press, 1962), pp. 195-204; Melvin Rothbaum, The Government of the Chemical, and Atomic Workers Union, Trade Unions Monograph Series (New York: John Wiley and Sons, Inc., 1962), pp. 16.

<sup>28</sup>Garth Mangum, The Operating Engineers: The Economic History of a Trade Union (Cambridge: Harvard University Press, 1964), pp. 238-39.



to adopt a review board like that in the UAW it would  
 e almost all criticisms of the existing appeal struc-  
 n a single act, for it would provide an alternate  
 e of redress" which is at present structurally ex-  
 a.<sup>29</sup> Joel Seidman has recently supported independent  
 w boards in his book about the brotherhood of railroad  
 men, as has Sam Romer in his volume on the teamsters.<sup>30</sup>  
 er, in his summary of government in the UAW, commended  
 nion for its impartial review mechanism and urged other  
 leaders to adopt similar procedures:

the establishment of the UAW Public Review Board in  
 1957 remedied a serious defect, still found in practi-  
 cally all union judicial systems, by providing an inde-  
 pendent and impartial body to pass final judgment on  
 decisions of UAW tribunals. . . . While there will al-  
 ways be room for improvement in this important area,  
 the UAW safeguards on fundamental rights of individual  
 members might well be emulated by other unions.<sup>31</sup>

---

<sup>29</sup>Michael Harrington, The Retail Clerks, Trade Unions  
 Monograph Series (New York: John Wiley and Sons, Inc.,  
 1962), p. 87.

<sup>30</sup>Seidman was impressed with the observance of due  
 process in the railroad trainmen but felt some substantive  
 safeguards should be added. "If greater efforts were made  
 to secure an impartial and independent judiciary, the ap-  
 peal mechanism of the Brotherhood would be exemplary."  
 Joel Seidman, The Brotherhood of Railroad Trainmen: The  
Political Life of a National Union, Trade Unions  
Monograph Series (New York: John Wiley and Sons, Inc.,  
 1962). Shortcomings in the teamsters' union judicial and  
 review procedures are significant, concluded Romer, but  
 the review "apparently is out of the question in view  
 of the union's experiences with the Board of Monitors."  
 Sam Romer, The International Brotherhood of Teamsters:  
Government and Structure, Trade Unions Monograph  
Series (New York: John Wiley and Sons, Inc., 1962), p. 114.

<sup>31</sup>Jack Stieber, Governing the UAW, Trade Unions Mono-  
graph Series (New York: John Wiley and Sons, Inc., 1962),



Philip Taft, invited to review the series of trade studies, directed some tart comments at Stieber's usual of his own earlier position:

The adoption of such a tribunal by the labor movement would be an admission, completely unwarranted, that of all the institutions in American life, it alone was incapable of administering justice. What is the evidence for this claim? Is it the number of cases that clog the courts? Has proof, not assertion, of grave abuses been shown? Is it the nature of the cases that come before the tribunals administering appeals? Professor Stieber has not supported his statement by a shred of proof. The stimulation of complaints has never been regarded as desirable; barratry is a vice and not a virtue. In organizations of large numbers, scales of justice are not always evenly held. But because union tribunals are not perfect creates no reason for inviting outsiders, any more than there is need for introducing marriage counsellors in every family quarrel.<sup>32</sup>

Before turning to the objectives of this thesis--which partly motivated by the present differences--I would like explore briefly two significant aspects of the literature appeal procedures. I find that underlying philosophies methods of investigation often are related to, indeed, sometimes seem to produce, certain conclusions and policy commendations. Representative of these differences are of the more prolific writers in this area, Philip Taft Clyde Summers.

The underlying concept of union democracy held by researcher is of fundamental importance. Taft has consistently maintained that "democracy is desirable, as long

---

<sup>32</sup> Industrial and Labor Relations Review (January, 1932), p. 332.



does not impede the effective functioning of the .". It follows, then, that the union's judicial procedure "is not an instrument for dispensing abstract justice but is a means for keeping the union intact and effective."<sup>33</sup> This is important because to infer otherwise, argues, "denies the right of the union to exist or to function."<sup>34</sup> To support his position Taft recalls the Llewellyn Committee investigations of the 1930's which exposed the widespread use of industrial spies and employer attempts to create dissension within the union. In doing this, "unions must be able to take protective steps against disrupters" but at the same time "the individual members should also be secure against broad and general attacks inspired by personal spite or interest."<sup>35</sup>

Summers, trained in the law, defines union democracy differently. To him, it "is more than majority rule, it is a balance of majority and minority rights." And it is because of this that a centralized, politically-oriented judicial system is inimical to "the minority seeking to become a majority."<sup>36</sup> The implications here are significant when contrasted with Taft's position. Union democracy, to Taft, is keeping the channels

---

<sup>33</sup>Taft, "Judicial Procedure in Labor Unions," p. 370.

<sup>34</sup>Ibid., p. 377.

<sup>35</sup>Ibid., p. 380.

<sup>36</sup>Clyde Summers, "Union Democracy and Union Discipline," Proceedings: Fifth Annual Conference on Labor Law (New York: New York University, 1952), pp. 447-48.





communication between membership and leadership open, maintenance of a certain policy flexibility which allows change to occur in response to rank and file demands and, importantly, preserving the internal stability which keeps the organization in fighting trim and free of outside, alien influences. He appears unready to invite into the ranks of unions the kind of dialogue Summers's philosophy would entail.

In his later studies Taft has emphasized the internal control of Communists in trade unions. For this reason leadership responsiveness to the members' wishes is necessary to require "gradual adjustment and peaceful reform" rather than radical proposals a frustrated membership might adopt.<sup>37</sup> If the protection of the organization imposes certain constraints upon the exercise of local and individual rights more severe than in society at large" it must be remembered that a "labor union is a more homogeneous group requiring restricted and definite aims."<sup>38</sup> Nowhere does Taft make a statement resembling one made by Summers in defense of his emphasis on the civil liberties of union members:

The problem of internal union discipline is significant not because it involves large numbers, but because it involves the individual rights of a member within his union. It is a problem of civil liberties, and our concern should be aroused by even a single violation.<sup>39</sup>

---

<sup>37</sup>Taft, The Structure and Government of Labor Unions,

<sup>38</sup>Ibid., p. 119.

<sup>39</sup>Summers, "Disciplinary Powers of Unions," p. 488.



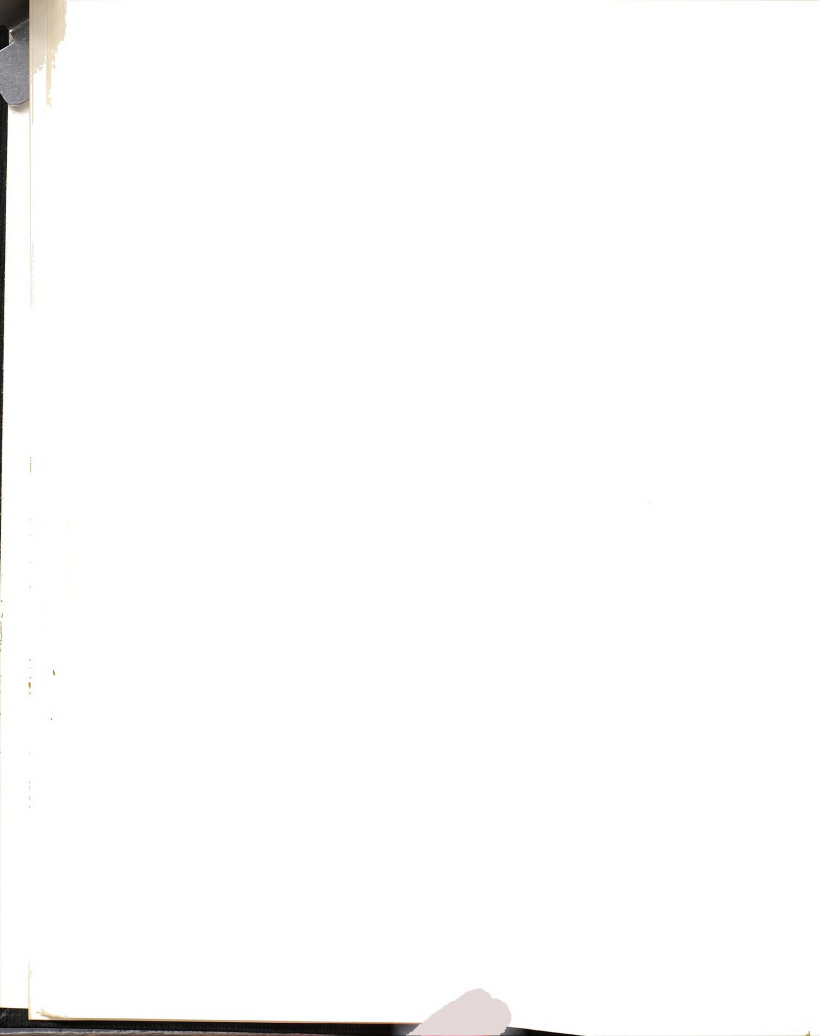
taft, Summers is appreciative of disciplinary requirements in union government. But minority rights are also of priority. Thus when the American Civil Liberties Union took the position favoring independent review of union disciplinary decisions, Summers wrote the document.<sup>40</sup> This difference between Summers and Taft is analogous to the contrasts in the interpretation of First Amendment provisions by members of the U. S. Supreme Court. Hugo Black, like Summers, holds that personal rights are inalienable, while the others on the Court, like Taft, will sanction infringement upon individual liberties for reasons of internal security. Before his retirement from the bench, Felix Frankfurter was Black's chief opponent in this matter, their conflicting views being articulated in a number of landmark First Amendment decisions. Notable was one in which the Court struck down the non-Communist oath requirement of the Taft-Hartley Act.<sup>41</sup> The union claimed that because it curtailed First Amendment freedoms the provision was unconstitutional. In rejecting this plea, a majority of the Court, with Frankfurter dissenting, held that:

Although the First Amendment provides that Congress shall make no law abridging the freedom of speech, press or assembly, it has long been established that

---

<sup>40</sup> American Civil Liberties Union, Democracy in Labor: A Report and Statement of Policy, 1952.

<sup>41</sup> American Communications Association v. Douds, 339 U.S. 212, 70 S. Ct. 674, (1950).



se freedoms themselves are dependent upon the  
 ver of constitutional government to survive.

s dissenting opinion reflected his literal interpre-  
 of these protections:

. . . The First Amendment was added . . . for the  
 press purpose of barring Congress from using pre-  
 ously granted powers to abridge belief or its ex-  
 pression. . . . not the least of the virtues of  
 e First Amendment is its protection of each member  
 the smallest and most unorthodox minority.

Because internal appeal procedures in unions must  
 tely include the balancing of organizational security  
 ndividual rights, it is understandable that those who  
 reference to the former are likelier to conclude that  
 ial review is unnecessary than are the more vigorous  
 ents of individual rights. Edward Hickey, attorney  
 e Railway Labor Executives' Association, for example,  
 iticized Senator McClellan's proposed bill of rights  
 ion members, subsequently modified to the present  
 m-Griffin Act wording, because, in his words, "they  
 prohibit any restraint, limitation or modification  
 edom of speech, assembly and similar rights within  
 rganizations . . ." <sup>42</sup>

There is reason to believe that differences in method-  
 may further explain opposing conclusions regarding  
 al practices and the equity of appeal procedures.  
 there is the question of the proper scope of one's

---

<sup>2</sup>"The Bill of Rights of Union Members," Georgetown  
Review (November, 1959), p. 232.



y. Should it be all-inclusive, or should it be confined to just one or a few unions? Secondly, there is a problem of data. What should be included? The principal methods of obtaining materials are (1) primary reliance upon legal documents and proceedings and (2) dependence upon information provided by union sources, including files, interviews and personal conversation. Most investigators use a combination of information sources but rely primarily on one of the two methods.

Prior to Taft's Structure and Government of Labor Unions his greatest emphasis was placed upon the indirect sources: constitutions, convention proceedings and court records. Taft was given permission to work directly with the files and records on appeals in eight national unions. Asserting the superiority of this method, he reminded others "that the rights and freedom of union members are more influenced by custom and tradition than by the written [constitutional] provisions."<sup>43</sup> Using this new approach, Taft drew conclusions which were more sympathetic with union practices than any before that time, including his own earlier view. Many subsequent investigators who studied only one or a few organizations reached similar conclusions. The observer who works in this manner seems inclined to be favorably disposed toward the aims of the union leader, whose problems now become clearer to him and whose motivations perhaps become more

---

<sup>43</sup>Taft, The Structure and Government of Labor Unions, 25.





andable in view of larger objectives and the limited  
of alternatives open to the official.<sup>44</sup>  
By contrast, those who have taken material primarily  
published documents, including non-union sources, and  
are not restricted the scope of inquiry to a single or  
national unions, do not find themselves in a consonant  
relationship with the principals of the study. Clyde Summers,  
Leiserson and Sumner Slichter, among others, obtained  
their information from these sources, often supple-  
mented by informal observation, and they each arrived at  
conclusions and made like proposals for impartial  
as the most suitable remedy.

There is reason to believe, then, that the underlying  
philosophy held by the researcher as well as his scope of  
and his method of obtaining information has some bear-  
ing on his results. This does not mean that scholarship is  
or has been neglected, but that the student of union  
institutions as economic institutions should be aware of  
two dimensions of research in union behavior and how  
they have responded.

---

<sup>44</sup> It is interesting that Taft expressed his philosophy  
on democracy as early as 1945 but did not reject the  
dependent review principle until 1954. During the nine  
year interval he not only changed his method of study but  
he had been alarmed by the ease with which he felt the  
Communist International had infiltrated important sectors  
of the American labor movement. His developing concern is  
evident in the journal articles listed in the bibliogra-  
phy of this thesis and in their culmination, The Structure  
and Development of Labor Unions, Ch. 1, "Radicalism in Ameri-  
can Labor." Thus it appears that his policy revision was  
influenced by a combination of these influences.



## Objectives and Method of this Study

### Objectives of the Study

The problem has been defined in the dispute between those who see a need for independent review tribunals and those who are satisfied with present procedures. Neither, however, has had access to any comprehensive data concerning experiences with the convention appeal which is in fact the final appeal tribunal. In this thesis I will report on my own survey of some two thousand separate convention appeals, a survey intended first, to provide data which have been up to this time unavailable and, secondly, to evaluate the national convention as a last-step appeal system. This evaluation rests upon two questions: does control over the organization by the national union include the convention appeal and, secondly, are such appeals commonly viewed in the impartial manner we expect of appellate tribunals? If the evidence should indicate that neither of these situations prevails then the problem of combining judicial functions and administrative powers is perhaps not as serious as is commonly believed. But if the evidence gives reason to believe that the leaders use the convention appeal for their own ends and that, in the process, they deny aggrieved individuals and groups impartial and fair hearing, then alternative procedures should be considered.

In posing the question of national union influence on convention appeals, I am prompted by the hegemony of



the national leadership in the internal affairs of unions. The possible implications of such concentrated powers have to be considered in any evaluation of these practices. But first it is useful to review the rise to dominance of the national union and the relationship of this occurrence to the national convention.

Beginning with the typesetters' union in 1852 and continuing through the last half of that century, the local unions in most trades became affiliated with national organizations, largely in response to increased worker mobility and the spread of national markets. By 1913 Glocker observed that "subordinate unions exists primarily to administer the functions of the national union according to detailed rules fixed by that body."<sup>45</sup> This pertained to the craft organizations but the ascendancy of the CIO simply extended national control as its unions were governed "from the top down."<sup>46</sup> Today the control is complete, as Leiserson noted:

All sovereign powers are in national unions. Their governments are supreme over all members, local unions, and other subordinate bodies.<sup>47</sup>

---

<sup>45</sup>Glocker, The Government of American Trade Unions, 103.

<sup>46</sup>Leiserson, American Trade Union Democracy, pp. 91-2.

<sup>47</sup>Ibid., p. 87. Cf., Jack Barbash, The Practice of Unionism (New York: Harper and Brothers, Publishers, 1956), p. 55-56. The rise of the national union should not be summarily judged as an unfortunate occurrence. The national usually provides necessary organizational and service functions. See, for example, Robert Christie's discussion of

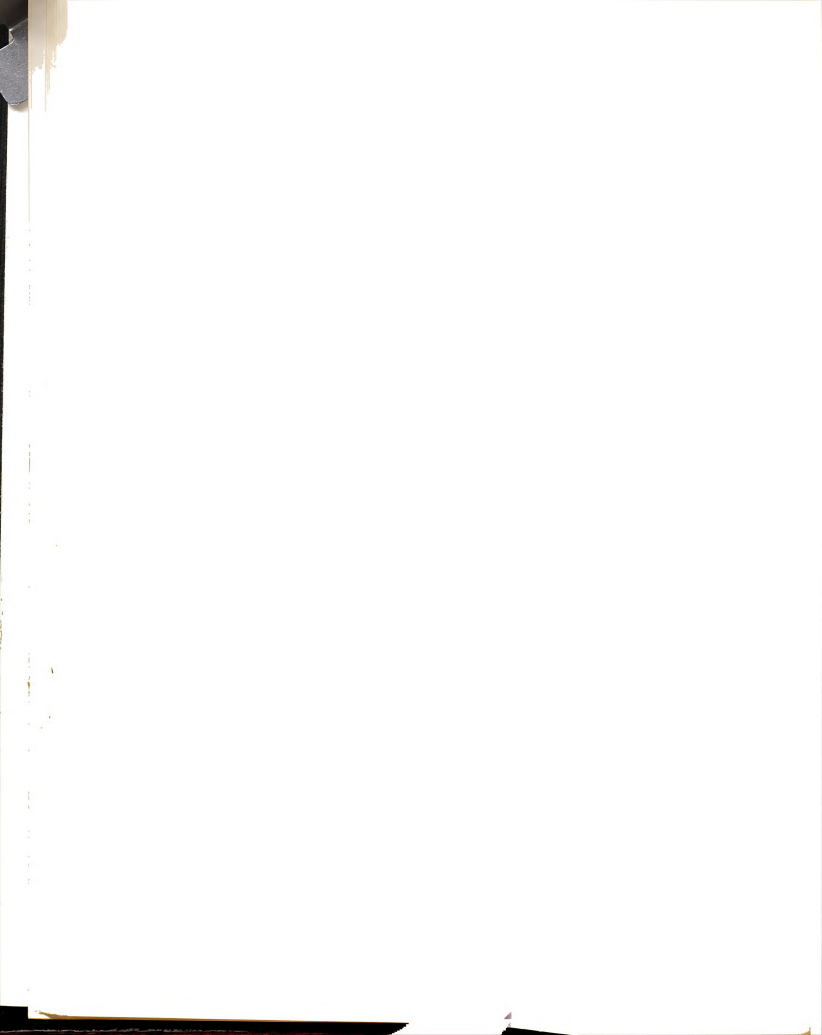


How does this influence the supreme governing body of the union, the national convention? In order to understand this, the reason for giving that assembly such powers must be known. The convention came into use in many organizations at a time when membership growth was making obsolete the New England town-meeting type of democracy best suited for smaller groups. Because the substantial increases in membership and geographic jurisdiction seemed to require a centralized system directed by an active chief executive, the national convention was adopted to safeguard against the abuse of these enhanced powers. For this reason local delegates to the convention were strictly committed to the local's instructions on all important matters. But such inflexibility diminished the convention's supervisory effectiveness by limiting the negotiable areas and disallowing compromise, consequently, because the delegates were often incapable of acting on crucial issues, much of the real decision-making power was left in the hands of the national leadership. Moreover, it soon became apparent that the convention itself could be controlled by the governing minority. As a result, sometime after the turn of the century policy questions which were in most unions previously assigned to

---

what the national carpenters' union has done for the individual craftsman in "the tangibles like wages, hours, and working conditions and intangibles like industrial democracy." Robert Christie, Empire in Wood: A History of the Carpenters' Union (Ithaca, New York: Cornell University Press, 1956), p. 318.





the convention were now decided by national referenda as a means of maintaining membership control. But by this time these unions were no longer loose federations of local organizations; popular government was untenable and as the referendum proved inadequate, the convention was reinstated to its former significance.<sup>48</sup>

Whereas the referendum failed to restore effective rank and file control due to capriciousness, the convention presumably has been ineffective in this because of its structure and procedure and by reason of the political character of such gatherings. The chief executive's authority to preside over the national convention and appoint the major committees gives him considerable control over a body whose procedures are vague and imprecise.<sup>49</sup> Glocker, and Ulman many years later, saw in the unwieldy size of the union convention and the excessive time interval between sessions the greatest barriers to its effectiveness as a national body.<sup>50</sup> After observing the convention in operation, Leiserson concluded that in practice it "becomes a body for registering approval of [the administration's] acts

---

<sup>48</sup> Lloyd Ulman, The Rise of the National Trade Union: The Development and Significance of Its Structure, Governing Institutions, and Economic Policies (Cambridge: Harvard University Press, 1955), Chs. 9 and 10.

<sup>49</sup> Bromwich, Union Constitutions, pp. 12-15.

<sup>50</sup> Glocker, The Government of American Trade Unions, p. 159; Ulman, The Rise of the National Trade Union, pp. 254-55.



policies."<sup>51</sup> In the same way, Lester infers that the leadership invariably "manages the convention."<sup>52</sup> It is reasonable, then, to hypothesize that the convention appeal also subject to the effects of administration dominance and, therefore, is of limited usefulness to appellants.

Moreover, if this first hypothesis is correct then it is improbable that the fair procedure we expect from appellate tribunals is obtained at the national convention. Convention appeals are from disciplinary and administrative decisions which were either initiated by national officers or have been previously ratified by them in the process of internal review. Thus it is unlikely that if it is in a position to affect the outcome the leadership would endure the embarrassment and suffer the tactical defeat involved in reversal of its decision.

This is a problem not only in labor organizations but in civil governments as well because, as Mayers points out

The American Legal System:

... it is through the processes of criminal prosecution more than through any other agency of government that opposition and deprivation of personal freedom may be inflicted upon the individual by hostile officialdom.<sup>53</sup>

---

<sup>51</sup>Leiserson, American Trade Union Democracy, p. 235.

<sup>52</sup>Lester, As Unions Mature, p. 67.

<sup>53</sup>Lewis Mayers, The American Legal System: The Administration of Justice in the United States by Judicial, Administrative, Military, and Arbitral Tribunals (rev. ed., New York: Harper & Row, Publishers, 1964), pp. 12-13.



While precise legal distinctions are not my concern it is useful to draw the parallel between civil and judicial practices in order to establish the guide- with which to test the fairness of convention appeal- dures. The national convention acting in a final re- capacity is a form of legislative justice. This re- to the performance of judicial duties by what is tionally a legislative body. Roscoe Pound, sometimes ed the philosopher of American jurisprudence, finds legislative justice, now obsolete in the government of country, for a number reasons is inherently incapable ssuring due process and impartial review. It has been ed "uncertain, unequal, and capricious" because of its ctural susceptibility to the "influence of personal citation, lobbying, and even corruption far beyond any- g charged against our courts" as well as the "passion prejudice" characteristic of mass justice and the "party tics, partianship, and often crude 'ideals'" common of tical assemblies.<sup>54</sup> Union tribunals, particularly onal conventions, are essentially political bodies with sionally modified structures to facilitate the perfor- e of judicial functions, but which are nevertheless onusive to extra-judicial influences. These are the very gs, in fact, which the courts on a number of occasions

---

<sup>54</sup> Roscoe Pound, "Judicial Justice," in The Courts: Leader in the Judicial Process, Robert Scigliano, ed. ton: Little, Brown and Company, 1962), p. 7.



uled prevent "fair procedure" in the trial and appeal  
 ces of labor unions. Improperly conducted hearings,  
 with and bias have been grounds for a number of rul-  
 to upset union judicial decisions.<sup>55</sup> The courts have  
 spoken of the need for generally impartial appeal pro-  
 ngs. The New York Supreme Court, for example, in rul-  
 union's national executive board ineligible to review  
 ls because of the personal involvement of board members  
 e dispute, held that plaintiffs "were entitled to have,  
 nly their trials, but also their appeals held and de-  
 ned by impartial judges."<sup>56</sup>

Using these broad indicators of fair procedure as  
 elines, I will test the hypothesis regarding fair pro-  
 re in convention appeals. Specifically, the criteria  
 e used are as follows:

1. Are the initial review body, the appeals committee,  
 or the convention delegates in any way responsible  
 or accountable to the national leadership? Are  
 they impartial groups?
2. Are sufficient facts and evidence in these cases  
 made available to the convention delegates?
3. Is the appellant allowed to appear on his own  
 behalf before the appeals committee and the  
 convention assembly?
4. Are the delegates given an opportunity to discuss  
 the matter before voting?

---

<sup>55</sup> Joseph R. Grodin, Union Government and the Law:  
 ish and American Experiences (Los Angeles: Institute  
 ndustrial Relations, University of California, 1961),  
 101-17.

<sup>56</sup> Ibid., p. 113.





5. Are the delegates polled in a way which avoids external influence, compulsion and coercion?

#### Data and Method

The two hypotheses will be tested against data which are drawn from the printed convention proceedings of a wide range of national unions. About 130 organizations currently designate the national convention as the final appeal tribunal within the union, but many of them are small organizations for which the necessary publications are not available.<sup>57</sup> For this reason the choice of unions included in the study reflects (1) the availability of printed proceedings, and (2) my own effort to justify general conclusions including data relating to each classification of national unions according to size of membership, industry attachment, occupational involvement, and historical affiliation in the labor movement. For the most part, the necessary convention proceedings were available and with the exception of some very small craft unions, the government employee unions and the professional associations, many of which do not permit convention appeals, the representation is nearly complete. Every major national union which makes provision for appeals to the convention is included in the analysis.

---

<sup>57</sup> A recent labor department survey revealed that 129 of the 153 national union constitutions having provisions for internal appeals designate the convention as the final appeal body. U. S. Bureau of Labor Statistics, Disciplinary Powers and Procedures in Union Constitutions, Bulletin 1350 (May, 1963), p. 112.



gether the findings in 96 separate organizations were  
 , just under 800 volumes of convention proceedings  
 surveyed, and a total of 1,997 appeal cases were ex-  
 ed. In 1960 these unions contained more than 16½ million  
 ers, or more than 95 percent of the membership in those  
 nizations which provide for convention appeals.<sup>58</sup> In  
 tion, the internal appeal provisions in 75 of these  
 ns were reviewed in order to estimate the accessibility  
 he convention as a final appeal body for different  
 llants and for various kinds of disputes.

In gathering the data from convention proceedings I  
 uded the following variables: whether they were work-  
 ted appeals (disputes originating in the work place)  
 nion-related cases (those stemming from intraunion af-  
 s); the specific issue involved in each appeal; the  
 llant's identity and that of persons selected to serve  
 peals committees, and the manner of selection; the  
 re of committee reports and recommendations to the con-  
 tion; personal appearances by appellants or other inter-  
 d parties; any discussion or debate which occurs during  
 deliberation of appeals; and the final disposition of  
 cases. In addition, information was collected regarding  
 less quantitative aspects of convention appeals, such as

---

<sup>58</sup>These figures are taken from U. S. Bureau of Labor  
 istics, Directory of National and International Labor  
ns in the United States, 1961, Bulletin No. 1320  
 ch, 1962).

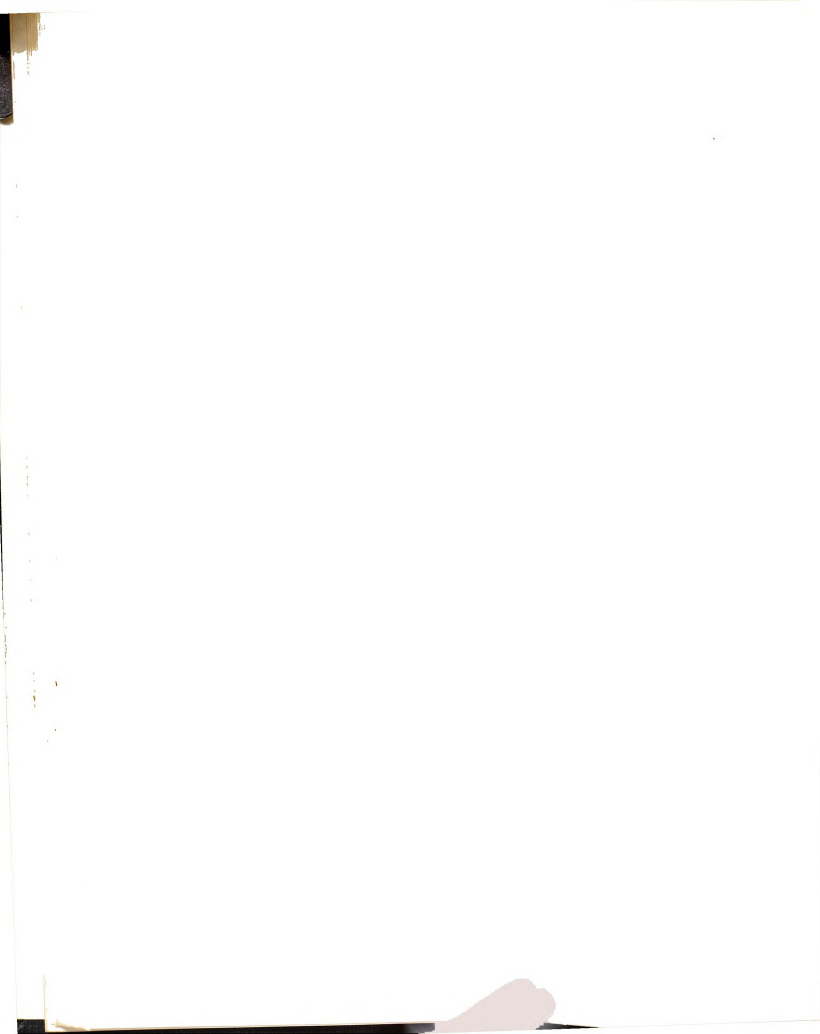


timing of committee reports, the role of the convention chairman and the attitude of the delegates toward certain allants and specific issues.

My method of presenting the data is governed by the e of the study. The number of unions included in my ey and their total membership are close to the population rganizations which allow convention appeals and their dined memberships. With data of this proportion, I am to reach conclusions and make inferences on the basis logical analysis of actual procedures and practices. ddition, relatively uncomplicated measuring devices can sed to classify and categorize these findings because statistical presentations are only skeletal and indica- and must be complemented with descriptive analysis. I this method for these reasons but also because I want to ey to the reader an impression of the union convention peration as well as a feeling for the atmosphere, often e emotional, which envelopes the review of appeals.

### Summary

The problem as developed in the literature on internal n affairs concerns the failure of unions to separate cial bodies from administrative agencies. Most writers eve this is extended to the convention, which is the l appeal tribunal from adverse judicial decisions, be- e, it is argued, the national administration dominates roceedings of such gatherings. They recommend the



establishment of independent review boards to assume the final appellate function. Others insist there is not sufficient evidence to justify such boards. This division of opinion is very real but there is reason to believe that much of the dispute originates in the opposing concepts of union democracy held by writers in this area, the differences in their personal philosophy and in the methods of research used by them.

The initial objectives of my study are, first, to present information on convention appeals previously unavailable and, secondly, on the basis of this material, to evaluate the convention as an appeal body. I advance two hypotheses to this: (1) that national union control over internal affairs must logically include the convention and convention appeals, and (2) if this is true then it is doubtful that proper procedures in the appeal process can be assured. I intended to test these hypotheses against information I have gathered from the printed convention proceedings of 100 unions. This includes just under two thousand individual appeals from nearly 800 separate national conventions.

I will then turn to the third objective of the study. Available evidence confirms my hypotheses, should some alternative method of final review be adopted and, if so, should this be an independent review board similar to that used in the UAW? The answers to this question will provide a basis for any policy conclusions in this area.





These are the three objectives of my study, the hypotheses I will examine and the information I have gathered in order to measure their validity. The following chapter consists of a more thorough description of this information.



## CHAPTER II

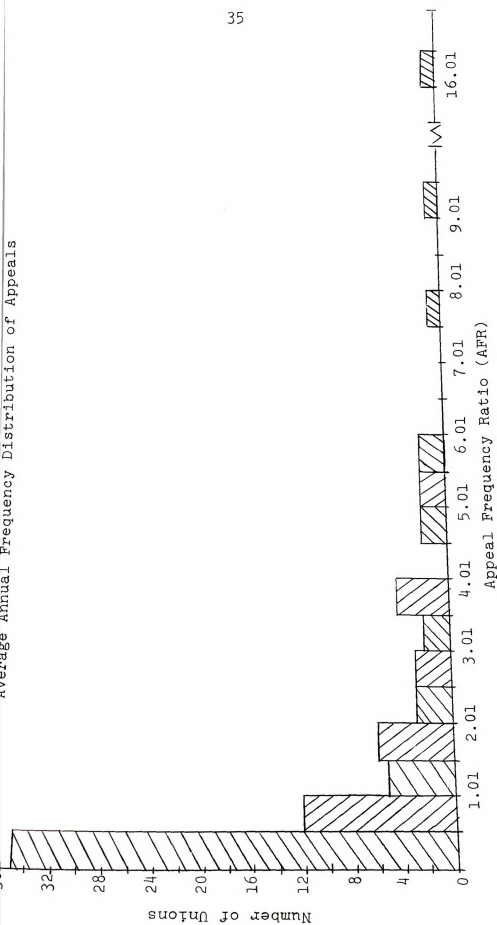
### THE CONVENTION APPEAL: FREQUENCY, ISSUES AND APPELLANTS

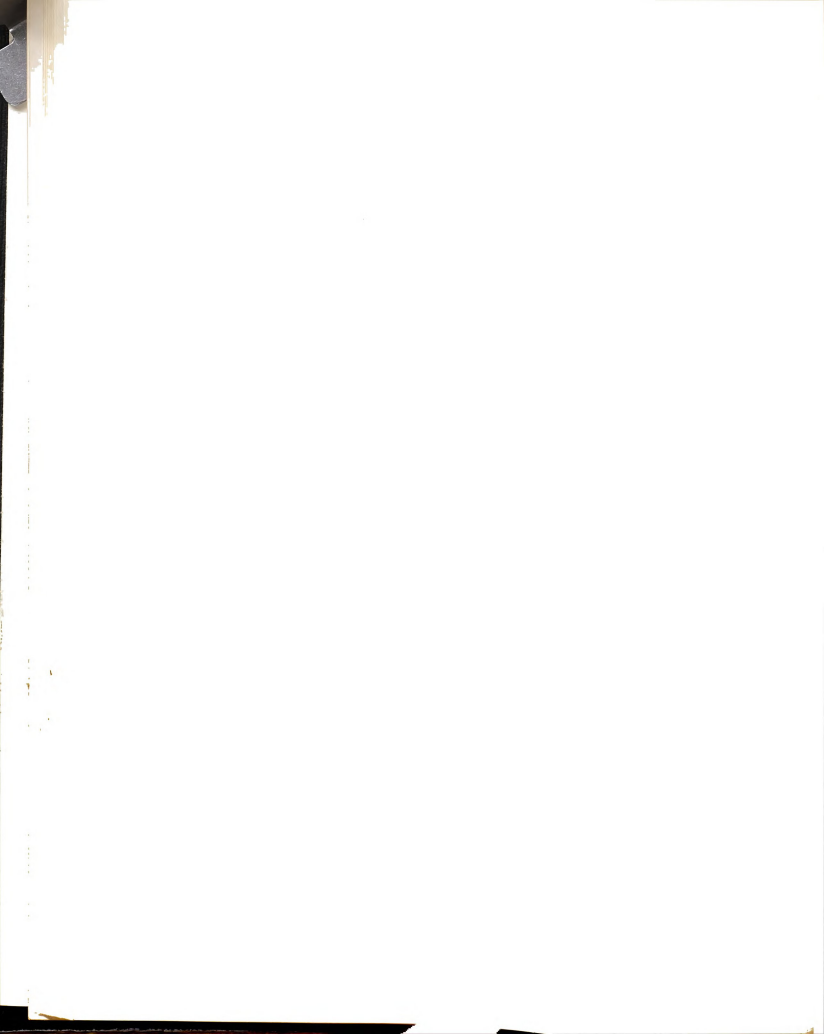
#### Frequency and Origin of Convention Appeals

Convention appeals were unequally distributed among the unions. Seven did not encounter any appeals during the 1945-1963 period while several each heard more than a hundred. But the large majority reviewed only a handful. This is shown in the frequency distribution illustrated in Chart II-1. The appeal frequency ratio, or AFR value, described along the horizontal axis, is a ratio of the convention appeals heard to the number of years during which they were reviewed. For example, a union which heard ten appeals at conventions spanning a five-year time period would have an  $AFR = 2$ . Conversely, five appeals in ten years would give an AFR of .5. The vertical axis indicates the number of unions whose AFR value falls within a given interval. (Appendix A contains the AFR values for each of the unions.)

The number of unions diminish rapidly with increasing AFR values. Forty-seven, or 53 percent of the unions which







convention appeals, had an AFR value  $\leq 1$ , and fifty-  
 or 65 percent, heard fewer than three cases per  
 Only 15 averaged three or more cases and just seven,  
 percent, had AFR values  $\geq 5$ . Thus, appealing judicial  
 to the national convention is a right exercised  
 ically even in a majority of those unions in which  
 s have occurred.

There is no clear explanation for this disparity.  
 frequency is not associated with the size of the  
 s membership, its industry attachment or organizational  
 ation. But it does seem that early in the development  
 t unions a precedent is established regarding the likeli-  
 f convention appeals. In unions having frequent appeals  
 mber gradually diminishes as the organization matures.<sup>1</sup>

#### d Constitutional Accessibility

One determinant of appeals frequency is the consti-  
 al availability of convention appeal rights. If the  
 prevents certain persons or groups from making con-  
 n appeals, disallows appeals relating to specific  
 or places procedural roadblocks in the way of ef-  
 e appeal, then merely identifying the convention as  
 al appeal tribunal is an empty gesture. I have re-  
 the appeal provisions of 75 national union

---

<sup>1</sup>Leiserson concluded that "the number of cases  
 to the convention generally declines as the union  
 lder." He attributed this to the precedent estab-  
 by previous decisions and to constitutional re-  
 ons of appeal privileges. American Trade Union  
 2y, p. 212.





tutions, all of which provide for convention appeals, in order to determine whether such qualifying clauses would significantly reduce the number of disputes submitted to arbitration. About one-third of the constitutions--which cover the craft, industrial, professional and service employee unions--contain restrictive clauses. (See Table II-1). They cover specific groups or issues but are seldom so broad that they generally prohibit appeals.

Staff members and union employees are the two groups most frequently denied convention appeal privileges, the constitutions of at least five organizations specifically denying them. Appeals from national union employees of locomotive firemen and of the railway clerks end with a grievance and lodge review board.<sup>2</sup> In two other unions, dismissed or suspended intermediate level directors, international representatives and organizers are denied appeal privileges.<sup>3</sup> Arbitration of staff and employee appeals is another alternative. In the oil workers' union international representatives can appeal to the executive board and, if not satisfied, to an impartial arbitrator.<sup>4</sup> Textile workers'

---

<sup>2</sup>Brotherhood of Locomotive Firemen and Enginemen, Constitution, (1959), Art. 13, sec. 2 (a) and (b); Brotherhood of Railway and Steamship Clerks, Protective Laws of Brotherhood, (1959), sec. 18(a) (b), and (d).

<sup>3</sup>United Brewery Workers of America, Constitution, Art. XIII, sec. 2 (d); Allied Industrial Workers of America, Constitution, (1963), Art. 19, sec. 19.01.

<sup>4</sup>Oil, Chemical and Atomic Workers International Union, Constitution, (1963), Art. V, sec. 11.



Specific Restrictions

Union

Individuals or Groups Denied Convention Appeals      Issues Which Cannot be Appealed to the Convention

|                           | Local Members  | Local Officers | National Officers | Staff Members | Accusing Party | Communists | Non-Members | Discipline Cases | Jurisdiction Cases | Trusteeships | Dues and per capita | Strike Issues | Grievance Cases | Elections      | Other          |
|---------------------------|----------------|----------------|-------------------|---------------|----------------|------------|-------------|------------------|--------------------|--------------|---------------------|---------------|-----------------|----------------|----------------|
| Brewery workers           |                |                |                   | X             |                | X          |             |                  |                    |              | X                   |               |                 |                |                |
| Building employees        |                |                |                   |               |                |            |             |                  |                    |              |                     |               |                 |                |                |
| Electrical workers (IUE)  |                |                |                   |               | X              |            |             |                  |                    | X            |                     |               |                 |                |                |
| Federal employees (NFFE)  | X <sup>1</sup> |                |                   |               |                |            |             |                  |                    |              |                     |               |                 |                |                |
| Fire fighters             |                |                |                   |               |                |            |             |                  |                    |              |                     |               |                 |                |                |
| Government employees      |                |                |                   | X             |                |            |             |                  |                    |              |                     | X             | X               | X              |                |
| (AFGE)                    |                |                |                   |               |                |            |             | X                |                    |              |                     |               |                 |                |                |
| Railway conductors        |                |                |                   |               |                |            |             |                  |                    |              |                     |               |                 |                |                |
| Allied industrial workers |                |                | X                 | X             |                |            |             | X                | X                  |              |                     |               |                 | X              | X <sup>2</sup> |
| Laundry workers (Ind)     |                |                |                   |               |                |            |             | X                |                    | X            |                     |               |                 | X              | X <sup>4</sup> |
| Locomotive firemen        |                | X <sup>3</sup> |                   | X             |                |            | X           |                  |                    |              |                     |               |                 |                | X              |
| Musicians                 |                |                |                   |               | X              |            |             |                  |                    |              |                     |               |                 |                |                |
| Newspaper guild           |                |                |                   |               |                |            |             |                  |                    |              | X                   |               |                 | X <sup>5</sup> | X <sup>6</sup> |
| Office employees          |                |                | X                 |               |                |            |             |                  |                    |              |                     |               |                 |                |                |
| Packaginghouse workers    |                |                |                   |               |                |            |             |                  |                    |              |                     |               |                 |                |                |
| Plasterers                |                |                |                   |               |                |            |             | X                |                    |              |                     |               |                 |                |                |
| Plumbers                  |                |                |                   |               |                |            |             |                  |                    |              |                     |               |                 |                |                |
| Printing pressmen         |                |                |                   |               |                |            |             |                  |                    |              |                     |               |                 |                |                |



Individuals or Groups Denied  
Convention Appeals

Issues Which Cannot be Appealed  
to the Convention

| Local Members     | Local Officers | National Officers | Staff Members | Accusing Party | Communists | Non-Members | Discipline Cases | Jurisdiction Cases | Trusteeships | Dues and per capita | Strike Issues | Grievance Cases | Elections | Other          |
|-------------------|----------------|-------------------|---------------|----------------|------------|-------------|------------------|--------------------|--------------|---------------------|---------------|-----------------|-----------|----------------|
| Railroad trainmen | X              |                   |               |                |            |             | X                |                    |              |                     | X             |                 |           |                |
| Railway clerks    |                |                   | X             |                |            |             |                  |                    |              |                     | X             |                 |           |                |
| Railway carmen    |                |                   |               |                |            |             |                  | X                  |              |                     |               |                 |           |                |
| Retail, wholesale | X              |                   |               |                |            |             |                  |                    |              |                     |               |                 |           | X <sup>7</sup> |
| Teamsters         |                |                   |               |                |            | X           |                  |                    |              |                     |               |                 |           | X <sup>8</sup> |
| Transport workers | X              |                   |               |                |            |             |                  |                    |              |                     |               |                 |           |                |
| Upholsterers      |                |                   |               |                |            |             |                  |                    |              |                     |               |                 |           |                |

<sup>1</sup>Suspended members may appeal to the convention.

<sup>2</sup>Members expelled for refusal to obey orders from union officials.

<sup>3</sup>Local unions.

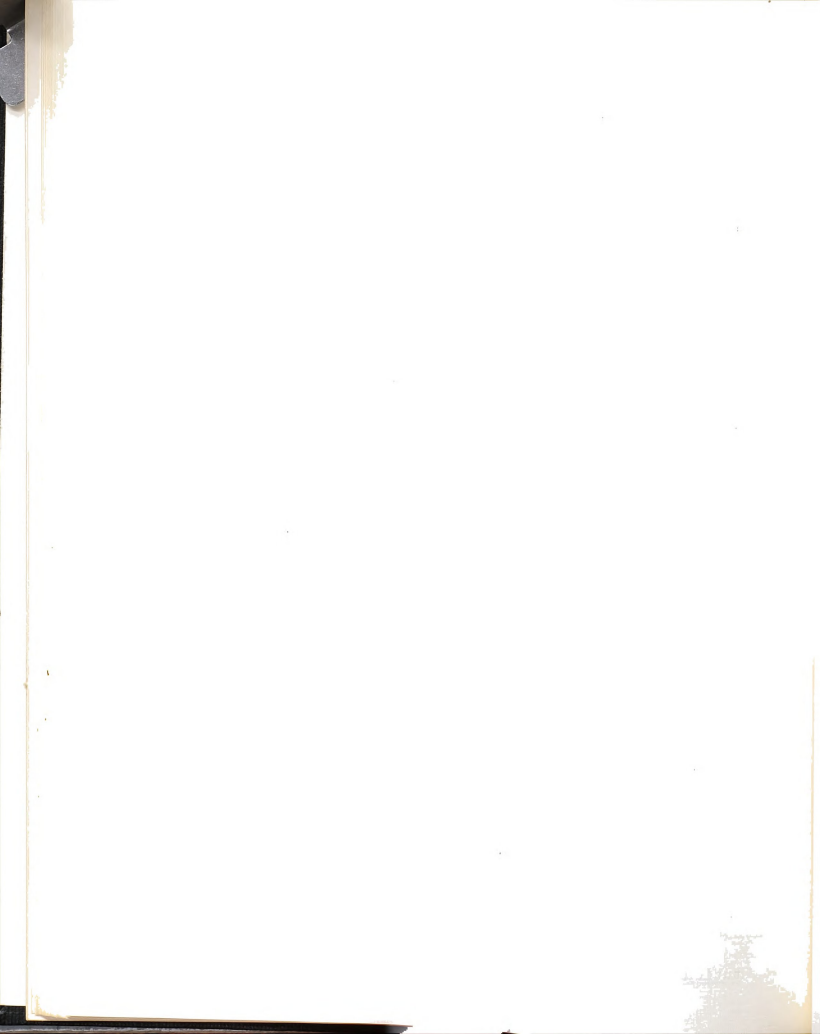
<sup>4</sup>Fines less than \$500.

<sup>5</sup>Local elections.

<sup>6</sup>Executive interpretations of the national constitution. Exclusion from membership by the general president. Legislative decisions of the Grand Lodge.

<sup>7</sup>Refusal to grant transfer card to members.

<sup>8</sup>Non-disciplinary cases.



employees appeal directly to the general president  
 the option of having his decision impartially ar-  
 ed.<sup>5</sup> Appeals from grand lodge employees of the rail-  
 trainmen are permitted only if they are members of  
 nion.<sup>6</sup>

Three constitutions deny convention appeals to sus-  
 local officers,<sup>7</sup> and two prohibit the accuser in a  
 linary trial from using the convention appeal  
 ery.<sup>8</sup> Another admits to the convention appeals from  
 ded members only.<sup>9</sup> Others deny this right to suspended  
 ational executive board members,<sup>10</sup> to international  
 rs recalled by referendum,<sup>11</sup> and to alleged

<sup>5</sup>Textile Workers Union of America, Constitution, (1962),  
 XVII.

<sup>6</sup>Brotherhood of Railroad Trainmen, Constitution of the  
 Lodge, (1960), Sec. 28 (b).

<sup>7</sup>Brotherhood of Railroad Trainmen, Constitution of the  
 Lodge, (1960), Sec. 139; Retail, Wholesale and Depart-  
 store Union, Constitution, (1962), Art. XIII, sec. 4;  
 ort Workers Union of America, Constitution, (1961),  
 XII, sec. 1.

<sup>8</sup>International Union of Electrical Workers, Inter-  
 al Constitution, (1963), Art. XXV, sec. B; the Ameri-  
 wspaper Guild, Constitution, (1960), Art. XII, sec.

<sup>9</sup>National Federation of Federal Employees, Consti-  
, (1962), Art. VI, Sec. 1.

<sup>10</sup>They may appeal to regional conventions where the  
 on is final. Allied Industrial Workers of America,  
tution, (1963), Art. 19.01 and Art. 9, sec. 9.02.

<sup>11</sup>United Packinghouse Workers, International Consti-  
, (1962), Art. XIX, Sec. 6 (a).





nion employees appeal directly to the general president with the option of having his decision impartially arbitrated.<sup>5</sup> Appeals from grand lodge employees of the railroad trainmen are permitted only if they are members of that union.<sup>6</sup>

Three constitutions deny convention appeals to suspended local officers,<sup>7</sup> and two prohibit the accuser in a disciplinary trial from using the convention appeal machinery.<sup>8</sup> Another admits to the convention appeals from suspended members only.<sup>9</sup> Others deny this right to suspended international executive board members,<sup>10</sup> to international officers recalled by referendum,<sup>11</sup> and to alleged

<sup>5</sup>Textile Workers Union of America, Constitution, (1962), Art. XVII.

<sup>6</sup>Brotherhood of Railroad Trainmen, Constitution of the Grand Lodge, (1960), Sec. 28 (b).

<sup>7</sup>Brotherhood of Railroad Trainmen, Constitution of the Grand Lodge, (1960), Sec. 139; Retail, Wholesale and Department Store Union, Constitution, (1962), Art. XIII, sec. 4; Transport Workers Union of America, Constitution, (1961), Art. XXII, sec. 1.

<sup>8</sup>International Union of Electrical Workers, International Constitution, (1963), Art. XXV, sec. B; the American Newspaper Guild, Constitution, (1960), Art. XII, sec. (a).

<sup>9</sup>National Federation of Federal Employees, Constitution, (1962), Art. VI, Sec. 1.

<sup>10</sup>They may appeal to regional conventions where the decision is final. Allied Industrial Workers of America, Constitution, (1963), Art. 19.01 and Art. 9, sec. 9.02.

<sup>11</sup>United Packinghouse Workers, International Constitution, (1962), Art. XIX, Sec. 6 (a).

10-2-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

10-1-50

10

munists.<sup>12</sup> One constitution specifies that unsuccessful membership applicants have no recourse within the union's appeal system; a few others do this indirectly by stating that the decision to grant membership is strictly a local one.<sup>13</sup>

Eleven constitutions exclude specific issues. Three place restrictions on the appeal of disciplinary actions,<sup>14</sup> four have limitations on matters concerning strikes and strike benefits,<sup>15</sup> two prohibit appeals arising out of

<sup>12</sup>International Brotherhood of Teamsters, Constitution, (1961), Art. II, sec. II (a) and (b); Building Service Employees' International Union, Constitution, (1960), Art. 11, sec. 3 (c).

<sup>13</sup>American Federation of Musicians, Constitution, (1963), By-Laws and Policy, Art. 3, sec. 13.

<sup>14</sup>Four of the five appeals at laundry workers' conventions were local protests against international supervision of local affairs. But at the 1961 convention the constitution was changed to disallow this kind of appeal. Laundry, Dry Cleaning and Dye House Workers International Union, Constitution and By-Laws, (1961), Art. XIII, sec. 1. In the plumbers' union fines of less than \$100 cannot be appealed beyond the general executive board, nor can any "order of suspension or expulsion made by the General President or his representative, or any organizer." United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Association, Constitution, (1961), Art. 229 (a) and 230. The railroad trainmen's union terminates appeals from disciplinary actions with the board of directors' decision although the convention can assume jurisdiction, Brotherhood of Railroad Trainmen, Constitution of the Grand Lodge, (1960), Sec. 139.

<sup>15</sup>The International Printing Pressmen and Assistants' Union, Constitution and Laws, (1961), Art. XIV. sec. 12; Brotherhood of Railroad Trainmen, Constitution, (1960), General Rules, #13; the Brotherhood of Railway Carmen of America, Constitution, (1958), Sec. 76; Order of Railway Conductors and Brakemen, Statutes, (1962), Sec. 56.



jurisdictional disputes and two others prohibit appeals regarding non-payment of dues.<sup>16</sup> Another specifies that an appeal relating to working grievances shall be taken to the convention, another bars appeals involving the national president's decision in disputes arising from local elections, and a third prohibits requests from individual members regarding union welfare benefits.<sup>17</sup> One other, the upholsterers, permits only convention appeals which pertain to disciplinary action. This is interesting because that union's public appeal board, an alternative final appeal tribunal, has no jurisdiction over nondisciplinary cases. As a result, administrative decisions cannot be appealed to the convention or to the appeals board.<sup>18</sup>

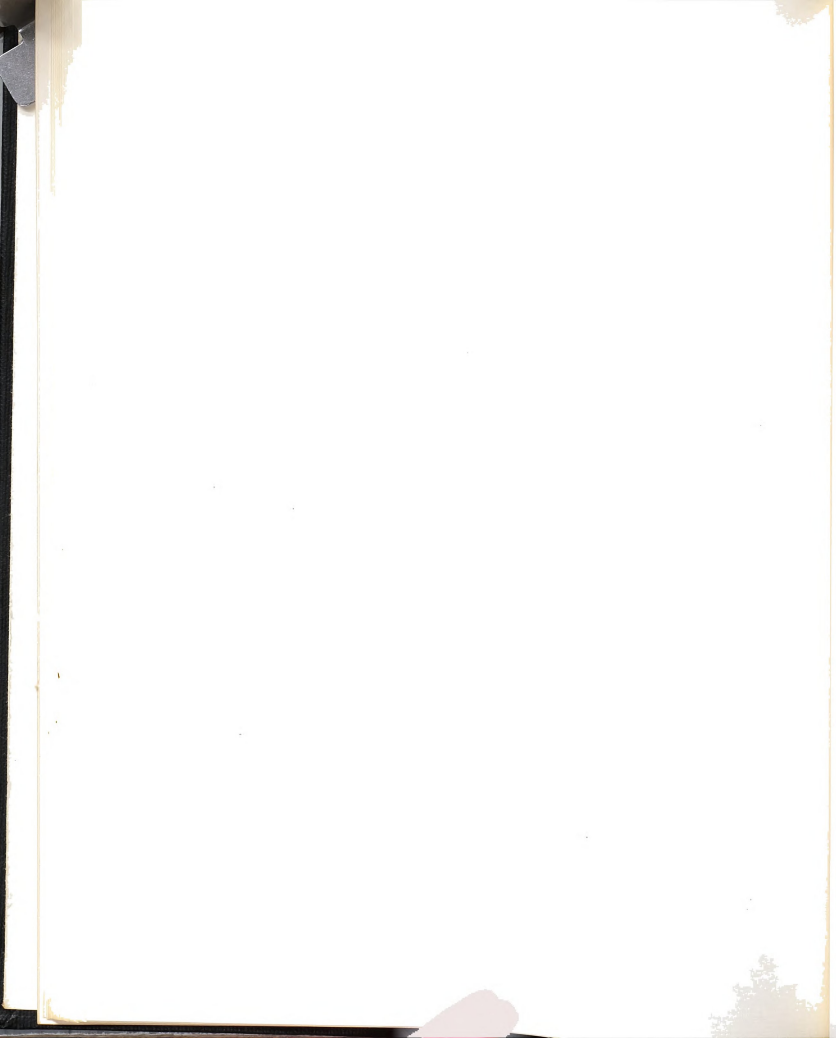
At least three unions, the teamsters, the boilermakers and the conductors, restrict convention appeals by designating a few groups which have this privilege, thereby excluding everyone else by implication.<sup>19</sup> This has been an effective

---

<sup>16</sup>Laundry Workers' International Union, Constitution and By-Laws, (1960), Art. XIV, sec. 9 (c), and the Retail, Wholesale and Department Store Union, Constitution, (1962), Art. VIII, sec. 5; United Brewery Workers of America, Constitution, (1963), Art. III, sec. 7; Office Employees International Union, Constitution, (1962), Art. XIV, sec. (e).

<sup>17</sup>Allied Industrial Workers of America, Constitution, (1963), Art. 19, sec. 19.02; Operative Plasterers' and Cement Masons' International Association, Constitution, (1961), Sec. 141 (p) (2) and (r); American Federation of Musicians, Constitution, (1963), By-Laws and Policy, Art. sec. 14.

<sup>18</sup>See, Upholsterers' International Union of North



tricting device. In the teamsters' union, where only ordinate bodies may appeal to the convention as a result of constitutional changes made at the 1947 meetings, cases were reviewed at that convention but the number appeals fell to three at the 1952 convention, to one in 1957 and at the 1961 meetings none was submitted. The Teamsters' union witnessed a similar decline after restricting appeal privileges to international officers only. For example, railway conductors, after changing their appeal process to terminate discipline-related appeals with the decision of the union's board of directors, heard just two convention appeals between 1948-1962.

In sum, it appears that no group is generally denied access to the convention as a final appeal forum, nor are specific issues commonly exempted. Though in the few unions which make broad restrictions, low appeal frequencies seem to result.

#### The Internal Structure of the Organization and Its Appeal Frequency Ratio

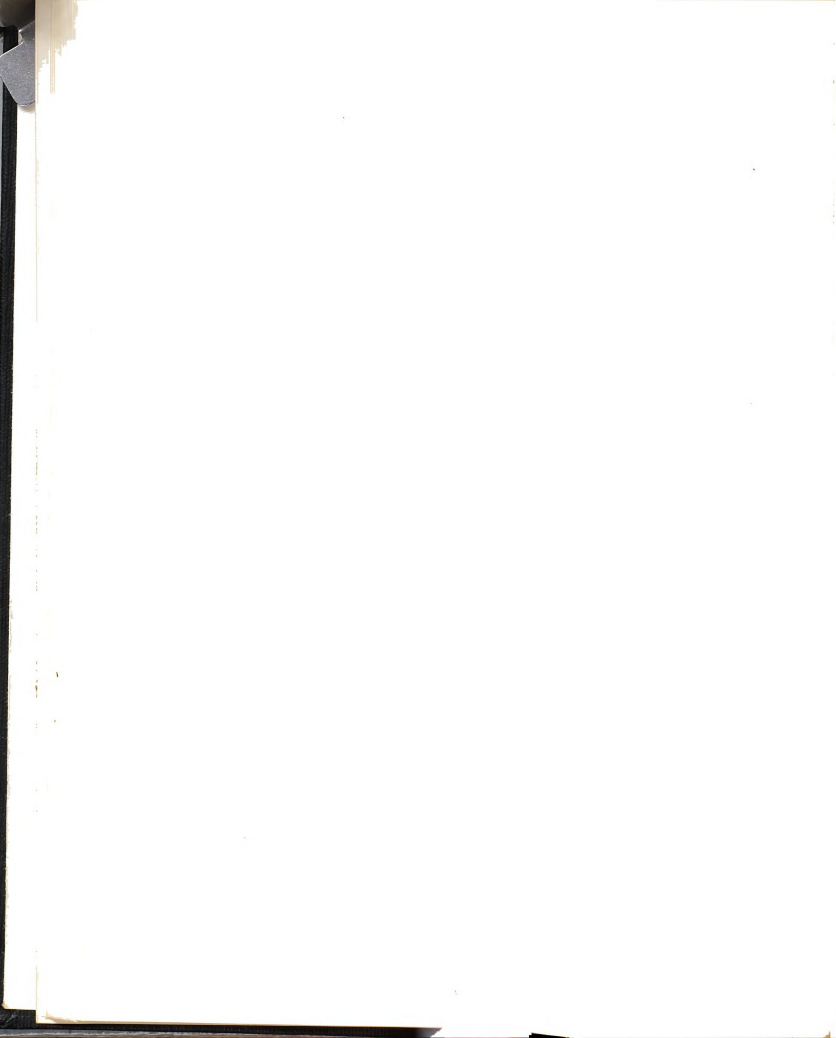
The demeanor of leadership and the internal structure of the union might also partially explain appeal frequencies.

---

rica, General Laws, (1960). Compare sections 5 (a) and b) (1) of Article XXXIV.

<sup>19</sup> International Brotherhood of Teamsters, Constitution, (1961), Art. XIX, sec. 2 (a); International Brotherhood of Teamsters, Constitution, (1961), Art. XXI, sec. 6, Art. XXII, sec. 2, and Art. XXVIII, sec. 4.





differences in the popularity and leadership techniques Phillip Murray and David McDonald, for instance, may account for the substantial increases in steelworkers' convention appeals since 1954.

Centralized or strong national leadership seems to be associated with the absence of convention appeals. Available are a few of the industrial unions, both the East and the West Coast longshoremen's unions, and the teamsters' union. The stability following a period of political dislocation coincided with a reduction of convention appeals in shipbuilders, in the maritime union, and in the mailers' union. The balance of political power within the organization can also influence the functions performed by the various governing units so that judicial disputes are not likely to go beyond the intermediate level bodies. For example, the independent and autonomous status insisted upon by District 65 of the retail, wholesale employees' union as a condition of affiliation with the national union, allows District 65 to retain ultimate control of internal judicial matters even though the national convention is available for appeals.<sup>20</sup> Similar organizational structures

---

<sup>20</sup>District 65 accounts for roughly one-quarter of the total membership and an even greater proportion of the national's per capita receipts--it contributes about \$10,000 annually without claiming from the national organization equivalent value in administrative services. Albert Rogow, "Relationships Among the Environment, Policies and Government of a Labor Union." Unpublished Ph.D. dissertation, New York University, 1965.



the hotel workers and meat cutters could explain the small number of convention appeals in those unions.<sup>21</sup>

Appeals are not likely to be submitted to some national conventions due to the nature and function of such gatherings. Harrington described conventions in the retail clerks as purely "functional" gatherings which serve primarily to further the organizational goals of the union. Probably for this reason, dissatisfied groups have not chosen the national convention as the place to air conflicting views.<sup>22</sup> This might be the case in a number of other unions, especially the clothing trades. Perhaps their security and structural stability discourage the internal conflict likely to be expressed in convention appeals. One committee chairman in the clothing workers' union, which had not had a convention appeal in many years, explained as follows:

It is quite natural that no appeals or grievances were referred to our Committee--because our organization is so constituted that we have among us many who are seasoned, efficient, and, if you please, statesmen in their jobs, who adjust all the appeals and all the grievances in their own joint boards, in their own local unions, so that no grievances have to be brought to the Convention.<sup>23</sup>

---

<sup>21</sup>These are suggested by Cook's Union Democracy: Principle and Ideal: An Analysis of Four Large Local Unions.

<sup>22</sup>Harrington, The Retail Clerks, p. 37.

<sup>23</sup>Amalgamated Clothing Workers of America, Proceedings (1952), p. 265.



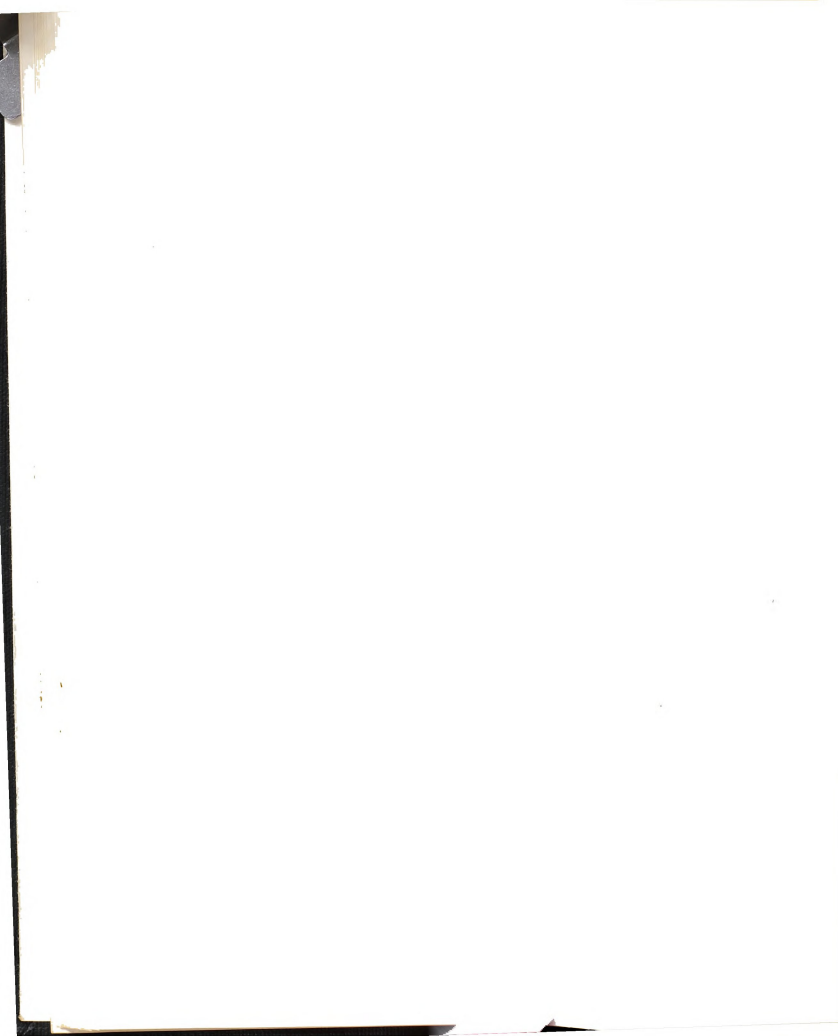
A mature union plagued with declining membership and organizational problems is not likely to witness many convention appeals. The shoe workers' union leadership has feared organizational raiding by District 50 of the mine workers' union, automation, and increasingly effective employer resistance for producing the hardships which necessitate internal unity. Indeed, one appeal committee chair-cited the union's precarious situation as "the main reason why there are no grievances or appeals at this convention."<sup>24</sup>

The Attitude Toward Convention Appeals  
and Appellants and AFR

Convention appeals are understandably unpopular with union hierarchy. There is a gratification which always accompanies the announcement that the convention appeals committee had no work. "To my knowledge," one chief executive recalled, "there has not been an appeal or grievance

---

<sup>24</sup>United Boot and Shoe Workers' Union, Proceedings, (1951), p. 123. Note the support given Harry Bridges's request for a demonstration of unity by the West Coast longshoremen in the 1948 "final offer" vote required under CIO-Hartley provisions. Charles P. Larrowe, Shape-Up and the Long Hall: A Comparison of Hiring Methods and Labor Relations on the New York and Seattle Waterfronts (Berkeley, California: University of California Press, 1955), p. 124. Delegates to a mine, mill convention unanimously denounced the federal government for alleged harassment of the union's leadership and expressed a contempt for the "turn-coats" members who had testified against Maurice Travis and Milton Jencks, two mine, mill officials indicted for alleged falsification of non-Communist oath cards. International Union of Mine, Mill and Smelter Workers, Proceedings, (1955).



to [the appeal committee] in over twenty-five years--  
 splendid record!"<sup>25</sup> Chairmen of idle appeal committees  
 often praise the leadership for its fairness and impartiality  
 as demonstrated by the committee's inactivity. The  
 workers' executive board was once extolled in laudatory  
 sentiment of this kind which covered no less than three full  
 sessions of convention proceedings.<sup>26</sup>

On the other hand, simply bringing a dispute to the  
 convention can expose the appellant to abuses from the dele-  
 gates and from union officials. At a convention of the  
 Ladies' garment workers' union, for example, it was charged  
 that an appeal case was submitted for convention review  
 simply for the purpose of "slandering" the union in the Com-  
 munist press.<sup>27</sup> It has been charged that appellants are

---

<sup>25</sup>Brotherhood of Maintenance of Way Employees, Pro-  
 ceedings, (1958), p. 26. An appeal case submitted to a  
 glass workers' union convention was deplored by the presi-  
 dent but it was only the second appeal during his lengthy  
 term in office. "It is unfortunate," he lamented, "that  
 we have an appeal to consider in this convention." American  
 Glass Workers' Union, Proceedings, (1956), p. 539.

<sup>26</sup>United Mine Workers of America, Proceedings, (1948),  
 437-39. Cf., Amalgamated Meat Cutters and Butchers  
 Local Union, Proceedings, (1952), p. 301. But any number of  
 appeals can be rationalized. When there were just a few  
 appeals to be considered it was attributed to the "fine  
 management" of the board yet the increased number of appeals  
 in another union occurred "because our Brotherhood is at  
 the peak in both membership and local unions and not be-  
 cause of any weakness in our Constitution or harshness upon  
 the part of our local or International officers or repre-  
 sentatives." International Brotherhood of Electrical  
 Workers, Proceedings, (1958), p. 554.

<sup>27</sup>International Ladies' Garment Workers' Union,  
Proceedings, (1958), p. 586.





y seeking vengeance,<sup>28</sup> that they threaten the harmony working efficiency of the convention,<sup>29</sup> that they represent a "small minority" of "union wreckers" trying to disrupt the proceedings,<sup>30</sup> and that their appeals are an attempt to blackmail the union in a manner reminiscent of Chinese "attempting to shoot their way into the United States."<sup>31</sup> In one instance, it was moved that members bringing charges against their officers be officially censured for "spreading such propaganda."<sup>32</sup>

The delegates look upon appeals review as a trouble-obligation. Inattention during appeals review, to be discussed later, and evident relief upon its completion are common.<sup>33</sup> Given the majoritarian decision-making structure

<sup>28</sup>International Brotherhood of Electrical Workers, Proceedings, (1958), p. 586.

<sup>29</sup>American Newspaper Guild, Proceedings, (1956), p. Appeals have been withdrawn "for the sake of peace" by the organization, International Association of Miners, Proceedings, (1960), p. 147, and to "further the best interests" of the union, United Mine Workers of America, Proceedings, (1956), p. 529.

<sup>30</sup>. Communications Workers of America, Proceedings, (1959), p. 354.

<sup>31</sup>International Brotherhood of Electrical Workers, Proceedings, (1958), p. 586.

<sup>32</sup>International Organization of Masters, Mates and Pilots, Proceedings, (1958), p. 74. For a similar proposal by the United Brewery Workers of America, Proceedings, (1954), p. 102.

<sup>33</sup>A painters' union appeal committee chairman concluded his hurried report--22 separate cases were reviewed in less than an hour--with this comment: "This is the end.



ons, this suggests a need to establish structural de-  
 to protect individuals and minority groups from the  
 erence of the majority. The motives of appellants  
 t always honorable and the hearing of appeal cases  
 ime-consuming task with little satisfaction and re-  
 But the convention atmosphere does not encourage  
 ercise of appeal rights.

### Factors Encouraging Convention Appeals

A number of factors do seem to foster convention ap-

The kind of work the union's members perform, the  
 linary functions of the union and changing technology  
 ly affect the frequency of job-related appeals. This  
 ticularly true in the craft unions and the railroad  
 rhoods.

### Associated Disciplinary Functions Union and Work-related Appeals

Union control over working conditions and the corre-  
 ng responsibility for job discipline, account for a

---

ll probably be tickled to death." Brotherhood of  
 rs, Decorators and Paperhangers, Proceedings, (1950),  
 . Delegates to a UAW convention became very im-  
 t with one appeals committee report because they  
 anxious to consider other, more important matters.  
 dings, (1957), pp. 407-408. A brewery workers'  
 appeal committee chairman, and also a vice-presi-  
 f the union, expressed his displeasure with the in-  
 fluence caused by appeal cases: "We are getting too  
 onstitution-minded here today," he charged, "and  
 causing all of us to stay overtime to listen to  
 aloney." United Brewery Workers of America, Pro-  
 gs, (1954), p. 408.



significant share of the convention appeals in three trade groups--the maritime and building trades and the railroad brotherhoods. The unions in these trades heard over 60 percent of the appeals in this study. (See Table II-2 for a comparison of appeal frequency rates between trade groups.)

Of 15 appeals originating from work rule issues occurred exclusively (94 percent) in the building and maritime trades, see Table II-4. All but a handful of these concern working rule violations, which is suggestive of the potential enforcement responsibilities these unions assume.

The East Coast sailors' union includes in its national constitution, a list of work rule violations ranging from incompetence on the job to knife-fighting aboard ship and assigns minimum penalties for each offense. Because the maximum penalty often is expulsion from membership, this has accounted for more than half the work rule appeals. Violations of working rules in the building and construction trades usually involve the more routine job regulations and are punishable by fines, or, at most, temporary suspension from membership.

#### Engineering Technology

Job-related appeals in the railroad brotherhoods and transportation unions were frequently prompted by changing technology and the resultant trends in industrial organization. The merger movement in public transportation has generated a number of appeals stemming from seniority



TABLE II-2

FREQUENCY OF CONVENTION APPEALS  
BY TRADE GROUP

| Trade Group              | No. of<br>Unions<br>(1) | Total<br>Appeals<br>(2) | Average Number<br>of Appeals per Union<br>(2/1) |
|--------------------------|-------------------------|-------------------------|---|
| ng                       | 15                      | 647                     | 43.1  |
|                          | 10                      | 248                     | 24.8  |
| ad                       | 9                       | 211                     | 23.4  |
| t                        | 9                       | 49                      | 5.4   |
| retail                   | 8                       | 34                      | 4.3   |
| es                       | 7                       | 118                     | 16.9  |
| ng &<br>ishing           | 7                       | 100                     | 14.3  |
| me                       | 6                       | 341                     | 56.8  |
| ment<br>loyees           | 6                       | 46                      | 7.7   |
| ortation &<br>munication | 5                       | 152                     | 30.4  |
| & ceramic                | 3                       | 1                       | .3  |
| paper                    | 3                       | 8                       | 2.7   |
| al &<br>roleum           | 2                       | 16                      | 8.0   |
|                          | 2                       | 23                      | 11.5  |
| al &<br>fessional        | 2                       | 3                       | 1.5   |
| assifiable               | <u>2</u>                | <u>0</u>                | <u>0</u>  |
| TOTAL                    | 96                      | 1997                    | 20.8  |





changes, job transfers and work assignment changes  
 railroad brotherhoods and in the street, electric

In the latter, nearly a dozen separate appeals  
 attributable to consolidations of motor coach oper-  
 and the acquisition of small, independent lines by  
 firms.

Changing technology also provoked a number of jurisdic-  
 tional disputes. Nearly all thirteen such disputes in  
 members' union involved conflicting historical claims  
 made lines which had become blurred by new techniques  
 of materials. The shifting of telephone equipment  
 service facilities from downtown to suburban locations  
 gave rise to a number of conflicts in the communications  
 union.

#### Political Structure

In contrast, the union-related disputes--those in-  
 volving disciplinary and administrative decisions not di-  
 rectly pertaining to the job--are usually prompted by the  
 political structure of the organization. Because  
 each union has different structural components and exper-  
 ience, each is a unique internal situation, there  
 is no way to predict the frequency and causation of union-  
 related appeals.<sup>34</sup> Subsequent parts of this thesis will

---

For example, the effect of internal power struggles  
 among unions. Convention appeals arose from the  
 internal fighting in several unions: the UAW, the chem-  
 ical workers, the East Coast sailors, and the rubber work-  
 ers. At this was not true in the state employees' union,  
 the telephone workers' union (TWUA) and the bakers' union



union-related disputes in individual unions, how-

### The Relationship Between Executive Decisions and Convention Appeals

final relationship should be explored. Are the  
of executive board decisions which are appealed to  
tional convention a predictable ratio of the total  
of decisions rendered by the board? If we know the  
of cases considered by the executive board could we  
accurately the number of convention appeals? From  
evidence available, there seems to be no fixed ratio of  
. The proportion of board decisions submitted to the  
ion differs widely between unions and over time even  
the same union. In the eight unions included in  
II-3, the ratio ranges from less than 1 percent to 50  
. Experiences in this limited number of unions is  
supported by the very large, though unspecified,  
of musicians' union executive board decisions, usu-  
veral hundred cases per year, which are not appealed  
convention. The constitutional restrictions shown  
e II-1 are no doubt the chief explanation.

### Convention Appeal Issues

the causative issue in convention appeals is identi-  
in all but 272, or 13 percent, of the 1997 appeals  
a printed convention proceedings. (See Table II-4.)



| Union                  | Years   | Number of<br>Board<br>Decisions<br>(3) | Appeals to<br>National<br>Convention<br>(4) | Percent of Board<br>Decisions<br>Appealed<br>(4/3) |
|------------------------|---------|--|---|--|
| (1)                    | (2)     |  |   |  |
| Carpenters             | 1946-58 | 158                                    | 41  | 26   |
| Electricians           | 1946-62 | 306                                    | 150   | 49   |
| Hod Carriers           | 1951-56 | 44                                     | 8   | 18   |
| Ironworkers            | 1944-60 | 30                                     | 15 <sup>a</sup>                             | 50   |
| Mine Workers           | 1940-42 | 624                                    | 2   | <1   |
| Stage Hands            | 1944-60 | 265                                    | 80  | 30   |
| Operating<br>Engineers | 1949-52 | 34                                     | 7   | 21   |
| Upholsterers           | 1946-59 | 50 <sup>b</sup>                        | 1   | 2  |

<sup>a</sup>Three convention appeals did not involve executive board decisions and were ruled illegally before the convention.

<sup>b</sup>Pertains to executive board rulings on discipline cases only.



|                                |                  | Work-related Appeals |                    |          |                    |                       | Appeal Issue          |                         |                      |                   |             |             |                         |                    |           |                      |                            |                 |                             |                          |                              | Total Cases | Total Identifiable Cases |
|--------------------------------|------------------|----------------------|--------------------|----------|--------------------|-----------------------|-----------------------|-------------------------|----------------------|-------------------|-------------|-------------|-------------------------|--------------------|-----------|----------------------|----------------------------|-----------------|-----------------------------|--------------------------|------------------------------|-------------|--------------------------|
| Trade Group                    | Number of Unions | Work rules           |                    |          |                    |                       | Union-related Appeals |                         |                      |                   |             |             |                         |                    |           |                      |                            |                 |                             |                          |                              |             |                          |
|                                |                  | (1)                  | (2)                | (3)      | (4)                | (5)                   | (6)                   | (7)                     | (8)                  | (9)               | (10)        | (11)        | (12)                    | (13)               | (14)      | (15)                 | (16)                       | (17)            | (18)                        | (19)                     | (20)                         |             |                          |
|                                |                  | Work rules           | Seniority and jobs | Disputes | Grievance handling | Collective bargaining | Elections             | Misbehavior of officers | Political dissension | Financial matters | Memberships | Regulations | Disloyalty to the union | Judicial procedure | Communism | Union benefit claims | Direct control over locals | Illegal strikes | Officers & staff complaints | Mergers and affiliations | Conducting of union meetings |             |                          |
| Building                       | 15               | 80                   | 30                 | 78       | 5                  | 9                     | 28                    | 35                      | 41                   | 29                | 16          | 32          | 14                      | 23                 | 7         | 29                   | 6                          | 2               | 2                           | 9                        | 4                            | 168         | 647                      |
| Metal                          | 10               | 2                    | 25                 | 1        | 44                 | 6                     | 38                    | 25                      | 7                    | 11                | 6           | 9           | 18                      | 8                  | 20        | 1                    | 4                          | 3               | 10                          | 2                        | 2                            | 6           | 248                      |
| Railroad                       | 9                | 1                    | 76                 | 8        | 26                 | 10                    | 22                    | 14                      | -                    | 9                 | 5           | 2           | 9                       | 4                  | 2         | 1                    | 4                          | 1               | 11                          | 2                        | 3                            | 1           | 211                      |
| Garment                        | 9                | 3                    | 3                  | -        | 5                  | -                     | 7                     | 5                       | 11                   | 2                 | 2           | 1           | 3                       | 2                  | 3         | -                    | 1                          | -               | 1                           | -                        | -                            | -           | 49                       |
| Food and retail                | 8                | -                    | 1                  | 4        | 1                  | 7                     | 2                     | 3                       | -                    | 3                 | 1           | 2           | -                       | 1                  | -         | 2                    | 3                          | -               | 3                           | -                        | 1                            | 1           | 34                       |
| Services                       | 7                | 4                    | 15                 | 5        | 4                  | -                     | 2                     | 2                       | 4                    | 4                 | 1           | 13          | 6                       | 4                  | -         | 7                    | 5                          | 24              | -                           | 3                        | -                            | 15          | 118                      |
| Printing & Publishing          | 7                | 2                    | 19                 | 3        | 3                  | 1                     | 4                     | 8                       | -                    | 2                 | -           | 2           | -                       | 5                  | -         | 3                    | 1                          | -               | 4                           | 2                        | 3                            | 38          | 100                      |
| Maritime                       | 6                | 141                  | 1                  | 7        | 2                  | 2                     | 5                     | 16                      | 26                   | 11                | 50          | 12          | 18                      | 8                  | 9         | 1                    | 4                          | -               | 3                           | 2                        | 4                            | 19          | 341                      |
| Government employees           | 6                | -                    | -                  | 1        | -                  | -                     | 16                    | 2                       | -                    | 4                 | -           | 3           | -                       | -                  | -         | -                    | 7                          | -               | -                           | 5                        | 8                            | -           | 46                       |
| Transportation & communication | 5                | 2                    | 18                 | 10       | 1                  | 1                     | 16                    | 11                      | 26                   | 4                 | 1           | 3           | 8                       | 3                  | 7         | 2                    | 6                          | 8               | 1                           | 2                        | -                            | 22          | 152                      |
| Glass and ceramic              | 3                | -                    | -                  | -        | -                  | -                     | -                     | -                       | -                    | -                 | -           | -           | -                       | -                  | 1         | -                    | -                          | -               | -                           | -                        | -                            | 1           | 1                        |
| Wood & paper                   | 3                | -                    | 2                  | -        | -                  | -                     | 1                     | 1                       | -                    | -                 | -           | -           | 1                       | 1                  | 2         | -                    | -                          | -               | -                           | -                        | -                            | -           | 8                        |
| Chemical                       | 2                | -                    | -                  | -        | -                  | -                     | -                     | -                       | -                    | -                 | -           | -           | -                       | -                  | -         | -                    | -                          | -               | -                           | -                        | -                            | -           | -                        |
| and petroleum                  | 2                | -                    | -                  | -        | -                  | -                     | 1                     | -                       | -                    | 6                 | 1           | 1           | -                       | -                  | 4         | -                    | 1                          | 1               | 1                           | -                        | -                            | -           | 16                       |
| Mining                         | 2                | -                    | 3                  | 1        | 1                  | -                     | 4                     | 2                       | 1                    | 1                 | -           | -           | 1                       | 2                  | -         | 3                    | -                          | -               | 2                           | -                        | -                            | 2           | 23                       |
| Clerical & professional        | 2                | -                    | -                  | -        | -                  | -                     | -                     | -                       | -                    | -                 | -           | -           | -                       | -                  | -         | 2                    | 1                          | -               | -                           | -                        | -                            | -           | 3                        |
| Totals                         | 94               | 235                  | 193                | 118      | 92                 | 36                    | 146                   | 124                     | 116                  | 86                | 83          | 80          | 78                      | 62                 | 56        | 49                   | 43                         | 39              | 38                          | 27                       | 24                           | 272         | 1997                     |





than half the unidentifiable cases were from the building trades unions, and the large majority of these were member protests against fines or the reaction of unions to executive board rescinding of these penalties. This suggests that the bulk of them had their origin in either work rule infractions or individual violation of membership obligations.

The 1,725 identifiable cases are classified into 20 separate categories corresponding to the major issue in the case.<sup>35</sup> Columns (1) through (5) of Table II-4 comprise job-related cases. Columns (6) through (20) show the non-job disputes, which account for nearly two-thirds of the identifiable appeals.

#### Work Related Appeals

Eleven percent of the identifiable disputes pertained to seniority and job disputes, making this the second largest classification of appeals. Because job seniority is of great concern to the workers, three of every four appeals in this category were from individual members and involved seniority dates, job status, alleged discrimination

---

<sup>35</sup>In many appeals more than one issue was involved. In these cases I isolated the primary cause of the dispute and classified the appeal accordingly. This was not difficult because multiple disciplinary offenses were usually ranked according to their significance to the dispute. In complex, non-disciplinary disputes usually resulted in a lengthy floor debate to identify the causative issues.



assignments and changes in job classifications.

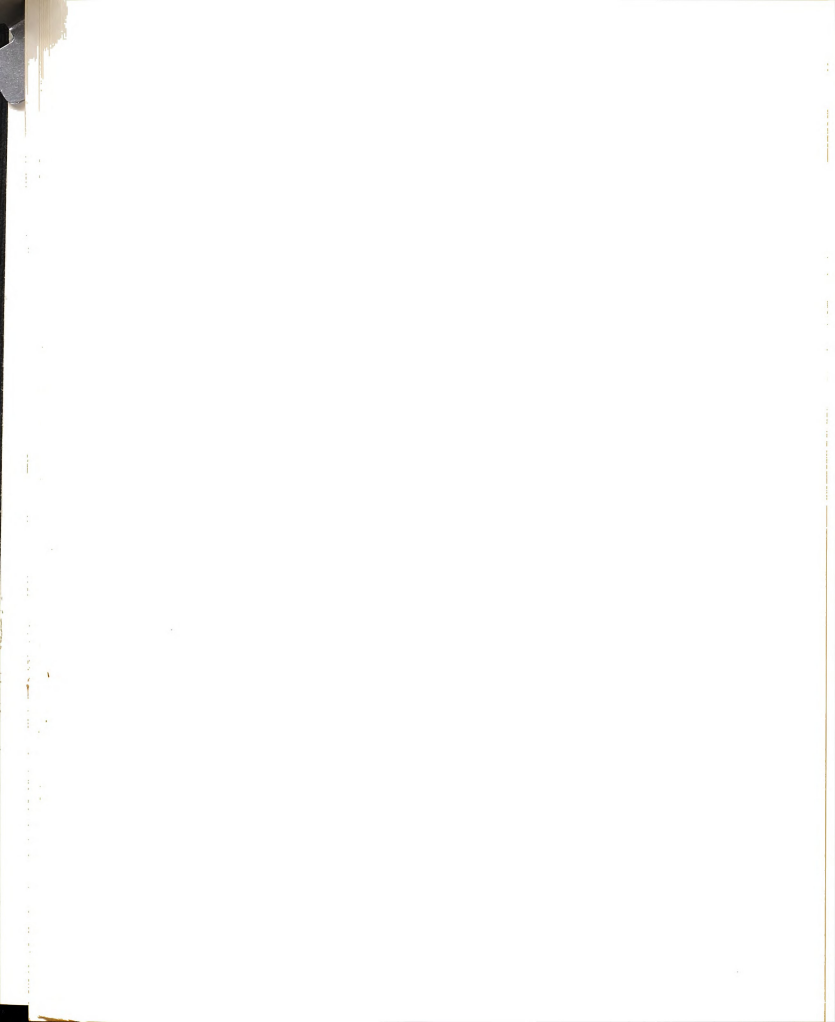
union and intermediate appeals pertained to executive reversal of their rulings in these matters and to the problems resulting from national union consolidation of membership rosters and control of job transfers. (See Table for a listing of convention appeals by appellant.)

More cases involved work rules than any other issue. The origin of these cases, listed in column (1), was detailed earlier in connection with overall appeal frequency. It is to be noted that most of the work rule appeals not involving member protests against disciplinary penalties--about 6 percent of them--were local union appeals for board reversal of fines imposed on members.

Member complaints against grievance handling procedures at the local level account for nearly nine of every ten appeals in column (4). Two groups, the metal trades unions and the railroad brotherhoods, reviewed 76 percent of the appeals in this category, the UAW alone heard 39. The typical case involved charges by a local member that his grievance had been improperly processed by local officers. In the railroad brotherhoods, the complexity and occasional ineffectiveness of grievance procedures gave rise to quarrels between lodge officers over who was authorized to process grievances. Alleged failure of the lodges to act on their grievances occasioned a number of appeals from members of the brotherhoods.

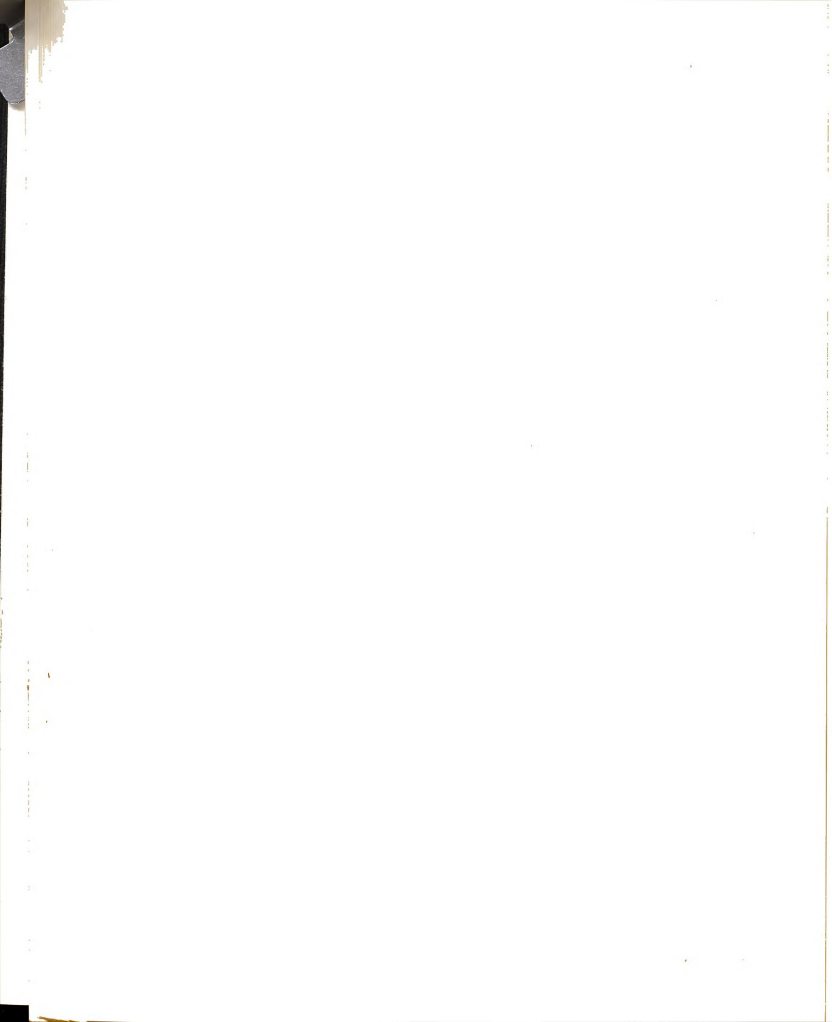


| Issue                      | Member |     |     | Inter-<br>mediate<br>Body<br>(3) | Non-member<br>or<br>Employer<br>Member<br>(4) |  | Staff<br>Employee<br>(5) | National<br>Officer<br>(6) | National<br>Union<br>(7) |
|----------------------------|--------|-----|-----|----------------------------------|---|--|--------------------------|----------------------------|--------------------------|
|                            | (1)    | (2) | (3) |                                  |   |  |                          |                            |                          |
| Work rules                 | 204    | 24  |     |                                  | 7   |  |                          |                            |                          |
| Seniority/jobs             | 150    | 36  | 7   |                                  |   |  |                          |                            |                          |
| Jurisdictional<br>disputes | 3      | 112 | 3   |                                  |   |  |                          |                            | 1                        |
| Grievance handling         | 81     | 10  |     |                                  |   |  |                          |                            |                          |
| Collective<br>bargaining   | 9      | 20  | 5   |                                  |   |  |                          |                            | 2                        |
| Elections                  | 129    | 13  | 3   |                                  |   |  |                          | 1                          |                          |
| Misbehavior of<br>officers | 105    | 8   |     |                                  |   |  |                          | 11                         |                          |
| Dissension and<br>slander  | 110    | 6   |     |                                  |   |  |                          |                            |                          |
| Financial<br>matters       | 26     | 57  | 3   |                                  |   |  |                          |                            |                          |
| Membership<br>obligations  | 74     | 9   |     |                                  |   |  |                          |                            |                          |
| Membership status          | 49     | 26  | 1   |                                  | 2   |  | 1                        | 1                          |                          |
| Disloyalty to the<br>union | 66     | 9   | 1   |                                  |   |  |                          | 1                          | 1                        |
| Judicial procedure         | 45     | 15  |     |                                  |   |  |                          | 1                          |                          |



| Issue                           | Member<br>(1) | Local<br>(2) | Inter-<br>mediate<br>Body<br>(3) | Non-member<br>or<br>Employer<br>Member<br>(4) | Staff<br>Employee<br>(5) | National<br>Officer<br>(6) | National<br>Union<br>(7) |
|---------------------------------|---------------|--------------|----------------------------------|---|--------------------------|----------------------------|--------------------------|
| Communism                       | 54            | 1            |                                  |   |                          | 1                          |                          |
| Union benefit<br>claims         | 19            | 19           |                                  | 11  |                          |                            |                          |
| Direct control<br>over locals   | 10            | 29           | 3                                |   |                          | 1                          |                          |
| Illegal strikes                 | 36            | 3            |                                  |   |                          |                            |                          |
| Officer and staff<br>complaints | 4             | 6            | 1                                |   | 17                       | 10                         |                          |
| Mergers and<br>affiliations     | 3             | 23           | 1                                |   |                          |                            |                          |
| Conduct of<br>union meetings    | 17            | 6            | 1                                |   |                          |                            |                          |
| Total (1725)                    | 1194          | 432          | 29                               | 20  | 18                       | 27                         | 5                        |





small number of cases are included in the "collective bargaining" category in column (5). Seventy per-  
cent are appeals by local and intermediate bodies. These  
include many innocuous requests from locals to the national  
union but also some extremely controversial claims which  
settled only after bitter floor fights. Among the  
was an appeal against a communications workers' union  
directive compelling its members to cooperate with  
merchandising programs. The appeal gave rise to ex-  
tensive debate and to the circulation at the convention of  
leaflets openly accusing the international officers of be-  
ing company-minded."<sup>36</sup> Quite different were two resolutions  
passed at ironworkers' union conventions.<sup>37</sup> One called for  
action from a government regulation concerning war-time wage  
controls and the other protested an AFL directive on the use of  
various kinds of metals. Both were nothing more than re-  
affirmations of existing union policy so they passed unanimously.  
Nearly all of the 118 jurisdiction disputes (column 3)  
were appeals by local unions or districts against executive  
decisions concerning contested jobs, the allocation of  
work and disputed geographical jurisdiction. About two-thirds  
of the cases occurred in the building trades unions.

---

<sup>36</sup> Communications Workers of America, Proceedings,  
pp. 330-56.

<sup>37</sup> International Association of Ironworkers, Pro-  
ceedings, (1944), p. 255, and (1948), p. 4.



Union Related Appeals

Union-related disciplinary cases accounted for 496, one-third, of the union-related appeals. Combining with the 235 work rule violation cases, we see that two-fifths of the identifiable appeals involved union disciplinary practices. This leaves a sizable majority of appeals--about sixty percent--which concern non-disciplinary, administrative decisions. This figure cautions against evaluating union judicial procedures only from the perspective of internal discipline.

Membership regulation cases, column (10), pertain to disciplinary penalties imposed for behavior inconsistent with the welfare of the union but which is less serious than disloyalty to the union. In the building trades this is a violation of the membership oath, though the more formal "conduct unbecoming" term is used elsewhere. The charges included anything from drunkenness at a local meeting of the East Coast sailors' union to jeopardizing the license of another member in the marine engineers. Despite the seriousness of these charges, it does not appear from the convention proceedings that they were used primarily to level fabricated charges.

The 78 appeals from penalties imposed for actions considered disloyal to the union embraced a variety of specific offenses. The majority involved either dual unionism or failure to exhaust internal appeal remedies before resorting



side tribunals. A member of the railway clerks' for example, was expelled after writing to several Congressmen to enlist their opposition to the shop provisions of the Railway Labor Act, the civil policies of his union and, in his words, other programs.<sup>38</sup>

The severity of penalties imposed attests to the nature of these offenses. Forty-three of the 66 members and officials appealing conviction for dis-acts had been expelled or suspended from membership. r, the locals and intermediate bodies which dispensed alties often refused to accept reductions by higher tribunals. Eight of the ten subordinate body appeals protest against such executive board reductions. ine of every ten appeals concerning illegal strikes, (17), were from disciplined members and local of- . About 75 percent involved only two unions, the ands and the transport workers, and only a few locals . Mass expulsions following a rash of strikes against lywood film-making companies gave rise to 22 appeals at 0 stage hands convention.<sup>39</sup> Friction between a large k local and the transport workers' union leadership and the five illegal strike cases submitted to con- s between 1950-1961.

---

<sup>38</sup> Brotherhood of Railway and Steamship Clerks, ings, (1951), pp. 395-96.

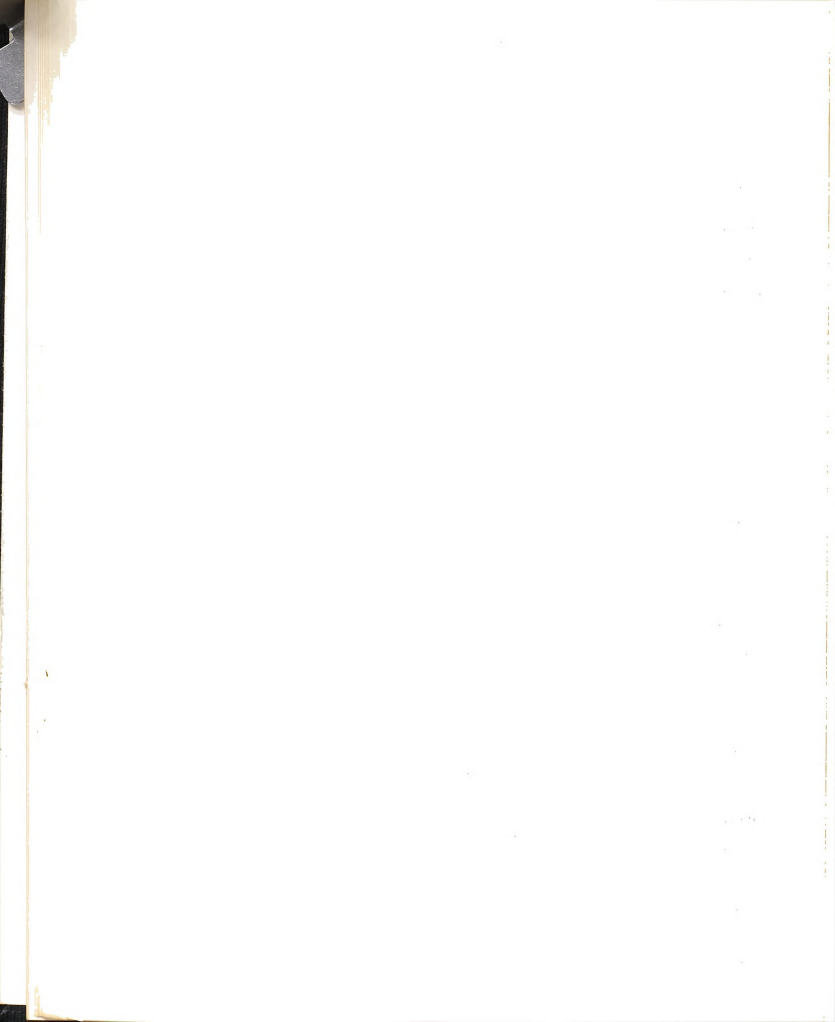
<sup>39</sup> International Alliance of Theatrical Stage Employees and Picture Machine Operators, Proceedings, (1950), 24.



The 56 appeals involving Communism actually understate the significance of this issue. Debate on other appeals indicated that allegations of Communism were behind many more cases and were a principal source of internal conflict. Appeals, listed in column (14), are moderately concentrated in certain trade groups. This reflects the post-War II purges of left-wing members and officers in machinists and the shipbuilders (metal trades), in the Coast sailors' union and transport workers (transport and communication), and in the chemical workers (chemical and petroleum). In the building trades, the electricians' union and carpenters' union heard most of these cases, but they involved isolated incidents rather than the operation of rival political factions. Most of the members charged with Communist activities or sympathies were expelled from the union. It is interesting that of the 20 categories of appeal issues listed in Table II-4, Communism is the only one in which the frequency of appeals varied considerably during the 1945-63 period. Four of every five appeals involving Communism were submitted to conventions before 1956. This indicates the influence the McCarthy hearings had on labor and suggests that by the mid-1950's left-wing elements had been virtually eliminated.

A large number of appeals involved charges of misbehavior by union officers, column (7). These pertained to the respect of the union officers' duties. One enterprising financial secretary appealed his removal from office for





aneously running a "bookie" agency from the local hall, holding a full-time civil service job with the of Chicago and receiving 40 hours pay a week from the

<sup>40</sup> The most frequent type of appeal, however, re- to the dismissal of charges against local officers by individual members who claimed they were discrimi- against, that the officer was incompetent or that funds were being mismanaged. National officers were frequent appellants. Only eleven of the 124 appeals is category came from them.

The "political dissension and slander" appeals, column embraced all those internal disputes in which members officers were disciplined for union political activities. substantial number reflects the degree to which politi- onflict carries over into the union's disciplinary ces. At the convention, the precise nature of the es being appealed was seldom fully explained. Instead, es like "dissension at local meetings," "slandering officers" or, more abstrusely, "slandering the union," sed to describe the case. Moreover, the bulk of these s occurred in unions whose leaderships do not have tions for benevolence toward opposing views: the ters, machinists, East Coast sailors, and transport s. These vaguely constructed charges seem to pose a eater threat to fair disciplinary procedures than do

---

<sup>40</sup> International Brotherhood of Electrical Workers, ings, (1948), p. 364.



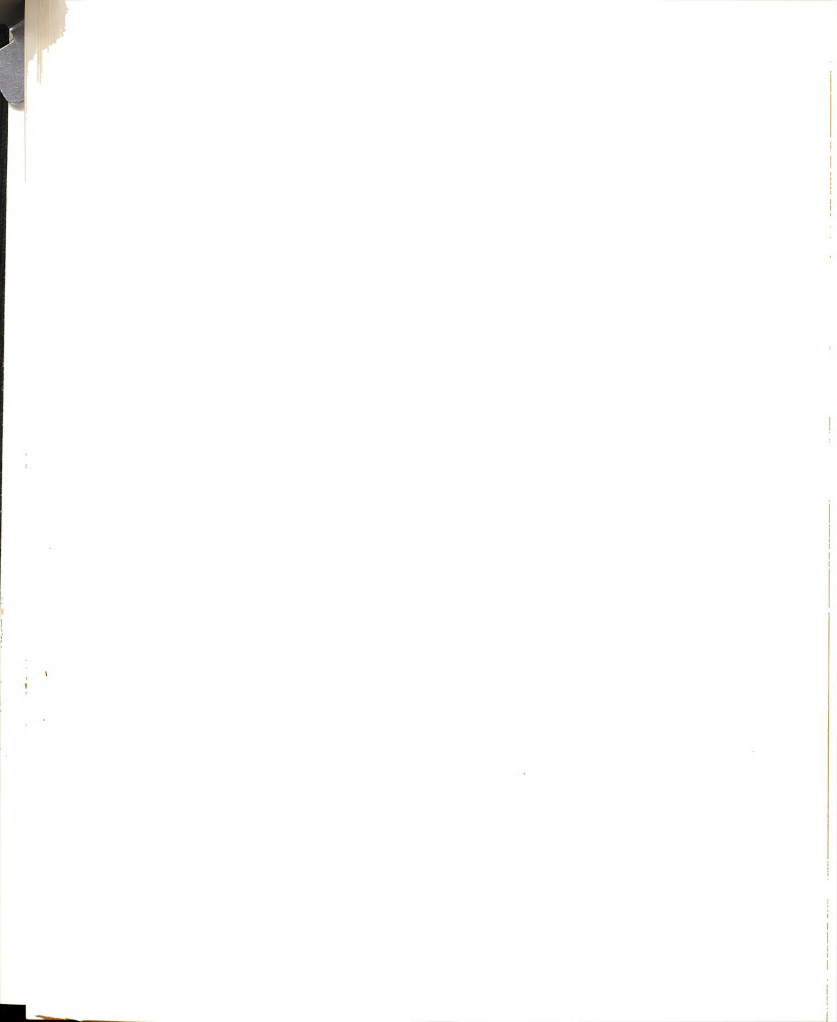
"conduct unbecoming" charges which were generally re-  
ed with more clarity.

#### Disciplinary Union Related Appeals

The remaining categories pertain to union-related but disciplinary decisions. Union benefit claims, for example, related to the national union's denial of certain benefits to members, officers or staff employees. Of these appeals, which are listed in column (15), concerned with establishing proper membership seniority to determine eligibility for retirement benefits and survivor claims which were denied because of dues ar-  
ge. The large number of claims submitted to building conventions reflects the traditional importance in organizations of the various union benefits, such as  
l funds.

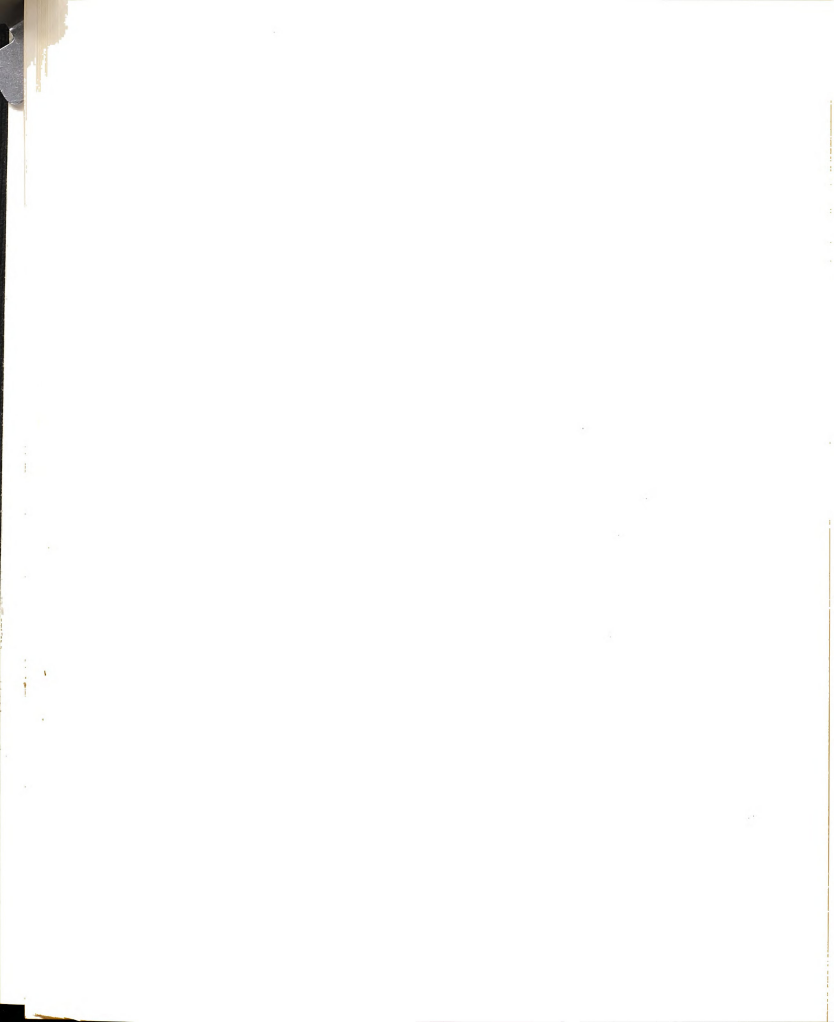
There were more union-related appeals pertaining to elections than to any other issue. These appeals, in (6), involve protested elections and disputed rulings on the eligibility of members to run for union office. Only local practices were challenged. In only a few instances were national elections protested at the convention.

Among the issues which appeared at the convention often were merger and affiliation disputes, column  
These appeals were from small local unions protesting executive board decisions to consolidate them into



ect organizations, or from larger units which appealed orders to merger with other locals. Most appellants ed this would result in a loss of local autonomy in tive bargaining and internal administrative matters. Direct national control over local unions gave rise e appeals in column (16). In this category were 16 eships, 16 disputed local by-laws, and eleven seizures al autonomy through suspension, revocation of charter eivership. The ten individual member appeals came ormer local officials ousted during the imposition of al control.

The small number of appeals listed in column (18) in- officer and staff complaints not related to discipli- ctions. But this may be deceiving. Fourteen of the ff member appeals related to dismissals from employ- hich were, according to them, motivated by political erations. Appeals from national officers usually con- financial matters. These included disputes with the al president over expense accounts, benefit claims alaries. Other appeals in this category were member al union complaints relating to staff appointments. Column (9) lists the financial disputes arising be- various governing bodies of the union and those be- individuals and the union. Excluded are the union claims and the financial disputes included in (18). Appeals from subordinate bodies accounted for ent. These included demands that the national



rise them for expenditures on legal suits, organizational efforts, authorized strikes and a variety of important local undertakings. Appeals from individuals include a variety of claims: from the refusal to make a City Chest contribution to several protests against the manner in which local dues had been increased.<sup>41</sup>

Appeals related to union judicial procedures are presented in column (13). The majority were from members who had been punished for failure to comply with the rulings of tribunals and from persons alleging improper trial or appeal procedures. Nearly all the appeals from local unions were directed at executive board reversal of local disciplinary practices after board findings of improper procedure against local officials.

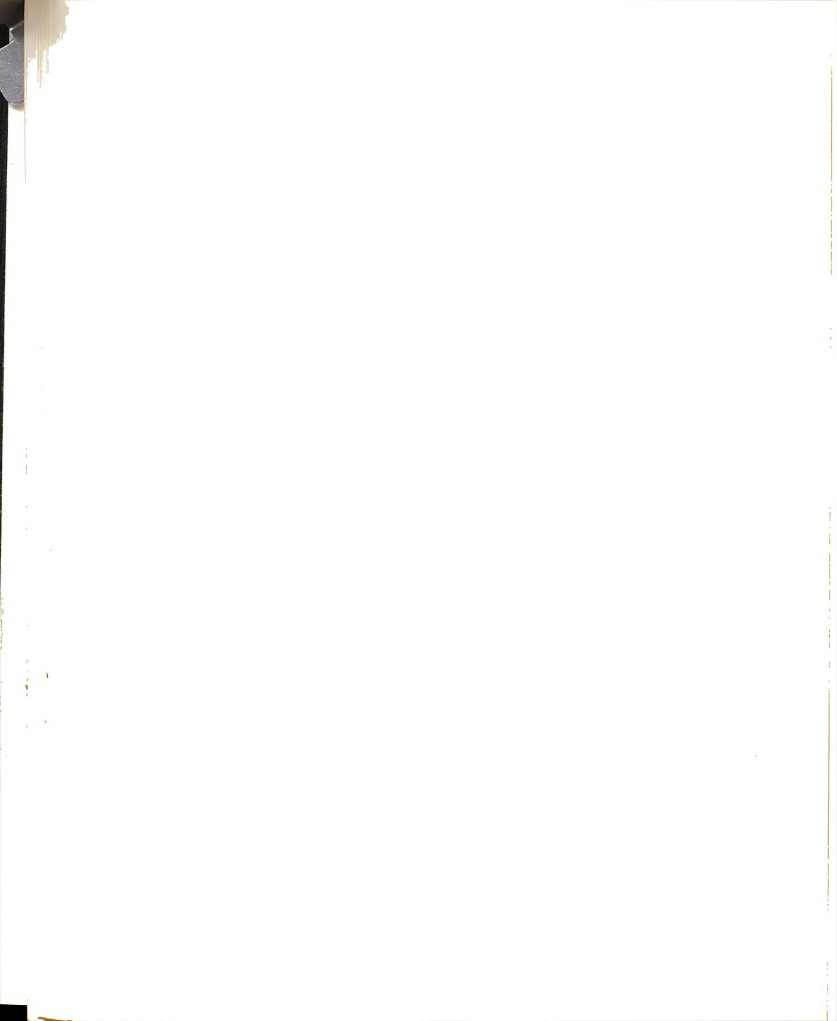
The smallest category, column (20), includes protests concerning the manner of conducting union meetings. Local unions objected to procedural rulings made at their local meetings, district meetings and national conventions. In many cases the constitutional legality of these gatherings was challenged. The disproportionately large number in the case of garment employees' unions (see Table II-4) is explained by political factionalism in the large New York City and New Orleans branches of the letter carriers' union.

Requests from former members of the union and from the local union that they be reinstated to membership

---

<sup>41</sup>Bakery and Confectionery Workers' International Union (Ind), Proceedings, (1946), pp. 3-4.





at for a majority of the appeals in column (11). In  
 st there were many other appeals from local unions  
 challenged national directives that they admit cer-  
 persons to membership.

### Appellants

The appellants in these cases are listed in Table II-5.

and local union appellants, shown in columns (a) and  
 ogether submitted over 90 percent of the appeals, in-  
 al members alone accounting for over two-thirds.  
 rs and staff employees together were responsible for  
 nder 4 percent. The intermediate level unions were  
 ants in only 1.7 percent. A negligible share were  
 ted by non-members and employer-members. The national  
 appealed to the convention on five occasions.

Member and local officer appellants dominate the dis-  
 e-related and the work-related issues except for the  
 ictional disputes where local and district union ap-  
 ts were prevalent. This is not unexpected, but two  
 sting relationships do emerge, local unions frequently  
 ed in behalf of union benefit claimants, who were  
 y non-members, and for ex-members seeking reinstate-  
 It might be added that the locals were quite success-  
 appellants in these cases.



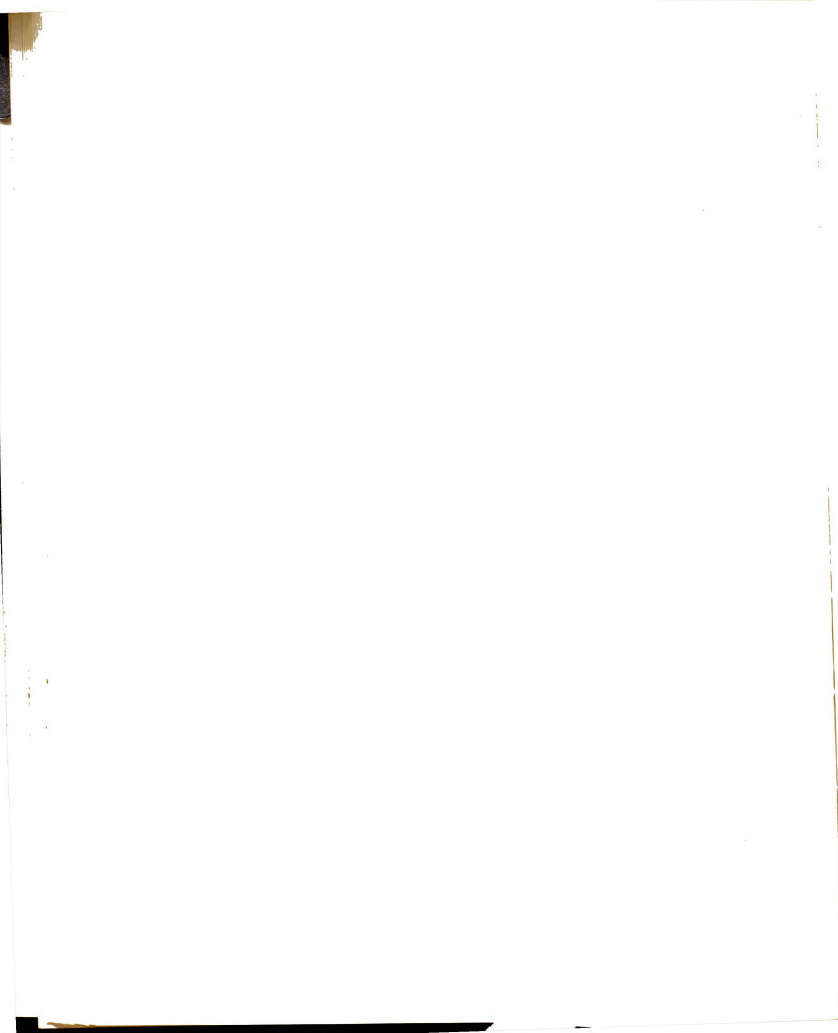
Summary

Convention appeals were unequally distributed among unions. The majority averaged no more than one appeal a year, but this is not attributable to restrictive constitutional clauses. Potential appellants are not usually denied access to the convention nor are specific issues commonly excluded from the convention.

While no single factor explains varying appeal frequencies, a number of possible influences were explored. Lack of leadership, the unpopularity of convention appeals and the desire for a display of internal unity are seen as contributing variables. Union responsibilities for maintaining job discipline, technological change and changes in internal organization give rise to convention appeals.

A review of the issues involved in these appeals reveals that over 60 percent were union-related rather than unrelated disputes. There were about three times as many disciplinary as discipline-related appeals.

Most appeals were submitted by individual members of local unions. The next largest appellant groups were officers and staff employees with intermediate bodies accounting for an unexpectedly small number of appeals.



## CHAPTER III

### THE APPEAL COMMITTEE

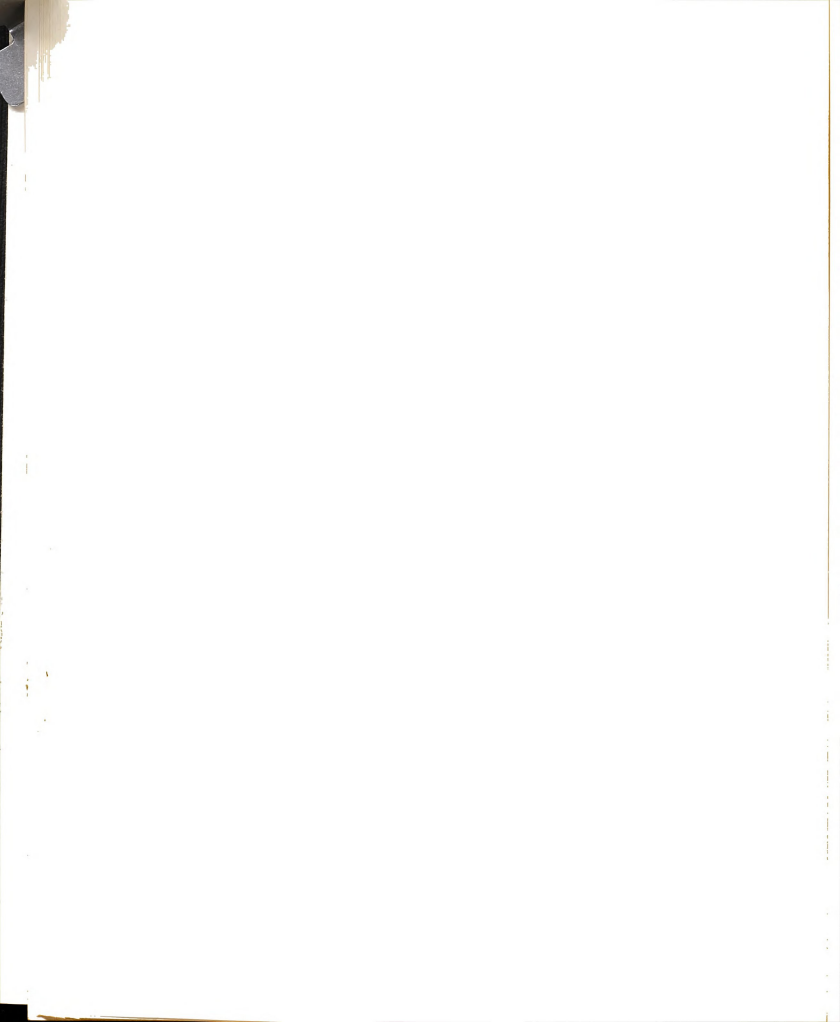
This chapter deals with the work of convention appeal committees. Each of the 96 unions in the study, except the A. F. of M. federation, selects such a committee and delegates authority to hold hearings on all disputes formally brought to the convention, to report to the delegates on the results of the hearings and to make recommendations regarding final disposition of the cases. The present chapter is concerned with the structure, procedure and effectiveness of this committee system.

Specific areas of discussion will include: (1) the convention committee system, (2) the structure of appeal committees, (3) appeal committee hearings, and (4) committee reports to the full convention. Particular attention will be given to the quantity and quality of information conveyed by the committees under the committee system.

#### The Convention Committee System

#### Structure and Influence of the Convention Committees

Years ago, Michels observed that as organizations grow, "it becomes more and more general to refer all



ant questions to committees which debate in camera."<sup>1</sup>  
 the Congress and other legislative bodies, committees  
 ed to expedite the business of the national union con-  
 n. Most issues brought to the convention are referred  
 ect committees which submit their recommendations to  
 legates. The entire assembly may either accept or re-  
 ese recommendations.

This systematization of the convention procedure is  
 ed to be the most efficient method of processing the  
 as amount of business in the short time allotted. To  
 s each item of business on the convention floor, it  
 oned, would be inefficient. But by using the com-  
 system the delegates are given ample time to deliber-  
 a pass final judgment on the questions before them.<sup>2</sup>

---

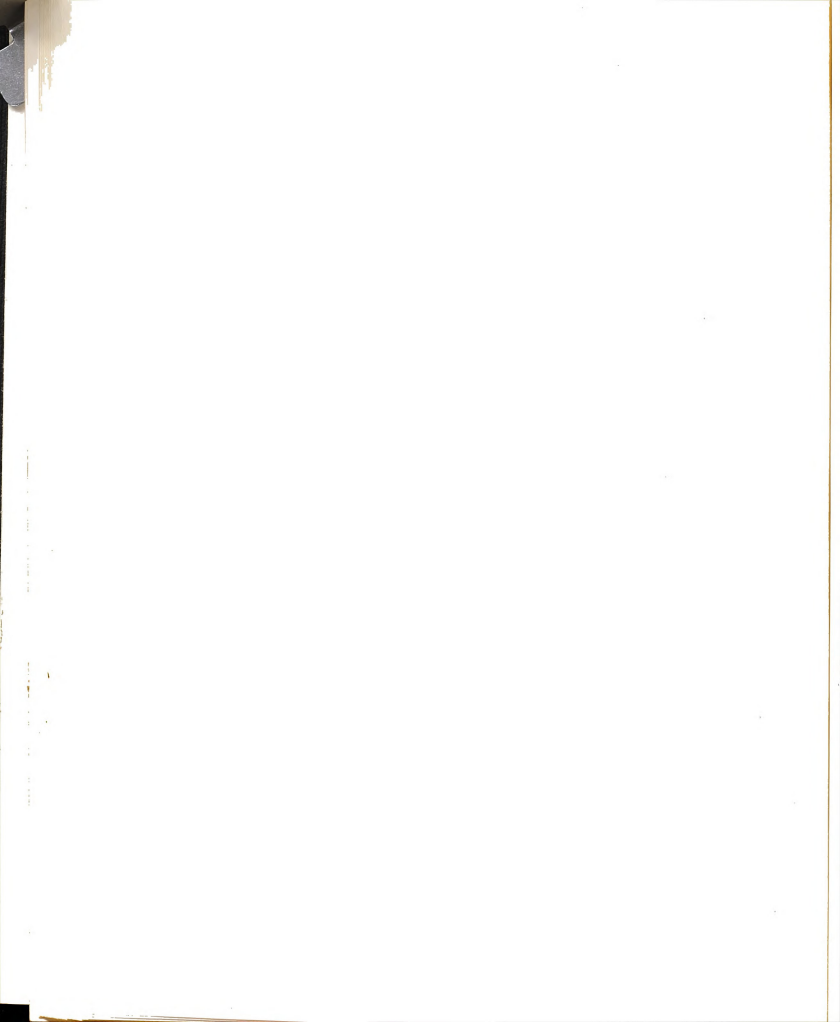
Michels, Political Parties: A Sociological Study  
Oligarchical Tendencies of Modern Democracy, p. 71.

For a parliamentarian's view to this effect see  
 S. Cushing, Cushing's Manual of Parliamentary  
 e: Rules of Procedure and Debate in Deliberative  
ies, ed. and enl. by Albert S. Bolles (Philadelphia:  
 inston Co., 1947), pp. 133-34. President Curran of  
 itime union stated the same thing more spontaneously  
 union's 1947 convention:

u elect committees because it would be impossible  
 a Convention to go into all of the facts and back-  
 und of various materials such as trials, appeals  
 other matters that come in. . . . Reject their  
 dings if you want to, but if you attempt to go  
 ough all of the material that the Committees are  
 dling, you must be prepared to stay in session  
 a couple of years."

ings, p. 878.





establishing a committee to hear appeals and make  
 ndations to the convention is consistent with this

The following is the constitutional clause adopted  
 communications workers' union in response to the  
 convention appeal submitted:

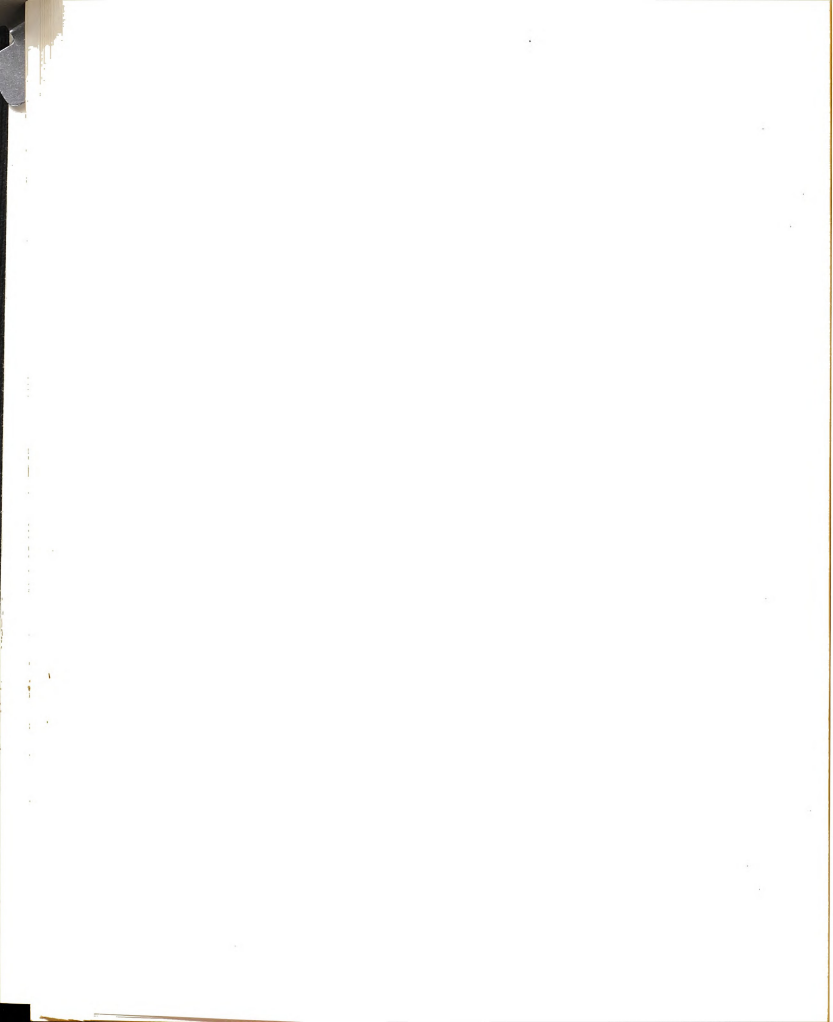
. for the purpose of expediting the work of the  
 vention, there shall be established an Appeals  
 mittee. The function of this committee shall be  
 hear such appeals as may be presented to it by  
 Delegate or group of Delegates. It shall also  
 sider and hold hearings on any matter referred  
 it by the Chair or the Convention. . . . Rulings  
 the Appeals Committee shall at all times be sub-  
 t to reconsideration by the Convention if by a  
 ority vote the Convention takes jurisdiction over  
 matter.<sup>3</sup>

Although the procedures in this union differ somewhat  
 actices in other organizations, expediting review of  
 ion appeals is a common objective. Perhaps less pre-  
 articulated was the answer provided by one convention  
 n to a friendly critic of the appeal committee system:  
 understand the procedure of the Convention," the  
 ng officer explained, "and it is very difficult for  
 egates . . . to really study all of the facts in  
 ] cases. That's why we have tried to . . . have a  
 ce Committee selected which conducts hearings [and  
 nto the cases at great length." To bring each case  
 the full convention, he added, would create "an im-  
 e situation."<sup>4</sup>

---

Communications Workers of America, Proceedings,  
 p. 33.

United Automobile Workers of America, Proceedings,  
 p. 263.



Convention committees relieve the delegates of performing certain tedious and time-consuming tasks, but there are major disadvantages in this approach. The committee becomes the advisor whose advice it is folly to ignore because it alone possesses the facts peculiar to each discussion.

For the appeal committee hearing is the only enhanced, informed consideration an appeal receives in the convention review process, thereby weakening any criticisms which might otherwise be raised from the floor. The high percentage of committee recommendations which are adapted is indicative. In more than 90 percent of the cases, the delegates ratified committee recommendations without change. As one observer has concluded, "the most obvious source of [convention] domination is through control of the convention committees."<sup>5</sup>

#### Method of Selecting the Appeal Committee

With maturity and growth of labor organizations, the election of committees has become the exclusive prerogative of the leadership. In the formative years when membership was small, the convention delegates often elected the

---

<sup>5</sup> Rothbaum, The Government of the Oil Chemical and Atomic Workers Union, p. 158. Romer concluded that the union's convention "serves merely to ratify decisions made earlier in committee," The International Brotherhood of Teamsters, p. 16. Bromwich, commenting on union elections in general, also regards the committees as the focus of power. "In a sense," he says "the question 'Who runs the convention?' is partly answered when it is asked 'Who runs the convention committees,'" Union Constitution, p. 12.

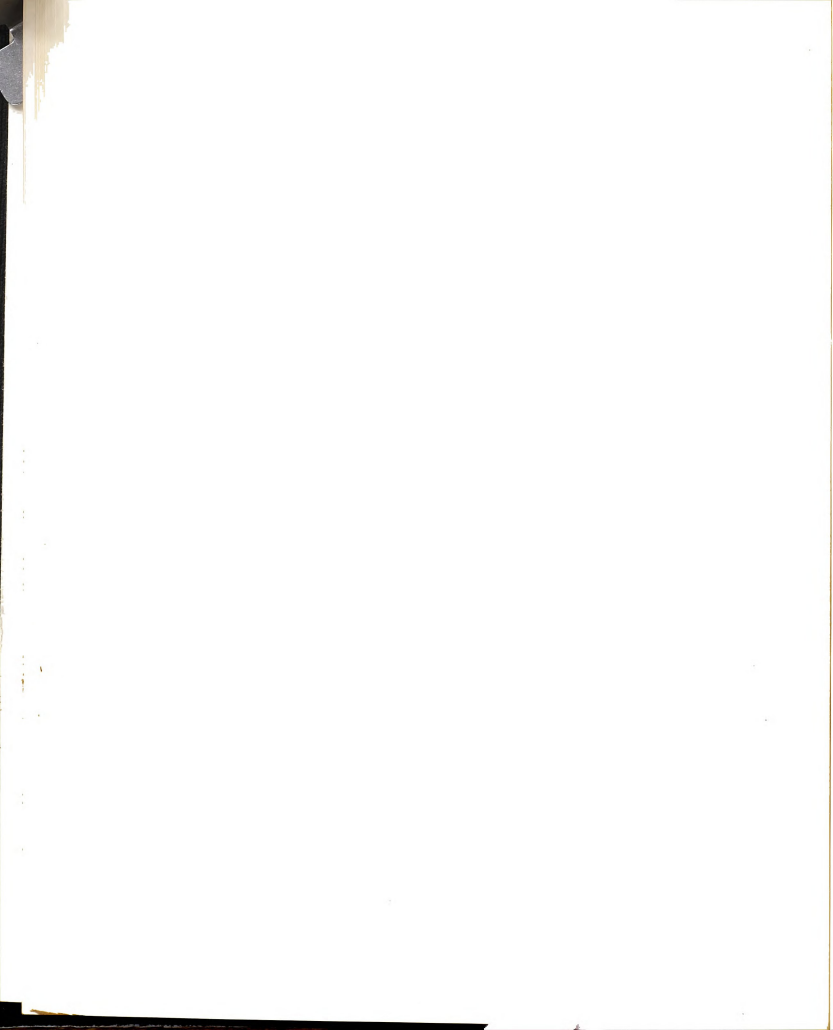


ees. But with increasing numbers, there developed on the part of small locals that those with greater strength would control and dominate committee positions. At the same time, increasing work loads required advance convening of major committees. With the mount- pressures upon available time, the appointment of com- members was gradually substituted for direct election.<sup>6</sup> Convention committees are appointed by the adminis- in most unions. Of the 70 national union consti- s included in a survey by Bromwich in 1959, 49 of them, percent, gave the chief executive power to make the tments, 11 delegated this to the national executive

---

<sup>6</sup>Leiserson, American Trade Union Democracy, pp. 185- until 1951 committee members in the maritime union elected by the delegates. This procedure was fre- y criticized, however, as time consuming and per- e of "clique" control over the convention committees. or example, Proceedings, 1947, p. 121. The 1951 provided for presidential appointment of all con- n committees. Administration spokesmen defended the procedure as being "in the best interest of the union e it speeds up the machinery and gives you [dele- the opportunity to work [on] something constructive d of wasting several days on the nominations of e of committees," Proceedings, p. 379. For years y clerks' committee members were named by a committee ntees which was itself elected by the delegates. 1945, however, the general president has had ap- ve powers. Despite warnings that this exclusion egate authority meant too much power in the hands president, the change was made and has not been ly challenged since that time, Proceedings, 1943, 2-53.

Once established, executive selection of convention ees is irreversible. Resolutions to deny or limit powers have been frequently submitted but never l. Cf., the boilermakers, Proceedings, 1957, p. 721, e lithographers, Proceedings, 1959, pp. 253, 257. ed attempts to make chemical workers' committee



and four others provided for regional or convention posts to fill these posts.<sup>7</sup> In my own study 74, or 77 of the 96 unions give this authority to the president, of the executive board and five to various committees; two organizations provide for their election and one--the woodworkers' union--uses elected delegates in regional districts.

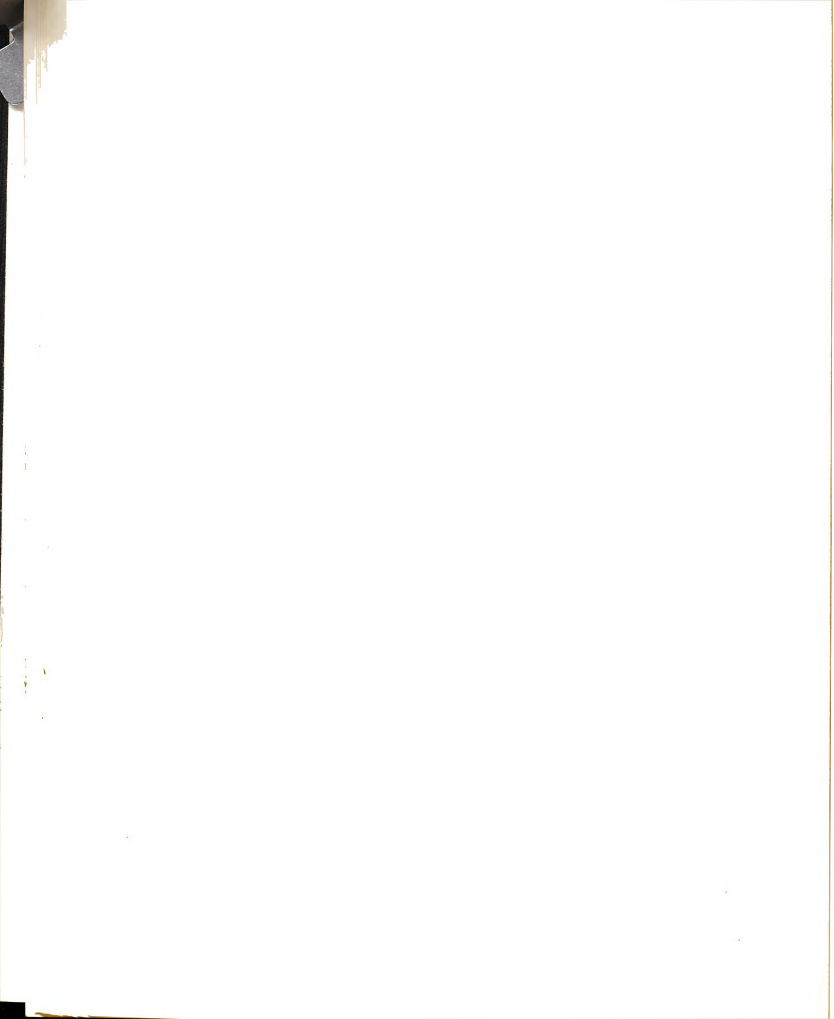
With this control over committee membership, the administration is able to regulate the participation of opposition groups. Leiserson concluded that well organized "are commonly given representation, though they may be left off key committees." But where "a closely-knit leadership controls the governing mechanisms," he points out the same persons head the main committees in subsequent conventions to make sure that nothing untoward happens. Furthermore, those persons selected are

---

elections have been turned down on grounds that potential appointment represents "no proved threat to democracy." Proceedings, (1946), p. 151 and (1960), p.

Bromwich, Union Constitutions, p. 13. By contrast two of the largest British national trade unions, the amalgamated Engineering Union and the Transport and General Workers Union, as well as a number of smaller unions provide for final appeal committees made up of members elected--in close, vigorously contested general elections--by the membership. Hugh A. Clegg, "Rights of British Trade-Union Members," in Labor Yearbook Society, Michael Harrington and Paul Jacobs. In the engineers' union, the appeals committee usually overrules the union's national executive in about 5 percent of the cases. J. David Edelstein, "Democracy in a National Union: The British AEU," Industrial Relations, (May, 1965), p. 117.





ally officers or paid staff representatives, and  
 s taken to name committee members who are considered  
 „8

As Stieber tells us in his study of the UAW, one of  
 the democratic unions, in that union "opposition  
 es have rarely been appointed to important committee  
 since 1949." <sup>9</sup> This was the last convention before  
 Reuther, having routed the opposition, consolidated  
 ns over a dissident executive board. In the steel-  
 e, a union which conformed to the Michelsian model  
 s inception, when it was organized from the top down,  
 port of the major convention committee typically re-  
 the strong imprint of the international executive and  
 dquarters staff, including the legal staff," re-  
 g the appointment of many executive personnel, dis-  
 irectors and international representatives to these  
 ees. <sup>10</sup>

#### Committee Structure

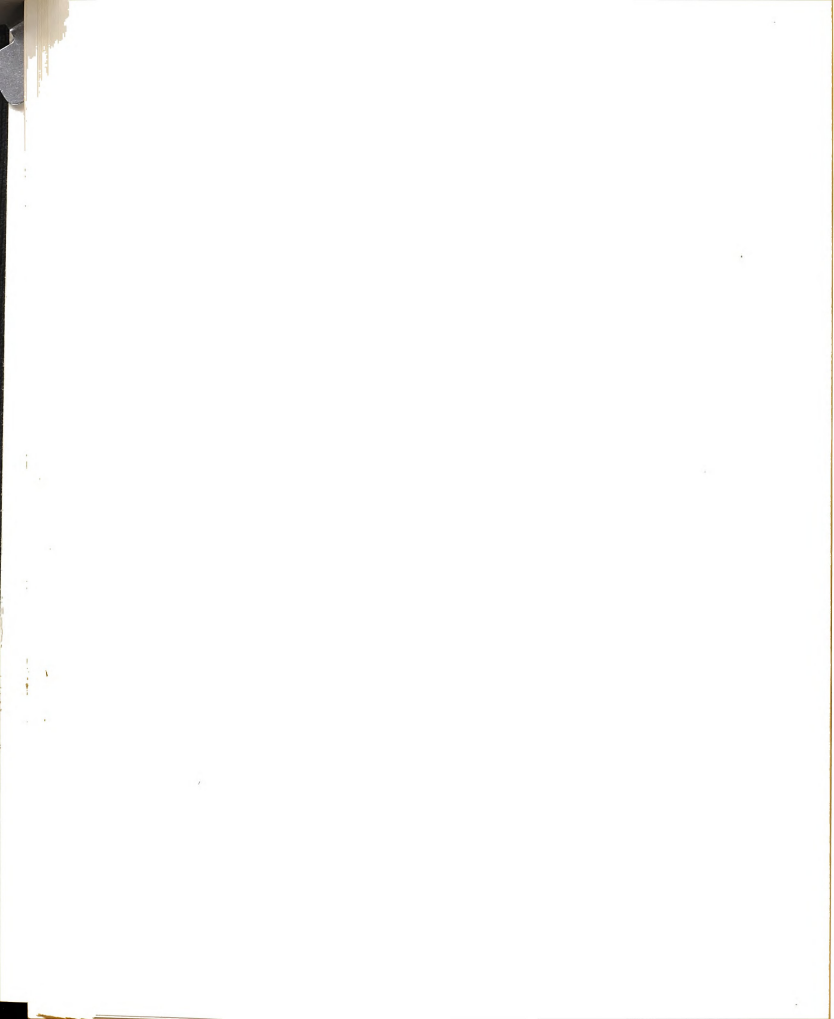
major convention committees are usually headed by  
 l officers. In fact, a convention in which no  
 ee is chaired by an executive officer of the union

---

Leiserson, American Trade Union Democracy, p. 187.

Stieber, Governing the UAW, p. 21.

Ulman, The Government of the Steel Workers' Union,  
 It is not uncommon for investigating national  
 to serve on an appeals committee considering  
 dispute.



arity.<sup>11</sup> Appeal committees are no exception; appointment of national officers as chairmen is common. Of the 84 in this study which regularly appoint a convention committee, the chairman's status in the union was defined in 81. In at least 35 unions, or 43 percent, appeal committee chairman was ordinarily a member of administration. In 11 others, the chairman usually was a national officer or a high-ranking intermediate official, usually a district or regional director. Altogether, in 46 unions, or 57 percent, the chairman typically held a position in the union higher than local office. (See Table II-1.) With a representative in this key position who was directly responsible to him, the chief executive naturally had a good deal of influence over the committee report.<sup>12</sup> In the exercise of the discretionary powers of the chairman and the confidential nature of many appeal cases, the administration selects as committee chairman a person of high reputation within the organization.<sup>13</sup>

---

<sup>1</sup>National officers customarily head each of the convention committees in the amalgamated clothing workers, the local workers (UE), firemen and oilers, hatters, iron workers, East Coast longshoremen, marine engineers, teamsters and lithographers.

<sup>2</sup>Appeal committee officials are accountable to the local president. For example, at the 1954 stage hands convention, Roy Brewer, an international representative who had been the appeal committee secretary at a number of previous conventions, ran against the incumbent president, Richard Walsh. Brewer was not only decisively defeated but was also relieved of the committee assignment. Progress, 1954, pp. 1027, 1116. At the next session it

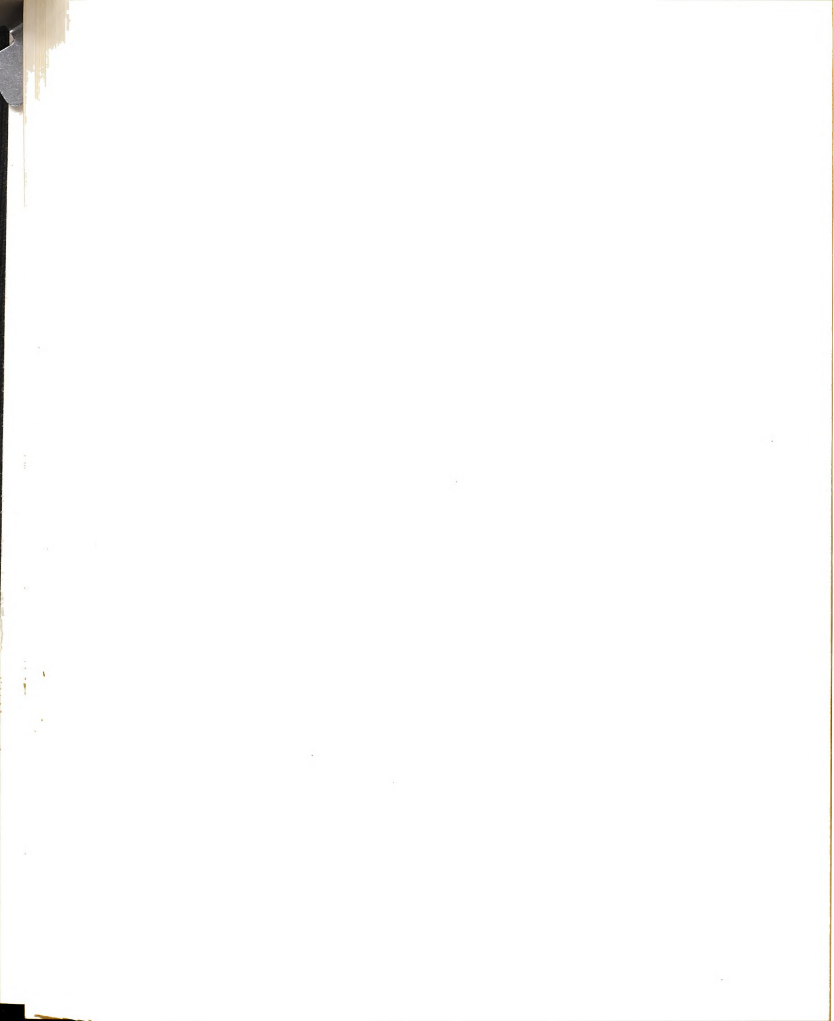


TABLE III-1

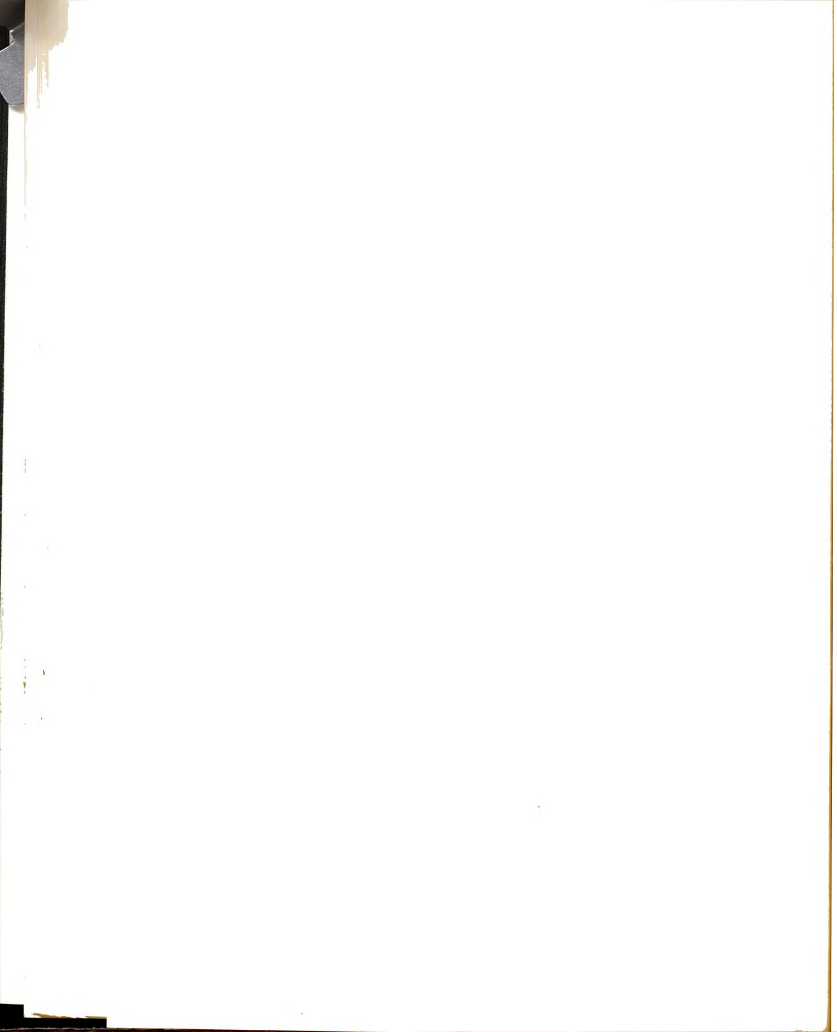
## STATUS OF APPEAL COMMITTEE CHAIRMAN

| Group or Body<br>Chairman Represents | Number of<br>Unions |    |
|--------------------------------------|---------------------|----|
| local level                          | 46                  |    |
| National administration              |                     | 35 |
| Intermediate-body                    |                     | 11 |
| delegate                             | 35                  |    |
| Appeal committee appointed           | 12                  |    |
| Available                            | <u>3</u>            |    |
| Total                                | 96                  |    |

Committee chairmen of local union status are not  
 y to be rebellious. A less direct influence than that  
 the chief executive has over administration repre-  
 sents, but perhaps equally effective, is the link be-  
 tween committee service and internal union politics. Lester  
 that as unions mature "the path to top leadership  
 to be a steady climb through the various levels of the  
 hierarchy. . . . In mature organizations, the selection and

ted that Walsh had made an appointment to fill the  
 vacancy created by Brewer's departure. Proceedings,  
 , p. 1165.

<sup>13</sup>Bessie Hillman, widow of the amalgamated clothing  
 union president, was named an international vice-presi-  
 dent of the union following her husband's death. She  
 was appeal committee chairman between 1952-1960 in  
 city which was, in her own words, more "figurehead"  
 functional. Amalgamated Clothing Workers of America,  
Proceedings, (1960), p. 355.



ing of leaders at the lower levels are likely to be  
 rolled from the top."<sup>14</sup> This is because unions are  
 tionally one party, monolithic organizations in which  
 rnal advancement is achieved by working with the leader-  
 , not against it. Michels called this phenomenon the  
 tel of leadership."<sup>15</sup> Appointment to a convention com-  
 ee can be a stepping-stone to higher office because it  
 ents an excellent opportunity to demonstrate qualities  
 oyalty and leadership skills. That this is a well trod  
 to success is evidenced by the many who have traveled  
 in the bookbinders, electricians, hatters, shipbuilders,  
 rical telegraphers, and roofers, national officers at  
 ime served as regular members of convention appeal  
 ttees. Karl Feller, a member of the 1942 brewery  
 rs' committee, went on to preside as general president  
 e 1950 convention.<sup>16</sup> These experiences lend substance  
 iserson's observation that, "Loyalty to the president  
 is one of the most important lessons younger leaders  
 learn."<sup>17</sup>

Appeal committee positions other than the chairmanship  
 ordinarily assigned to regular convention delegates,

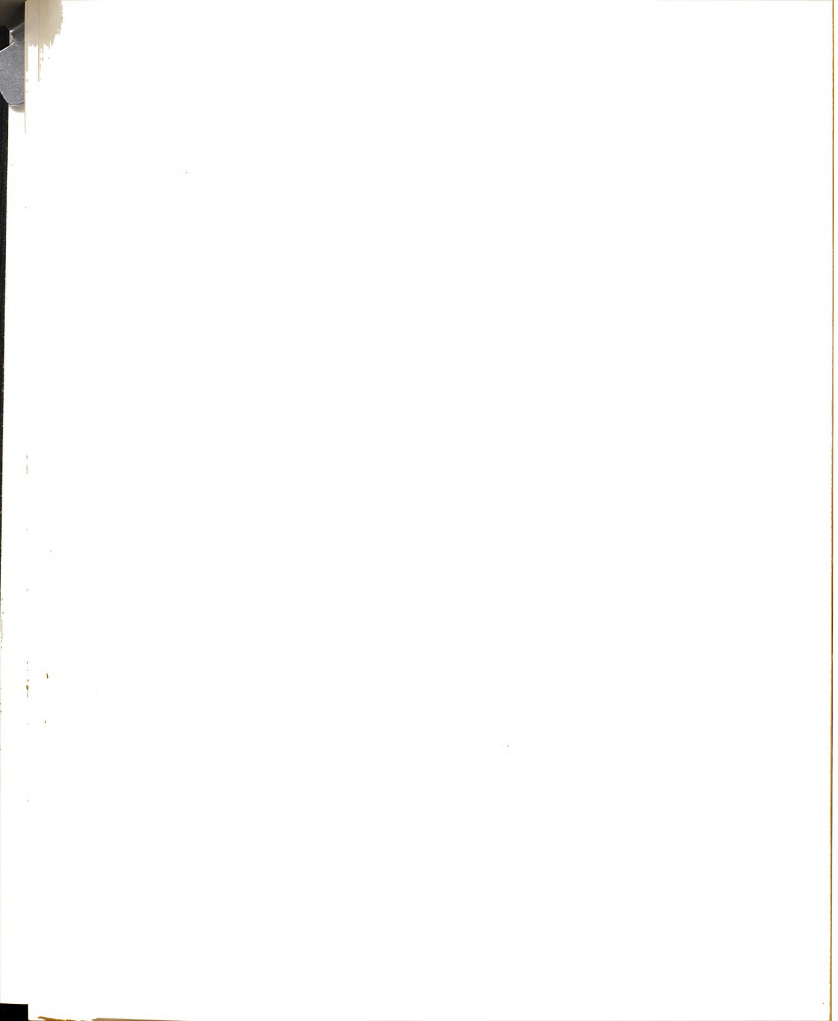
<sup>14</sup> Lester, As Unions Mature, pp. 26-27.

<sup>15</sup> Michels, Political Parties, p. 126.

<sup>16</sup> United Brewery Workers of America, Proceedings,  
 , p. 135.

<sup>17</sup> Leiserson, American Trade Union Democracy, p. 246.





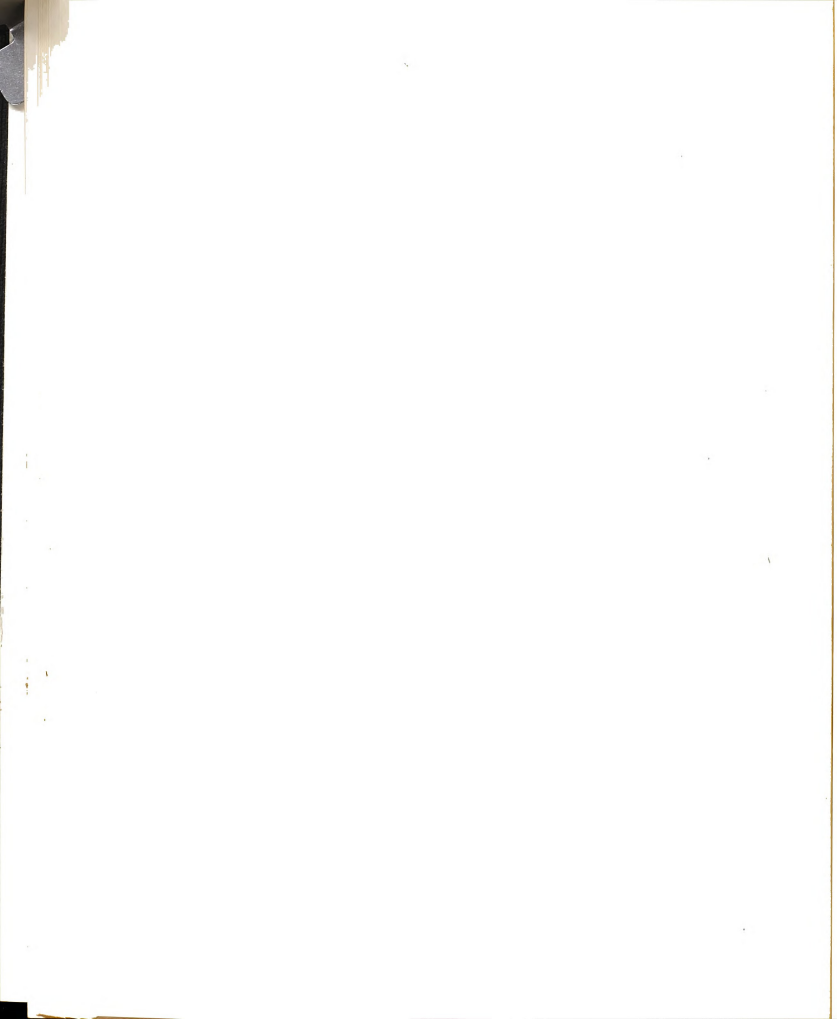
the exception of a few unions in which the committee consisted entirely of national officers. A majority of selected delegates at the typical union convention are local and district representatives.<sup>18</sup> Hence, committees are usually staffed by persons of this rank. Two consecutive method carriers' appeal committees, for example, consisted chiefly of local level officials.<sup>19</sup> Intermediate level officers, usually joint board leaders, commonly sat on the boards of the ladies' garment workers' convention appeal boards. And all the committee members in the communications workers' union, including the chairmen, have been local officials, ordinarily local presidents.

A natural selection process at the local level partly accounts for the frequent delegate status of local officers, but certain structural provisions may be responsible. The teamsters, along with a few other unions, have automatic convention delegate privileges to elected

---

<sup>18</sup>The 1959 UAW convention delegation, for instance, consisted almost entirely (over 90 percent) of persons holding an official position in the union. More than one-third of these officials were local officers while the remainder held other, non-elective positions. William E. "Delegate Attitudes Toward the Convention in the Industrial and Labor Relations Review, 15 (July, 1955), p. 465.

<sup>19</sup>These were the 1946 and 1951 conventions. The 1946 members included: two national vice-presidents, two as chairmen; eight business agents, some of whom were also local presidents; five local presidents; one secretary, and two international conciliators. However, in some of the appeals brought before these committees the chairman had been the original investigating vice-president in the matter.



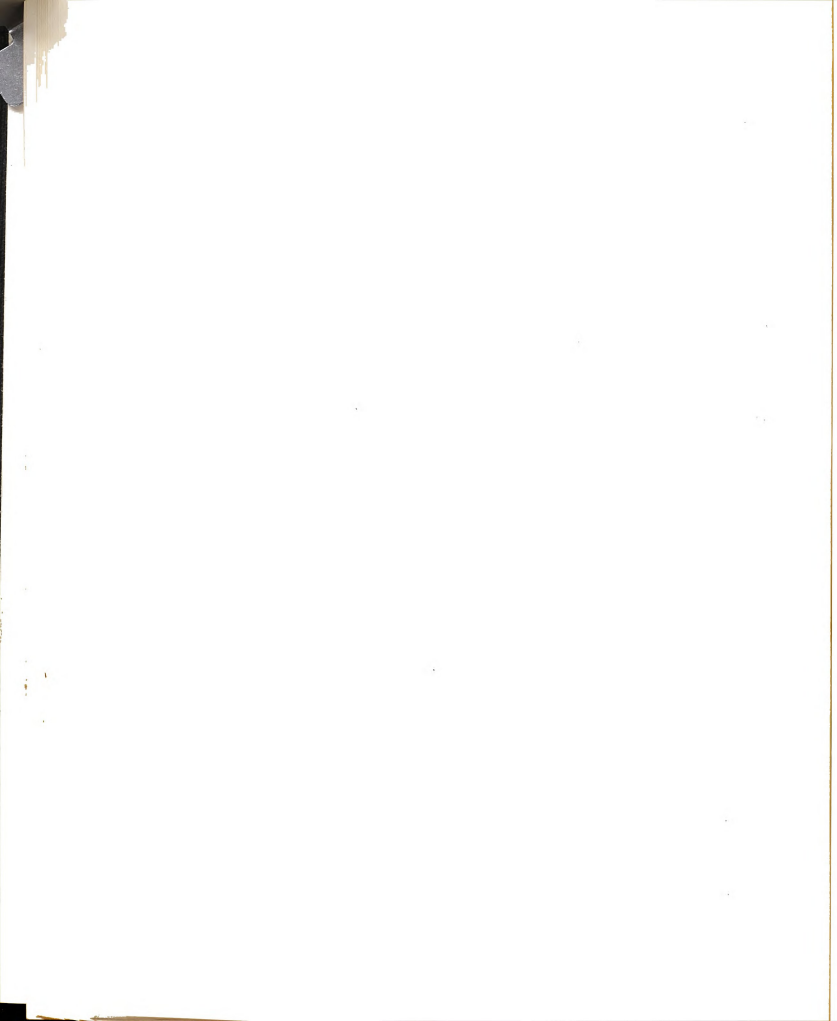
officials.<sup>20</sup> Other unions encourage the placement of subordinate body representatives, rather than national officers, on convention committees. The carpenters' union, for instance, does not permit executive board members to sit on the appeal committee.<sup>21</sup>

Many of these local officials are perennial convention delegates to whom committee assignments are routine. Some of them serve on the same committee for a decade or more. The longevity of service by members of the plasterers' union appeal committees at eight consecutive gatherings from 1946-1961 is illustrative. Not including the three local officers who also sat on most of these committees, the delegates and the number of times each served were as follows:

| Number of<br>Delegates | Number of Appeal Committees<br>on Which They Served |
|------------------------|---|
| 10                     | 3   |
| 8                      | 4   |
| 4                      | 5   |
| 2                      | 6   |
| 1                      | 7   |
| 2                      | 8   |
| <u>27</u>              |   |

<sup>20</sup>International Brotherhood of Teamsters, Constitution, Art. III, sec. 5 (a) (1).

<sup>21</sup>United Brotherhood of Carpenters and Joiners, Constitution, (1961), General By-Laws, Sec. 18L.



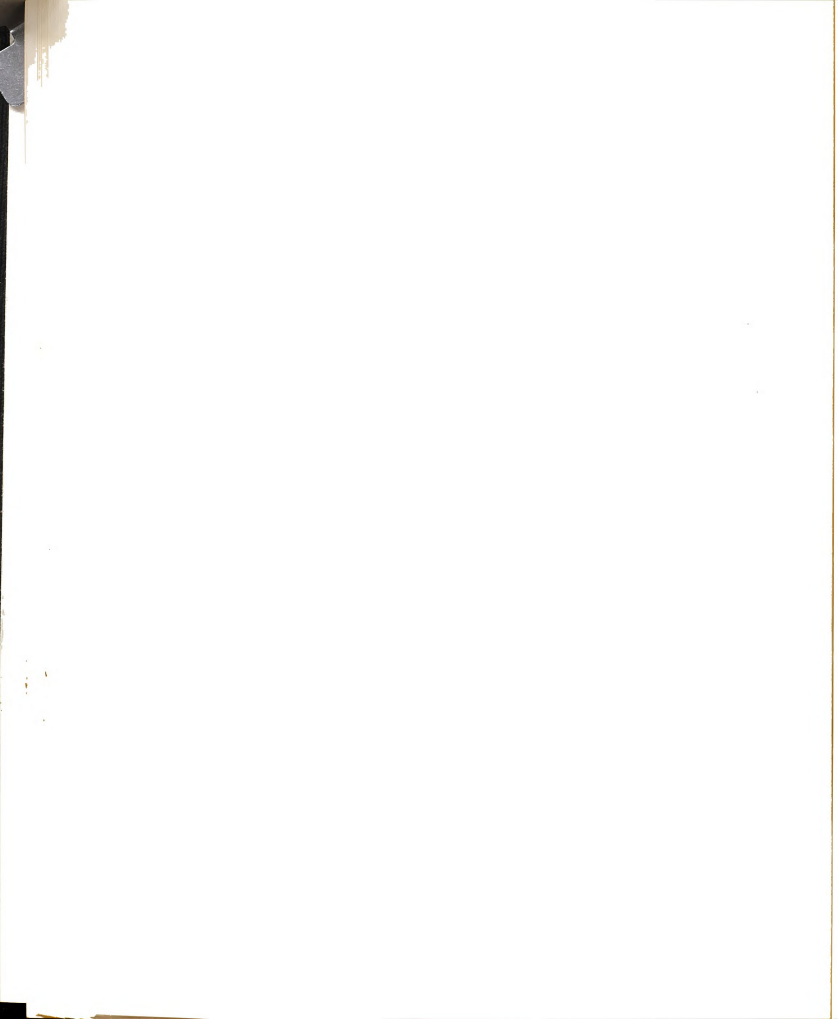
tenured committee members indicate vested interest in representation on key convention committees: their re-election giving evidence of the administration's satisfaction with their past conduct in this capacity. Hence, efforts to change existing committee structures are likely to fail. For example, a local delegation was unable to gain majority support for a resolution to prevent the president from appointing to each committee more than five persons who had been delegates at the preceding convention.<sup>22</sup> Also unsuccessful was an attempt by some bricklayers' union locals to establish a uniform number of members on each committee and a "proper proportion" of delegates representing class "A" and class "BA" members.<sup>23</sup>

Appeal committees ranged from three to more than sixty members. The average size was approximately twelve, with a tendency to increase over time. Operative potters' appeal committees, for example, averaged eleven members for the line conventions between 1944 and 1955 but were increased to an average of twenty persons for the next six years. On the other hand, 15 organizations, including most of the railroad brotherhoods, appoint committees of more or less constant size, seldom numbering more than five participants.

---

<sup>22</sup>International Brotherhood of Boilermakers, Proceedings (1957), pp. 721-22.

<sup>23</sup>International Brotherhood of Electrical Workers, Proceedings, (1962), pp. 278 and 515.



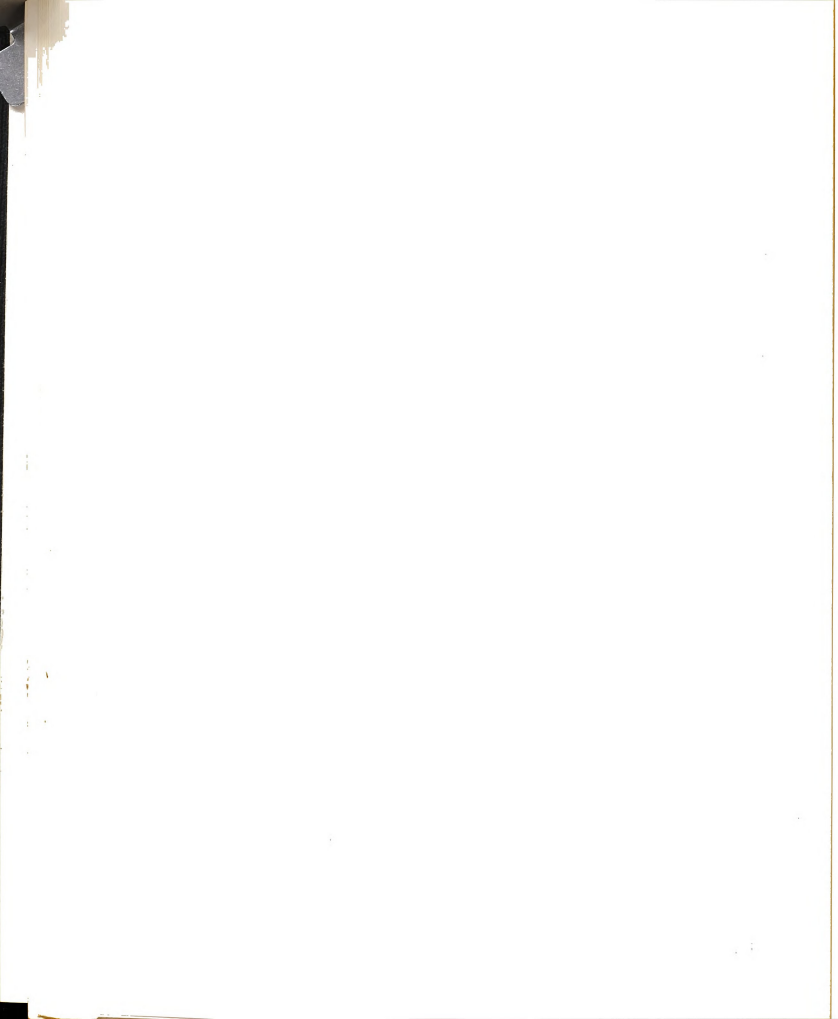
The largest appeals committees were found in the following unions: the stage hands (averaging 61 members), plasterers (37), amalgamated clothing workers (35), bakers (26), mine workers and plumbers (25), steelworkers (24), East Coast longshoremen (24), and the printing pressmen (24). But the most important structural difference between these and the smaller committees is the greater ratio of administrative representation on the former. The committees of each of the unions listed above were invariably chaired by national officers and at least three, the plasterers, bakers and steelworkers, regularly included on the executive committee national officers, district leaders and staff members. As a result, while committees of this size enable more locals to be represented than would otherwise be the case, they do not appear to encourage independent decision-making in connection with review of appeals. In no case did they return a verdict observably inimical to the national administration.

#### Appeal Committee Hearings

#### Convention Hearings

The names of convention delegates appointed to the various standing committees are announced on the first day of business following approval of the credentials committee report. Most committees, however, have already scheduled meetings or held hearings on matters submitted in advance of the convention. Increasingly, these pre-convention meetings and hearings are used to give the committees sufficient





to prepare their reports. This has been true of the trials, constitution and resolutions committees and, recently, with appeals.<sup>24</sup> Avoiding a rush of un-  
 ed business at the end of the convention is pleasing  
 anyone concerned, so the trend toward early convening  
 se committees has been generally accepted.  
 Some reservations have been expressed, however. It  
 en argued that this precludes the taking of testimony  
 interested parties who have not yet arrived at the con-  
 n. Committee recommendations, under these circum-  
 s, are made without benefit of such witnesses.<sup>25</sup>

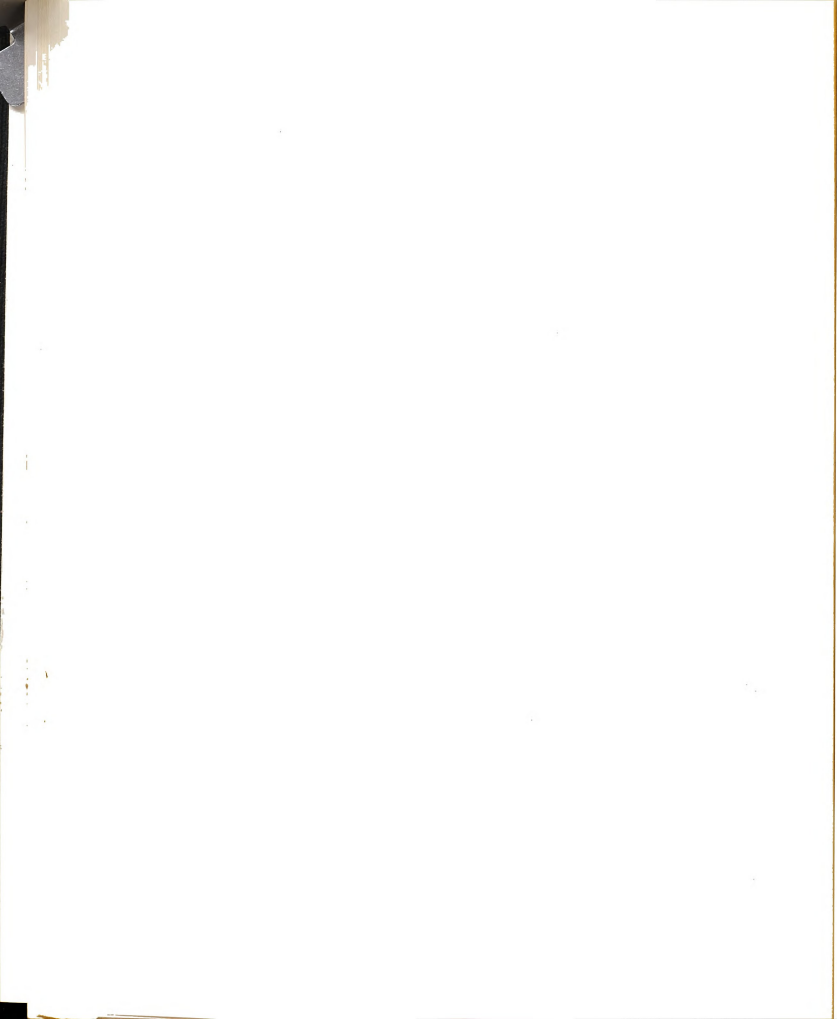
---

<sup>24</sup> Appeal committee hearings can be quite time con-  
 . At a recent steelworkers' convention the committee  
 edly spent five full days in hearings, Proceedings,  
 , p. 418. An auto workers' committee once deliber-  
 2 hours on a single case, Proceedings, (1951), p.  
 Sessions of this length are not unusual. But they  
 experience committee members who must absent themselves  
 regular sessions of the convention and even forego  
 n social functions. Hence, an additional burden is  
 d upon the committee member who must also represent  
 cal on the convention floor.

The long hours spent in appeal hearings even led  
 mmittee chairman to express concern for his health.  
 this will not affect me," he said, "but this is  
 rdest job I have done for a long time." Inter-  
 al Chemical Workers Union, Proceedings, (1960), p.

<sup>25</sup> This observation was made by a spokesman for the  
 tion faction at the 1950 brewery workers' convention,  
ings, p. 309. The UAW is, to my knowledge, the  
 tion which tries to compensate for this. In recent  
 the appeal committee has met in Detroit some two  
 prior to the convening of the regular convention in  
 to hear witnesses. This is helpful to appellants  
 t area but cannot serve other locations.

An alternative approach would be to reimburse in-  
 al member appellants. Because payments of this



ern has also been expressed at the removal of any  
tical delegate check upon the selection of committee  
ers when much of the committee's work is concluded  
re the delegates assemble to ratify its membership.<sup>26</sup>

#### al Committee Hearings Procedure

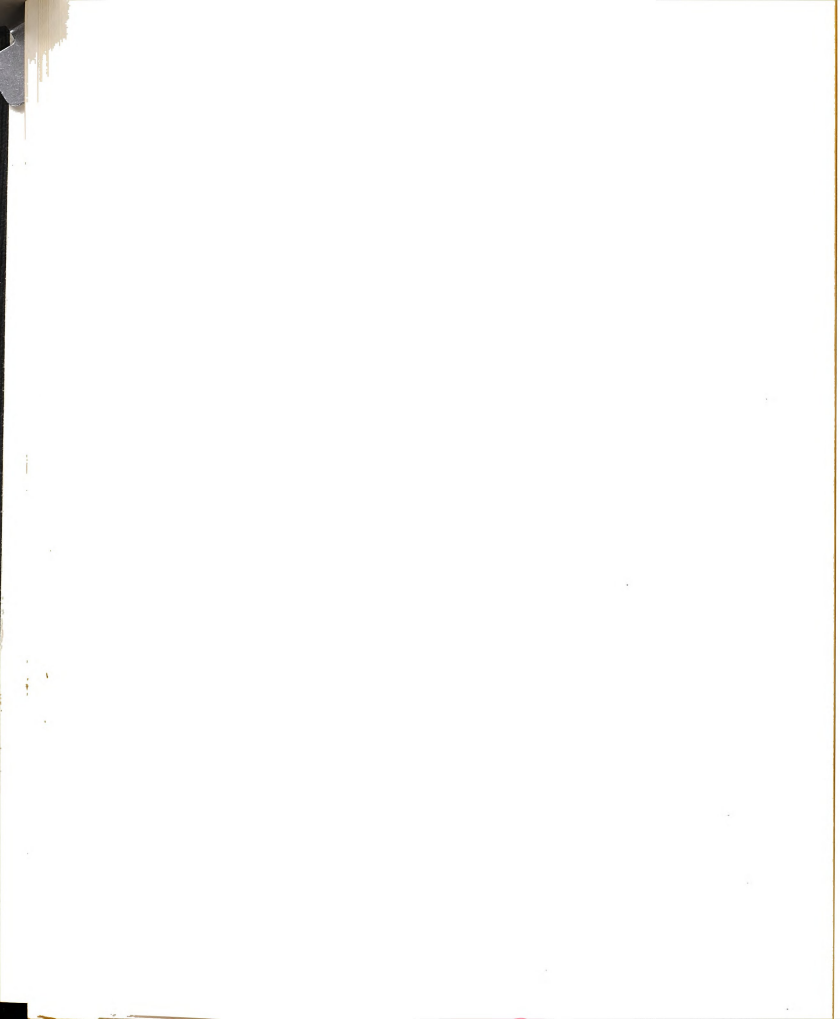
Appeal committee hearings are very similar to those  
her convention committees but because of their judicial  
re they assume the character of investigations.<sup>27</sup> The  
ittee chairman controls the hearings. He determines  
order of business, monitors the procedure and proposes  
he other members the recommendation the committee should  
in each case. During the hearings the other members  
free to ask witnesses additional questions, raise points  
information or examine the documents and other evidence.

---

are not practical on a general basis, the few organ-  
ons which do allow remittances restrict their avail-  
ty. If international officers or subordinate bodies  
xonerated by a brewery workers convention their ex-  
s are paid by the international. Constitution, (1963),  
XIII, sec. 2 (d). Costs incurred by individual ap-  
nts in the railroad trainmen may be defrayed out of  
ocal lodge treasury provided a majority of membership  
ve. Constitution, (1960), Ruling on Sec. 71, "Grand  
," p. 50.

<sup>26</sup> For comments on the effect of this in two unions,  
tieber, Governing the UAW, p. 21, and Ulman, The  
ment of the SteelWorkers Union, pp. 101-102.

<sup>27</sup> Much of this information was taken during a dis-  
on in Washington, D. C., in September, 1964 with Mr.  
d Doherty, international vice-president of the  
cal workers' union who was at that time with the  
trial Union Department of the AFL-CIO.



st unions the committee decides what constitutes  
sible evidence and can summon witnesses at will.<sup>28</sup>

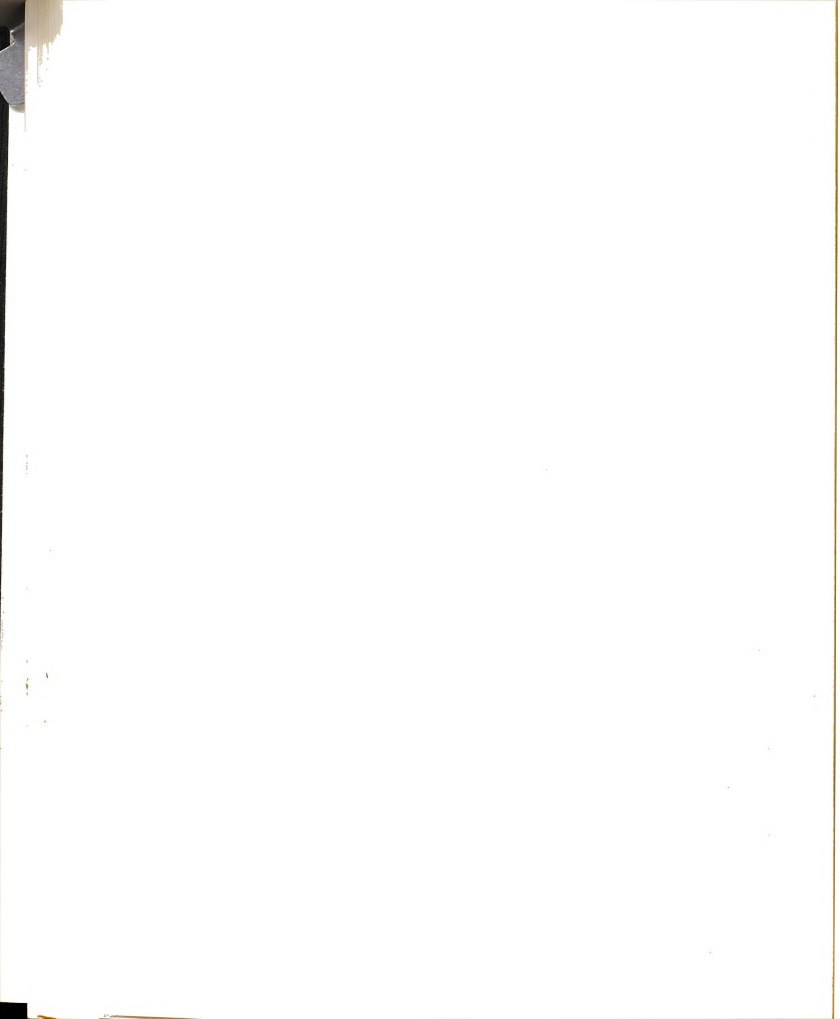
After the open hearings have been completed, the  
ttee meets in private for additional discussion and  
eration. Finally, a poll is taken of the committee  
rs on the chairman's suggested disposition of each  
l. The vote is usually unanimous, but minority re-  
may be submitted to the delegates along with the ma-  
y report. This report to the full assembly is made  
time when the committee's progress coincides with the  
nience of the convention.

#### Comings of the Appeal Committee Hearings

A number of factors restrict the committee's perfor-  
as an independent and autonomous body. Although the

<sup>28</sup> Exceptions include the insurance workers' union,  
the committee can review only the legality and fair-  
of procedure in the case, Constitution, (1963), Art.  
sec. 3, the typesetters' union, in which only the  
s, documents and evidence upon which decisions of  
xecutive Council was based shall be considered," Consti-  
(1964), Art. V, sec. 39, and the electricians, where  
the evidence submitted in the original case or appeal  
missible, Constitution, (1962), Art. XXVII. Committees  
e fire fighters' union cannot hear new evidence but  
sten to oral arguments and review written statements,  
tution, (1962), Art. XVIII, sec. 5. On the other  
if an appellant is able to produce new evidence bear-  
a case he may appeal at two consecutive conventions  
e glass bottle blowers' union, though a third appeal  
permitted.

Appellants are not always allowed to appear before  
committee. In the ironworkers' union, only suspended  
rs enjoy this privilege, Constitution, (1960), Art.  
sec. 10, though in practice others did present their  
directly to the committee. The hotel and restaurant  
ees' constitution leaves personal appearances to the



tee ordinarily determines the procedure to be used, there are three kinds of restrictions, one constitutional and two circumstantial in nature, which can limit its ability to gather and assimilate all the relevant information in appeal cases. The constitutions of some unions require that only the previous record may be considered by the committee. Others contain procedural regulations which prevent the committee from calling certain witnesses and introducing new evidence into the hearings.

A more serious problem is the voluminous record which accompanies appeals. With the limited time available for committee work, the complete record in each dispute cannot be examined by every member, and as the number of appeals increases the opportunity for such investigations is greatly diminished. "The delegates appointed as members of the committees," Ulman has observed of steelworkers conventions, "are hardly in a position to review all this prior work locally and in detail in the unlikely event that they are to do so."<sup>29</sup> At a transport workers convention one delegate claimed that committee members admitted to him that they had no time to read the trial minutes in any of the appeal cases brought to the convention.<sup>30</sup>

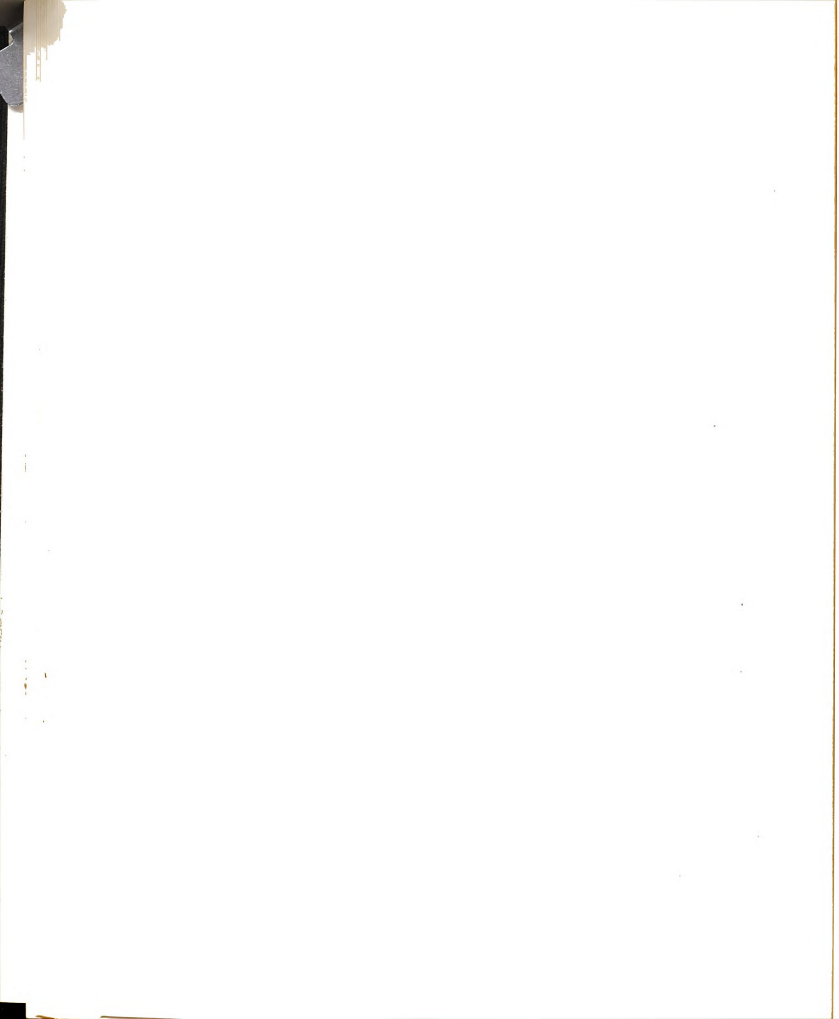
---

tion of the committee, Constitution, (1961), Art. 18. Several unions require that all parties sign affidavits regarding the truth of their testimony.

<sup>29</sup>Ulman, The Government of the Steel Workers' Union, 12-103.

<sup>30</sup>Transport Workers Union of America, Proceedings, 1961, p. 223.





A final disadvantage is the inability of many appellants to attend the convention and argue their cases in person before the committee. The announced lists of committee witnesses commonly included local and national officers who testified against individual member plaintiffs much less frequently contained the names of member appellants. One UAW committee report alluded to the insufficient evidence available in several cases because individual appellants were unable to attend the convention or because some of the smaller locals could not afford to send delegates on their behalf.<sup>31</sup>

#### Conditions of Appeal Committee Bias

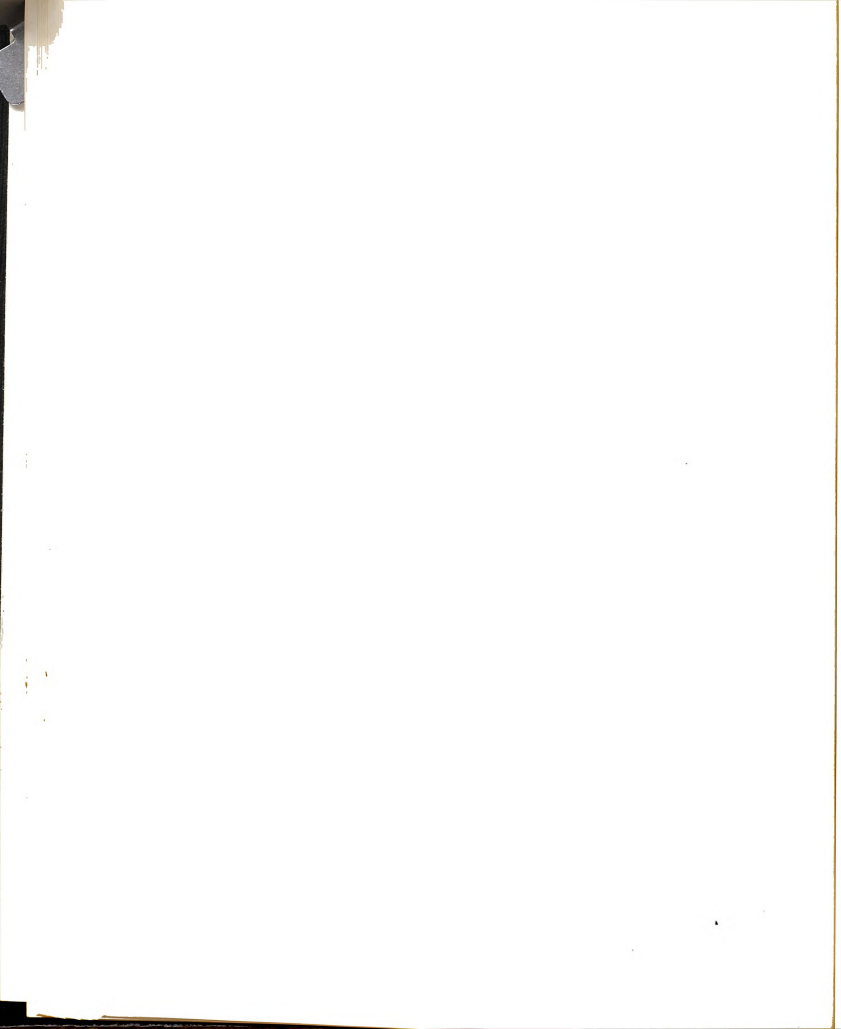
There were charges that hearings had been unfairly conducted or, more often, that particular committee members would be excluded from participating in the review of certain cases. It was alleged, for example, that prior involvement, personal bias, or, quite simply, appointment by administration, disqualified committee members.<sup>32</sup> But

---

<sup>31</sup>United Automobile Workers of America, Proceedings, 1959), p. 160.

<sup>32</sup>The president of a dissident transport workers' union appealed his expulsion from membership before a convention committee which included a member of the trial panel that had expelled him. During the committee re-examination an unidentified delegate cited the previous involvement of that member and claimed that that was indeed the reason he was on the committee. President Quill invited the speaker to the microphone to repeat his charge and defend himself but the offer was declined. Proceedings, 1988-90.

At a UAW convention a committee member was accused



complaints were not frequent and usually when there was an obvious conflict of interest the committee member voluntarily abstained or was so requested by the ruling officer. There were exceptions, however. David

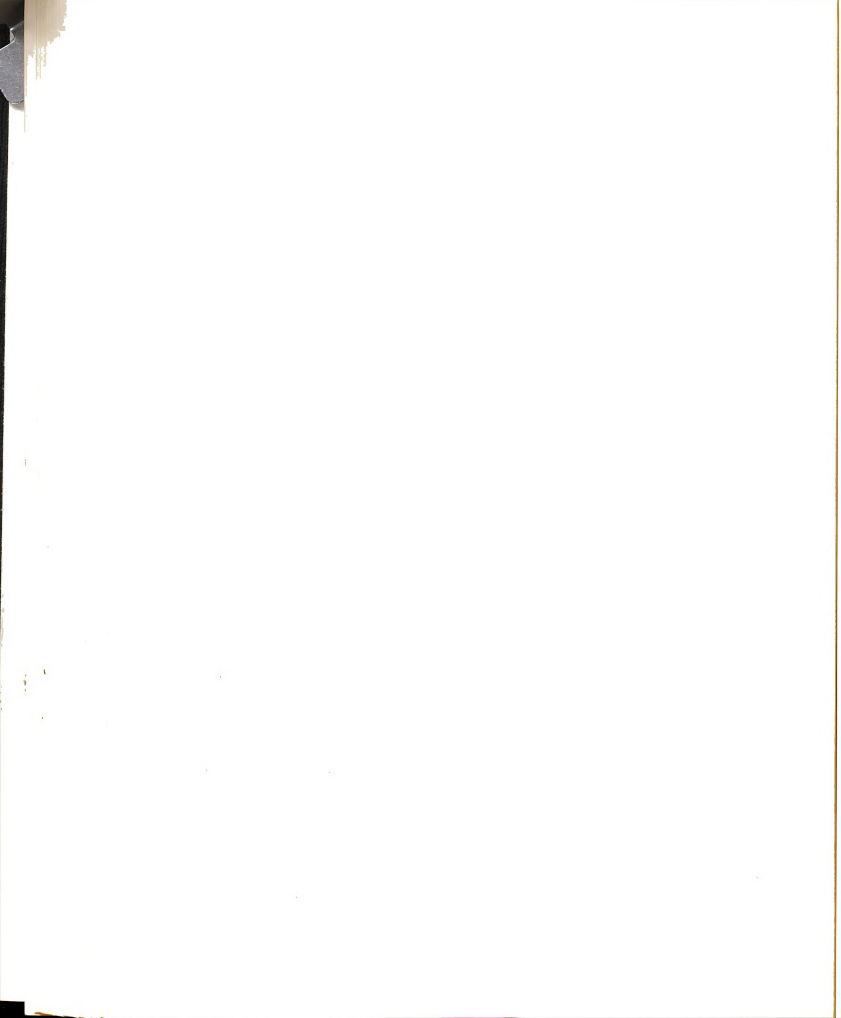
...ing his position to "prejudice the [appeal] of an-Local" even though he had not voted with the committee on that case. Proceedings, (1947), pp. 193-94.

Personal bias is the most frequent accusation of course is something that can only be conjectured. It does exist, however, is evidenced in a remark uttered by a member of the committee which rejected appeals from several Canadian chemical workers' union members expelled for Communist sympathies. After relating how he had organized for the union all over the country in a car painted red, white and blue, and with a slogan, "Be American, Vote American, Vote for the U.S.A." emblazoned on it, the committee member said:

"...this act that I've had a part in today, and feel that I've had a part in these five years . . . of expelling these men and thereby having caused more than just their expulsion from our union [but also] causing the loss of their jobs, is to me a climax of my life in the labor movement. I hope to go on from here of course. But this has been one of the saddest moments, or will be, if you concur, to see that these men are expelled and never be allowed to return to our organization, and stomped on as much as possible. Proceedings, (1951), pp. 113-14.

Administration appointment of committee members was criticized. At the 1963 papermakers convention spokesmen for a former vice-president, argued that under the circumstances--the case reflected considerable internal conflict within the international union dating back to the time of creating the union--it was improper for other international officers to appoint the appeals committee. Proceedings, (1963), p. 35.

Resolutions have been submitted to chemical workers' conventions calling for delegate election of appeal committee members. Given the great bearing committee recommendations have on the final outcome, it has been argued that if a person "has the courage to come to a convention and appeal his case. . . . he should have the right to at least expect a convention committee [selected by] convention ballots . . ." The law committee felt the proposed practice would be unnecessarily "time consuming" and in the best interest of the International Union at that time. Proceedings, (1952), pp. 151-52.



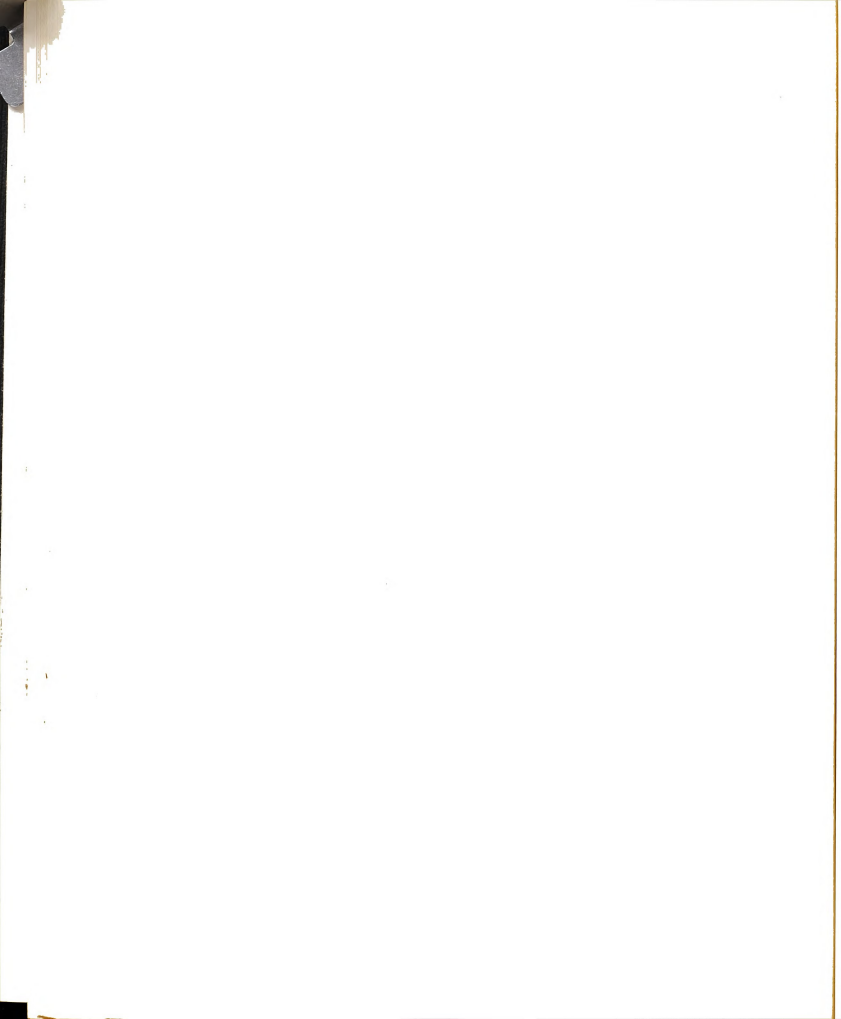
sky of the ladies' garment workers' union declined to remove from the appeals committee two members from the union which was accused by the appellant of conducting an unfair election. "Delegates represent the members of the union," he said, "not any particular administration or union."<sup>33</sup>

Complaints against committee procedures are either completely ignored or publicly denied by committee members. Whether the complainant's intentions are sincere or malicious is a moot point because there is no real recourse against the chairman's decision. Moreover, whether complaints are justified is something that cannot be determined here. In any event, the infrequency of protests suggests that they may not constitute a significant problem although there is reason to believe that if the issue is important enough to warrant the appointment of a committee knowingly hostile to the appellant, there are no structural safeguards preventing this.<sup>34</sup>

---

<sup>33</sup>International Ladies' Garment Workers' Union, Proceedings, (1959), p. 438.

<sup>34</sup>. In the appeal of suspended rubber workers Robert Buckmaster, a case of unquestioned importance, the appeals committee, including the chairmanship, was composed of delegates from locals sympathetic to the local executive board which had ousted him. United Rubber Workers of America, Proceedings, (1949).



The Appeal Committee Report

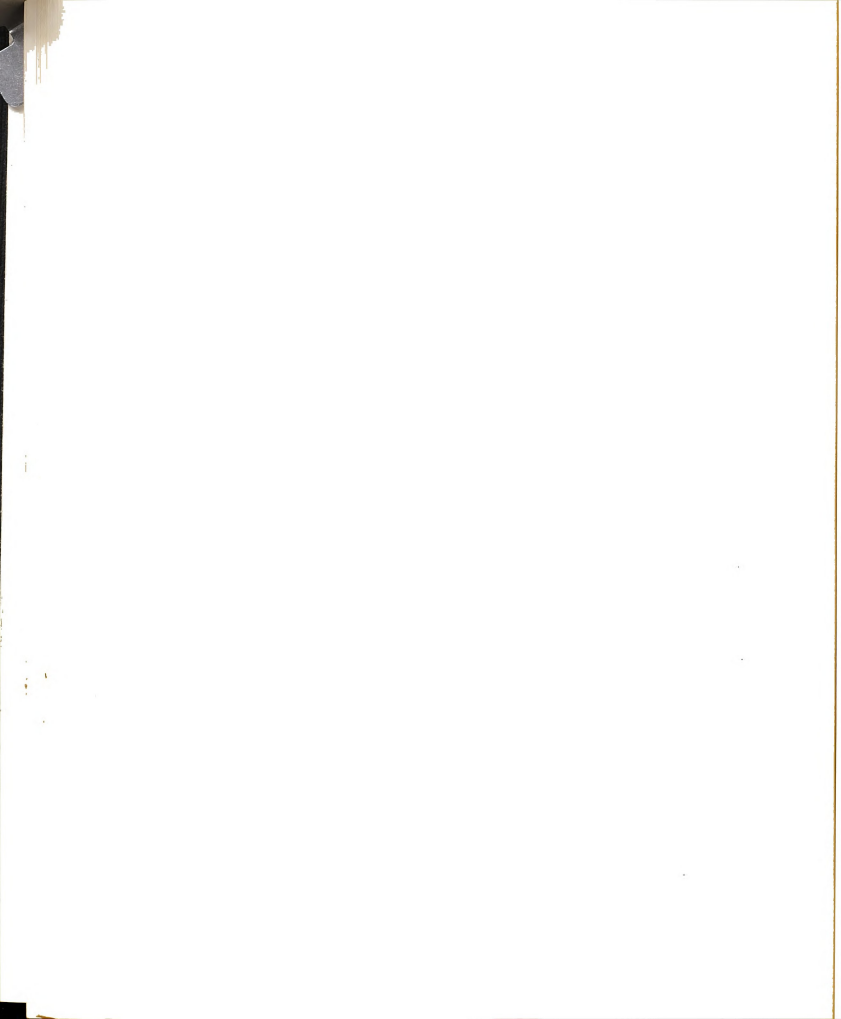
The appeals committee report is given at a time consistent to the committee's progress and the schedule of convention. Two important procedural aspects of these reports are their timing and content.

These reports are usually not presented until the day or two of the proceedings. This is explained by the many obstacles, some already mentioned, which delay the presentation of committee hearings, and (2) the low priority of appeals relative to other convention business. In late reporting sometimes precludes delegate review and disposition of the appeals. At four consecutive UAW conventions the appeals committee was unable to complete its report before final adjournment; the remaining cases were referred back to the committee which was authorized to make a final decision on them.

More serious is the impediment which late reporting poses upon deliberation of the report by the convention. In the following chapter I will describe the process in detail but suffice it here to relate a typical incident.

Steelworkers' president McDonald warned the delegates not to speak on a number of appeal cases which were reported out of committee during the closing minutes of the convention. "If we are going to [finish these cases], we have to work hard, we have to work fast, and we have to leave out emotions," he said. "The five-minute [speaking]





will be strictly enforced." But before the report  
 been completed, the committee chairman was urged to  
 itute a brief synopsis of the remaining cases for  
 usual verbatim reading of the report. This, McDonald  
 ed out, was necessary "in the interest of time."<sup>35</sup>

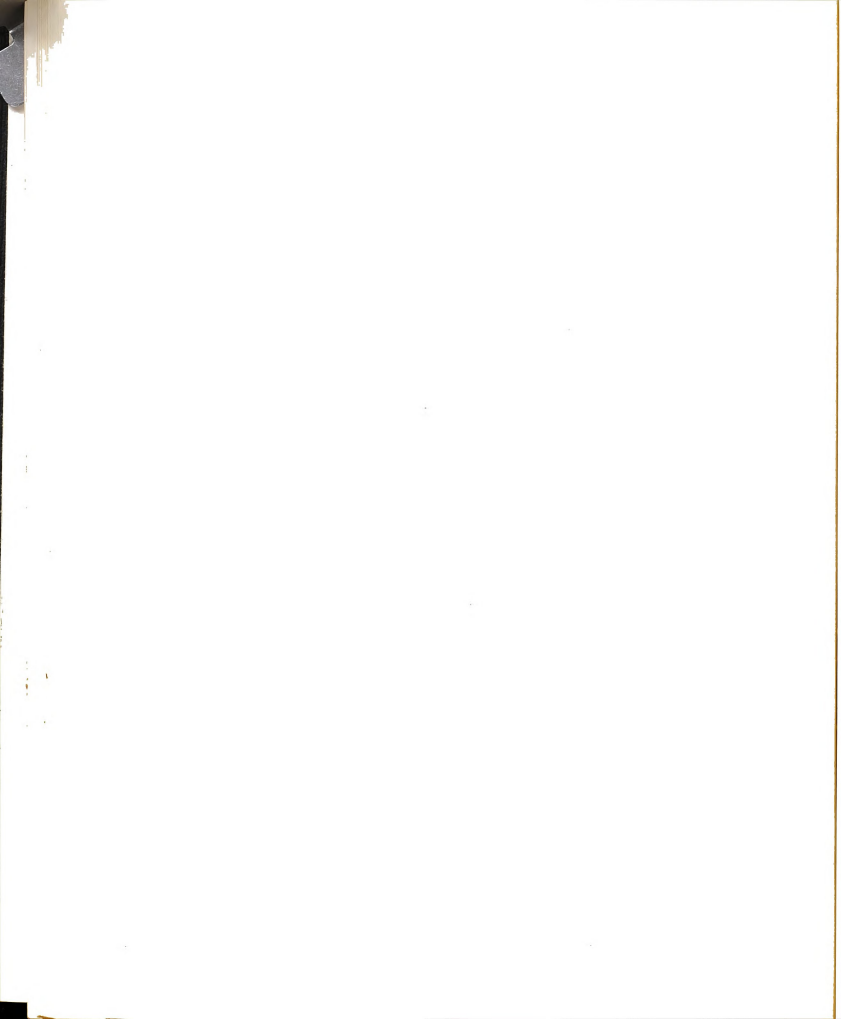
Reporting appeals out at the appropriate time in the  
 edings can influence the action taken on them. This  
 emonstrated at the East Coast sailors' union convention  
 heard the appeals of several dissident members ex-  
 d from the union on charges ranging from misconduct  
 cal officers to alleged Communist activities.<sup>36</sup> But  
 ps most important, they were a political threat to the  
 rship.

The order in which the cases were being reported was  
 nly changed, catching the appellants' supporters off-  
 and enabling the leadership to put through with only  
 dimum of controversy the committee recommendations to  
 t the appeals. Although this modified order of re-  
 ng was immediately challenged by opposition supporters,  
 protest was blunted when president Curran ruled that  
 uch as the delegates had been given copies of the full  
 t the committee was justified in changing the order of  
 ting if it wished. He further warned against an attempt

---

<sup>35</sup>United Steelworkers of America, Proceedings, p. 438.

<sup>36</sup>National Maritime Union of America, Proceedings,  
 , pp. 549-51.

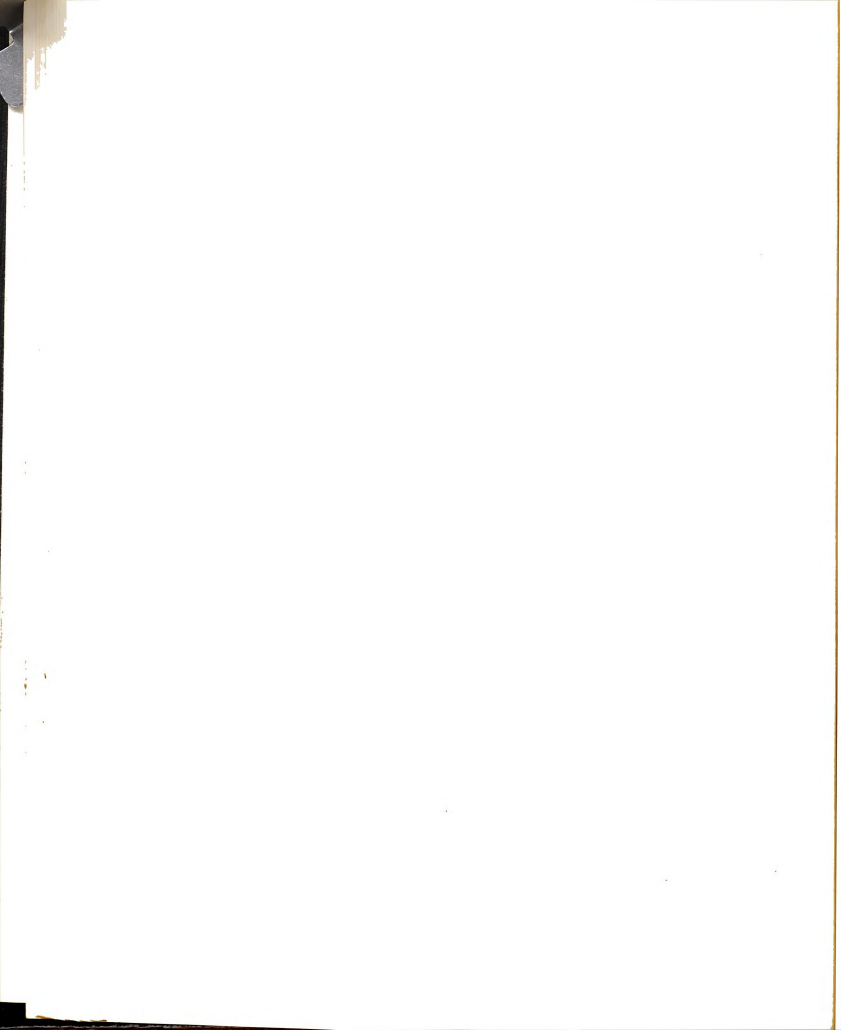


disrupt the convention or delay the proceedings. If there were any such efforts, he promised to order the expulsions ratified with or without convention approval. However, a rule opportunely established earlier in the day permit only one speaker on each side of a motion before a vote on it, prevented the opposition from launching a full attack against the expulsions. One delegate was, in fact, ejected from the convention hall when he persisted in talking on the matter. In this way the leadership was able to avoid a disruptive convention debate on the expulsions by silencing the opposition and immediately calling for a vote on the committee report.

#### Inadequacy of Appeal Committee Reporting

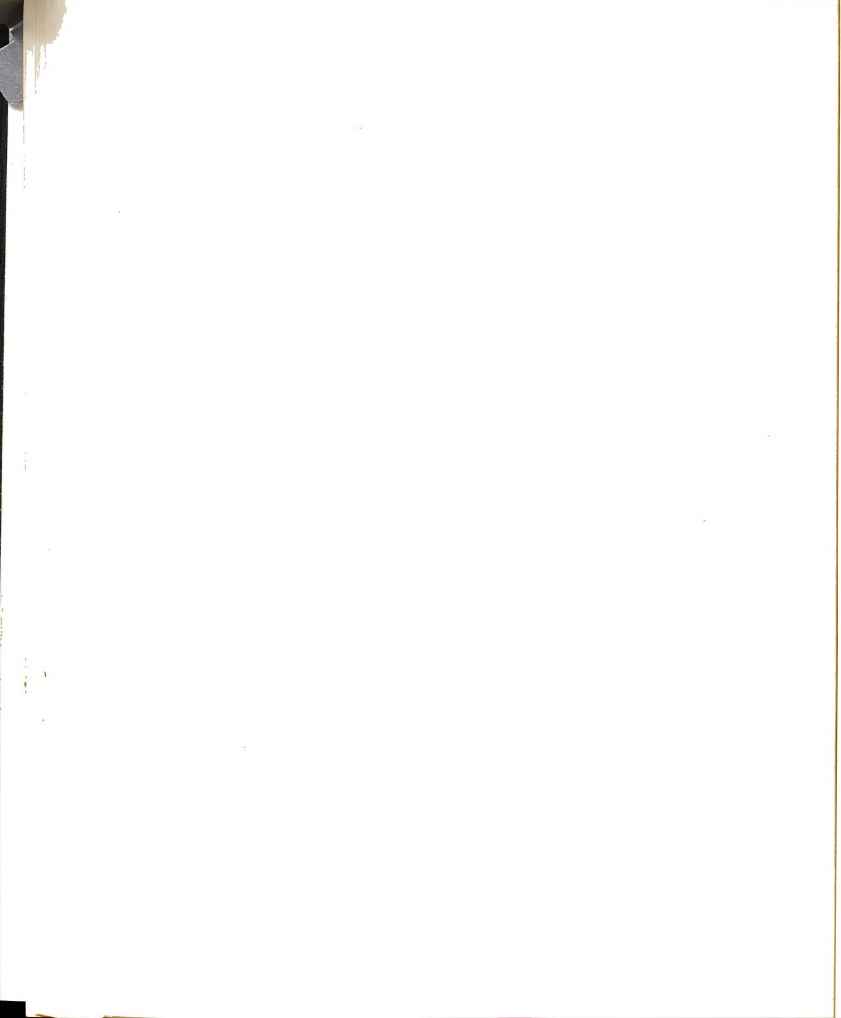
Judging from the frequency of delegate complaints, inefficient reporting is the major weakness of the committee system. The lack of information contained in the reports give rise to more objections from the floor than any other defect of the review procedure.

More than half the appeals committee reports were extremely sketchy, containing only the appellant's name and local union, the nature of the offense if disciplinary proceedings were at issue (often this vital bit of information omitted), and the terms of the penalty imposed. When an appeal related to a non-disciplinary dispute, a committee member supporting the administration usually followed with a justification of the appellant and the issue. Extensive



ual or background information was not available nor defendant briefs presented. Copies of the report were fully distributed to the delegates but their content was critical to the verbal report. (See Appendix D-1 for examples of this kind of reporting.) This procedure was standard in many of the larger construction crafts and industrial unions. Among others, there are, the bricklayers, painters, machinists, hod carriers, operating engineers, fitters, rubber workers and steelworkers. From the maritime trades there are the East Coast sailors and the deck hands. Also in this category are the ladies' garment makers and the textile workers (TWUA), the printing pressmen, stage hands, teamsters, transport workers and the country workers.

A second type of reporting discriminated between the importance of the issue involved and the status of the appellant in the union. The quality of the report increased with the significance of the dispute and the prestige of the appellant. In such cases the reporting inclined toward more factual completeness and sometimes the appellant position was summarized in the report. But this was true only in selected instances. The more routine appeals were explained better than under the first method. Illustrative examples are provided in Appendix D-2. Among the unions in which reporting of this kind was customary are the chemical workers, electricians, communications workers, marine



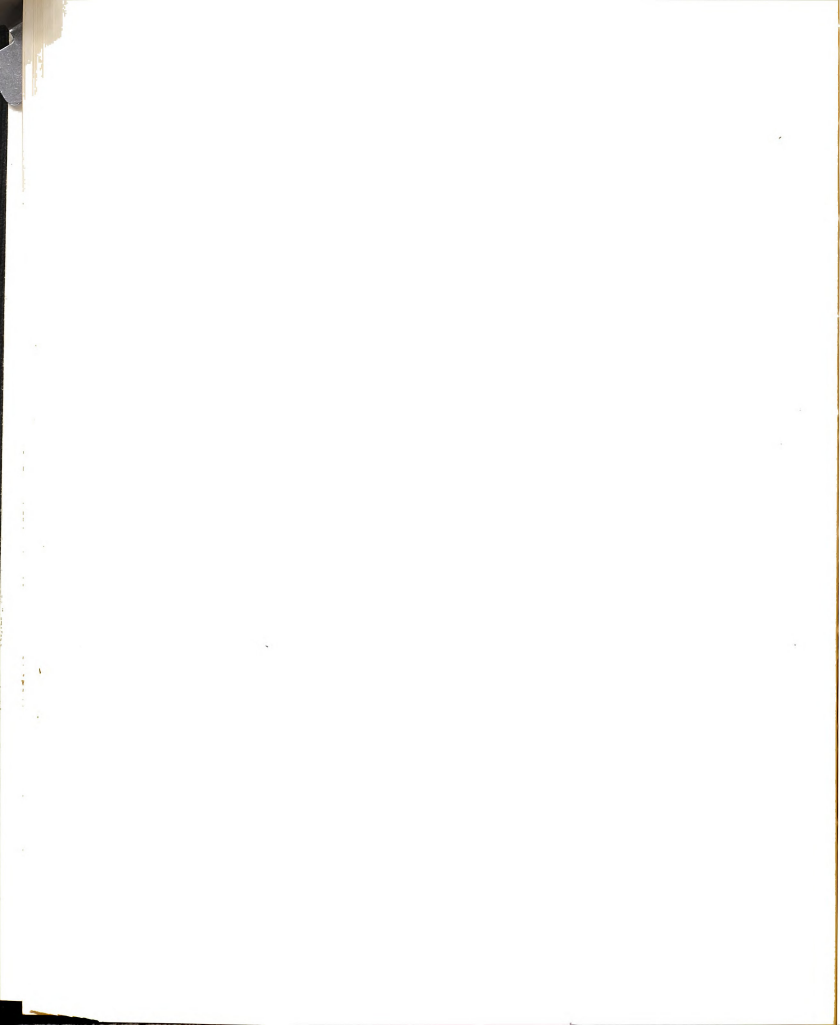
neers, and mirabile dictu, the newspaper guild. Also added are two building trades unions--the cement workers and the lathers--and two of the railroad brotherhoods, the telegraphers and railway clerks.

A third method of reporting involves the use of formal resolutions along with the usual committee report.

(Some of these resolutions are provided in Appendix D-3.) Although these resolutions are not always included in the report, they are contained in printed forms distributed to the delegates before each day's proceedings. At least ten unions used this method; they accounted for about one-tenth of the appeals. These were construction unions and railroad brotherhoods: the boilermakers, ironworkers, plasterers, painters, and roofers; the locomotive firemen and the firemen and oilers. An advantage in this approach is the opportunity sometimes afforded appellants to incorporate their own point of view in these resolutions. Hence, despite the incomplete nature of the committee report, the delegates might have some familiarity with the appellant position.

The remaining appeals, about 15 percent of the total, were reported out with more information available. Some of these included railroad brotherhoods, an industrial union and a few of the white collar worker organizations are among the unions that use this fourth method. The trainmen, telegraphers and railway conductors were especially thorough in providing additional material and background information, although this was often obscured in the technical jargon of their trade.





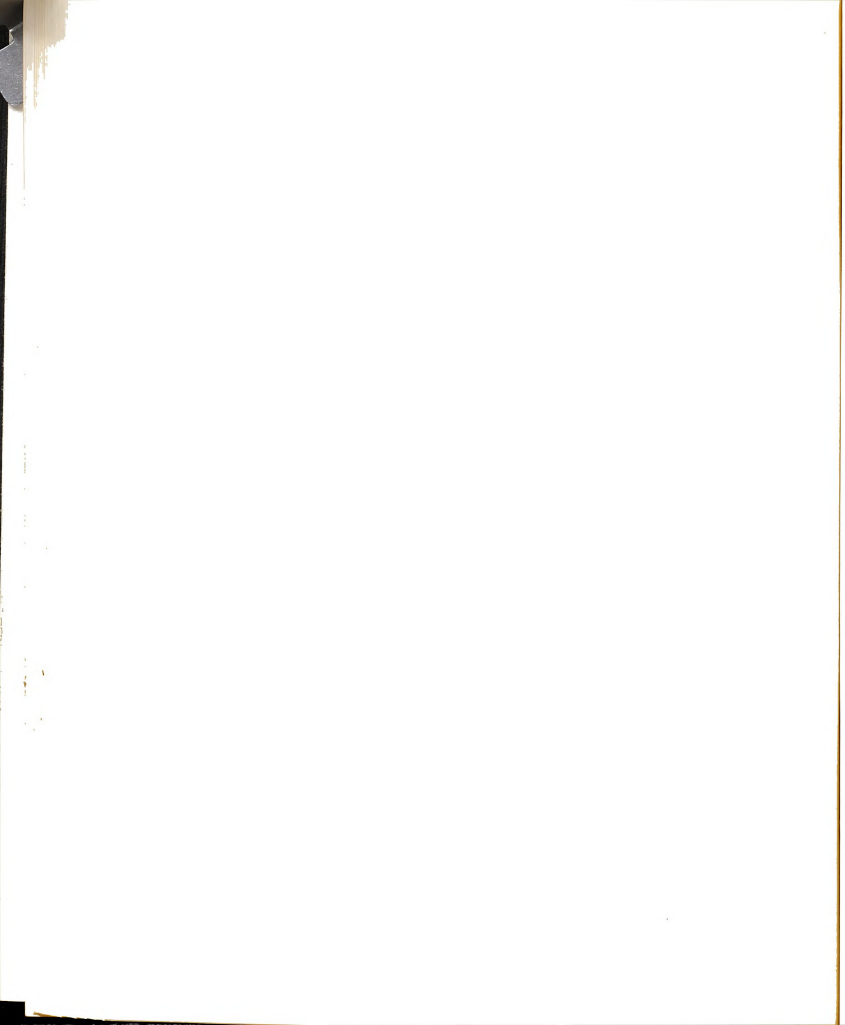
orting in the office employees' union was consistently rough. In the appeal of three local officers expelled from the union for Communist activities, the committee report covered nearly seven pages of printed proceedings and included the following: "Findings of Fact," "Conclusions Union Law," "Disciplinary Action," "Opinions" (the objections raised by the appellants, the administration's statement of prosecution and the committee's findings), and "Certification of Authenticity" of both the disciplinary appeal proceedings to date.<sup>37</sup>

Appeal committees in the UAW maintained a high quality reporting despite the large numbers of appeals at that union's conventions. The case printed in Appendix D-5 is local. Each report contained a review of the circumstances giving rise to the dispute and a summary of the committee's analysis and conclusions together with the vote of each member. Even so, delegate complaints of inadequate information were frequent, thus demonstrating how difficult it is to keep a mass jury informed of the fact. On at least two occasions delegates rose to argue that appeals involving work performance and job qualifications could not be competently reviewed by a convention with no access to the records and without an understanding of the collective agreement.<sup>38</sup> In one of these cases the convention rejected

---

<sup>37</sup>Office Employees International Union, Proceedings, 1961, pp. 286-93.

<sup>38</sup>United Automobile Workers of America, Proceedings, 1961, pp. 540-41, and (1962), p. 263. Cf., Proceedings, 1961, pp. 335-36.



committee's recommendation until certain work records produced.<sup>39</sup>

Inadequate committee reporting works to the disadvantage of the appellant. Knowing this, suspended president Buckmaster sought to avoid committee handling of his appeal at the 1949 rubber workers convention.

Buckmaster, who had narrowly been elected to the presidency following S. D. Dalrymple's retirement, was suspended from office by a majority of the national executive board members, who were sympathetic to H. R. Lloyd, Buckmaster's chief rival within the union, for allegedly calling an illegal local meeting and creating a disturbance at that meeting. At the convention, Joseph Childs, a supporter of the appellant who became the union's vice president upon Buckmaster's return to office, pointed out the inefficiency and unfairness of the committee system:

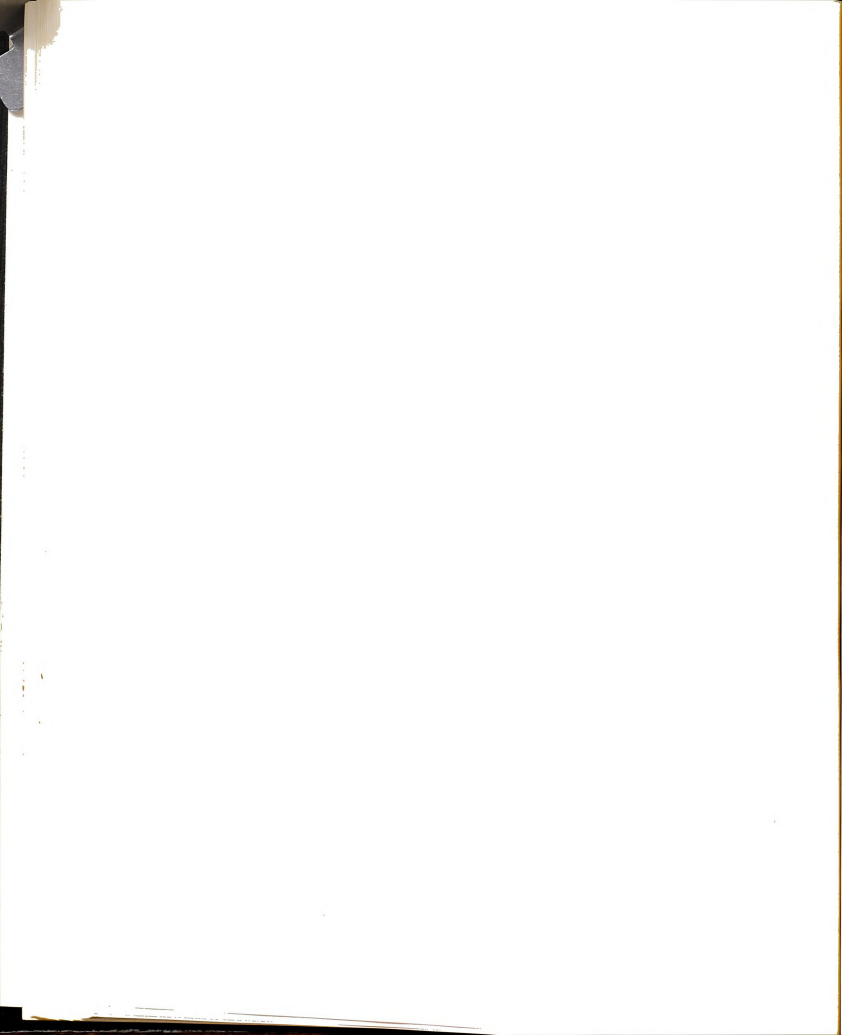
If the appeal is taken to the Committee, it is going to take hours and hours of careful screening, and then every word that is presented is their word, and it won't be in an appeal directly to you, but it will be the Appeals report that you decide upon. That isn't what you want to do. What you want to do is to decide what is right and wrong and the best way to do that is to hear the case presented by both sides in a fair, impartial, and open manner.<sup>40</sup>

For a lengthy debate the appellant forces were able to win the appeal heard on the floor under circumstances

---

<sup>39</sup> Proceedings, (1962), p. 538.

<sup>40</sup> United Rubber Workers of America, Proceedings, (1949), p. 44.



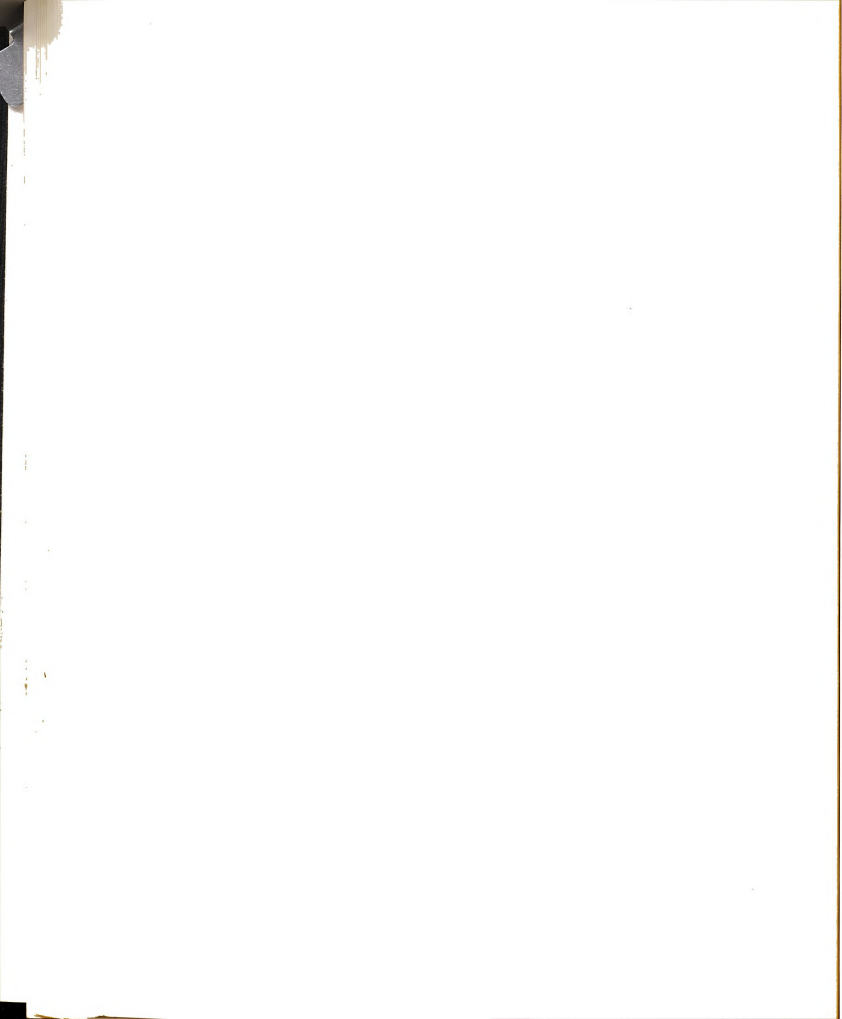
le to themselves: each side was given three and  
 of hours to present its case with a vote on the matter  
 ately after the presentations, thus excluding any de-  
 The Buckmaster defense, which was the most well  
 zed of the convention appeals examined, consisted  
 tten affidavits, testimonials, and an impassioned  
 s by Buckmaster. The Lloyd forces, on the other hand,  
 bviously unprepared--they might have fared better if  
 sue had been debated. Nearly two days were consumed  
 g the case, but when the vote was finally taken, Buck-  
 was returned to office by a slim margin. However,  
 tire Buckmaster slate was elected the following day  
 ve since remained in control.

#### ses to Delegate Requests for More gh Committee Reporting

When the delegates complained that a report was vague  
 informative, the convention chairman usually requested  
 t summation of the essential facts in the case. This  
 ed in little more than identification of the appellant,  
 ement of the previous decision and the committee recom-  
 ion. Such was the information provided after one  
 te refused to vote on the initial report: "I feel  
 oolish sitting here voting on this question," he com-  
 d, "I don't even know what it is all about."<sup>41</sup>

---

<sup>1</sup>Brotherhood of Railway Carmen of America, Pro-  
 s, (1954), p. 502. A delegate to the machinists  
 ion claimed that he couldn't vote because the com-  
 chairman in his report had told the delegates



ut the structure of national conventions does not  
the lengthy exposition of factual information to the  
sembly. The following is a typical response to re-  
for additional information:

e committee brings in a report with all the infor-  
tion they believe essential to the case . . . . If  
e committee wants to supply that information they  
n, of course, do that. But you cannot have the  
tire case brought to the floor. That is why you  
ve a committee. The committee goes into the full  
se, and you are supposed to repose some confidence  
them. . . .<sup>42</sup>

#### s of Supplementing Appeal tee Reports

Can inadequate committee reporting be remedied through  
ative sources of information? Three methods might be  
ered: (1) permitting appellants to appear before the  
tes in their own behalf, (2) encouraging questions  
he floor, and (3) relying on the informal channels of  
ication.

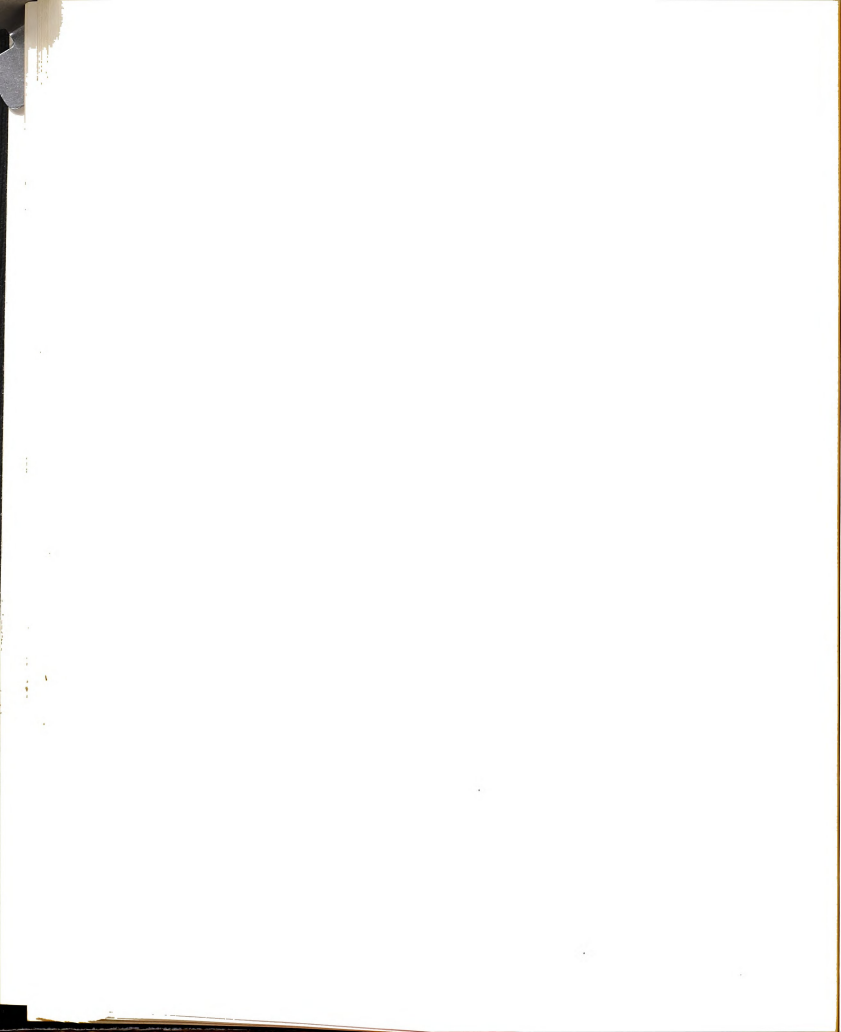
Allowing appellants to address the convention provides  
ellent opportunity to supplement the committee report  
correct any errors of fact. The delegates hear both  
in the dispute and the direct confrontation of appel-  
nd administration usually results in cross-examination

---

g about the dispute. International Association of  
ists, Proceedings, (1948), p. 75. For similar com-  
s, see: International Brotherhood of Electrical  
s, Proceedings, (1946), p. 377; United Packinghouse  
s, Proceedings, (1949), pp. 216-17; Transport Workers  
f America, Proceedings, (1961), p. 270; National  
e Union of America, Proceedings, (1947), p. 878,  
p. 590, (1953), p. 294, (1955), p. 386.

<sup>2</sup>National Maritime Union of America, Proceedings,  
p. 694.





which further clarifies the issues. Discussion and debate between the delegates is also lengthiest when individual appellants are allowed to participate. Only a small percentage of the appellants addressed the convention in this way, however. The burden of traveling to the convention, to obtain constitutional regulations, traditional convention practices and the response of convention chairmen to such requests, explain the small number of appearances.

Only elected delegates, union officials and invited guests may address the convention under most union constitutions which deal with this question. No one not a delegate at ladies' garment workers conventions, for example, may appear "unless invited to speak by the General Executive Board."<sup>43</sup> The machinists' constitution prohibits anyone bringing an appeal to the convention from appearing in person.<sup>44</sup> By contrast, rules in the musicians' union specify that "parties to the appeal may speak on the motion even if they are not delegates."<sup>45</sup> Anyone appealing expulsion from membership is accorded the privilege of speaking to building service employees conventions "under such conditions and for the period of time fixed by the convention."<sup>46</sup>

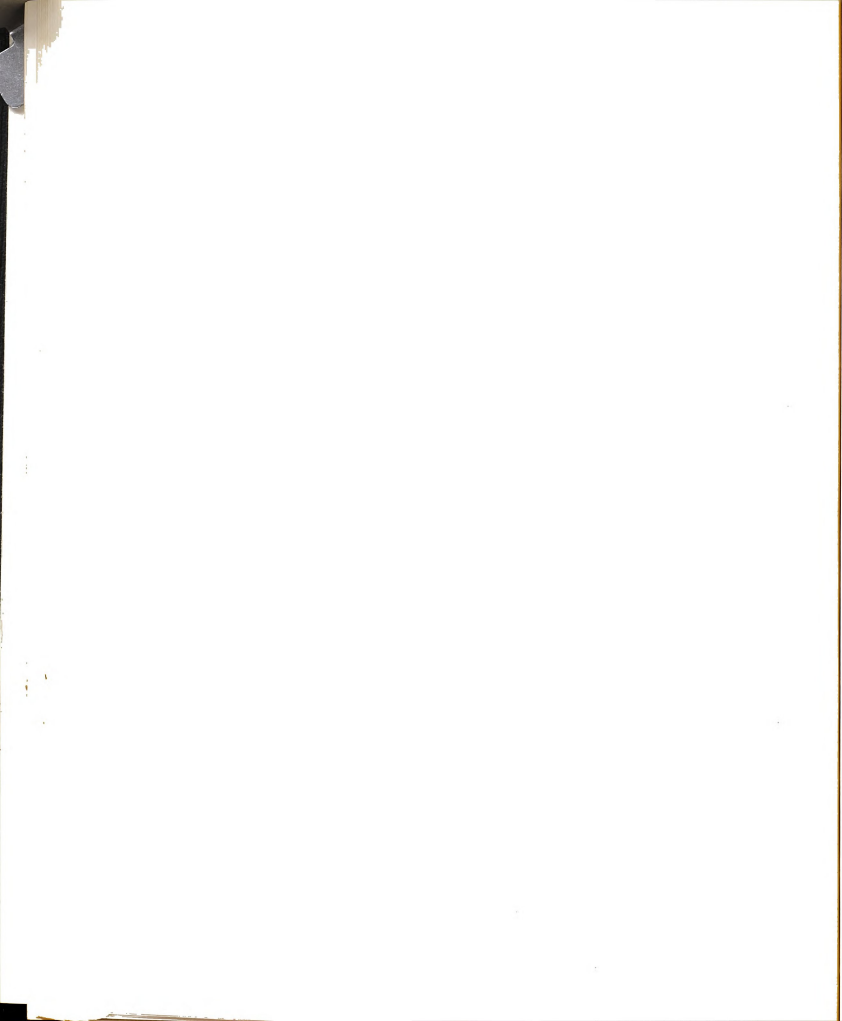
---

<sup>43</sup>International Ladies' Garment Workers' Union, Constitution, (1962), Art. II, sec. 12.

<sup>44</sup>International Association of Machinists, Constitution, (1961), Art. L., sec. 16.

<sup>45</sup>American Federation of Musicians, Constitution, (1960), Art. 26, sec. 6.

<sup>46</sup>Building Service Employees' International Union, Constitution, (1960), Art. XVI, sec. 7.



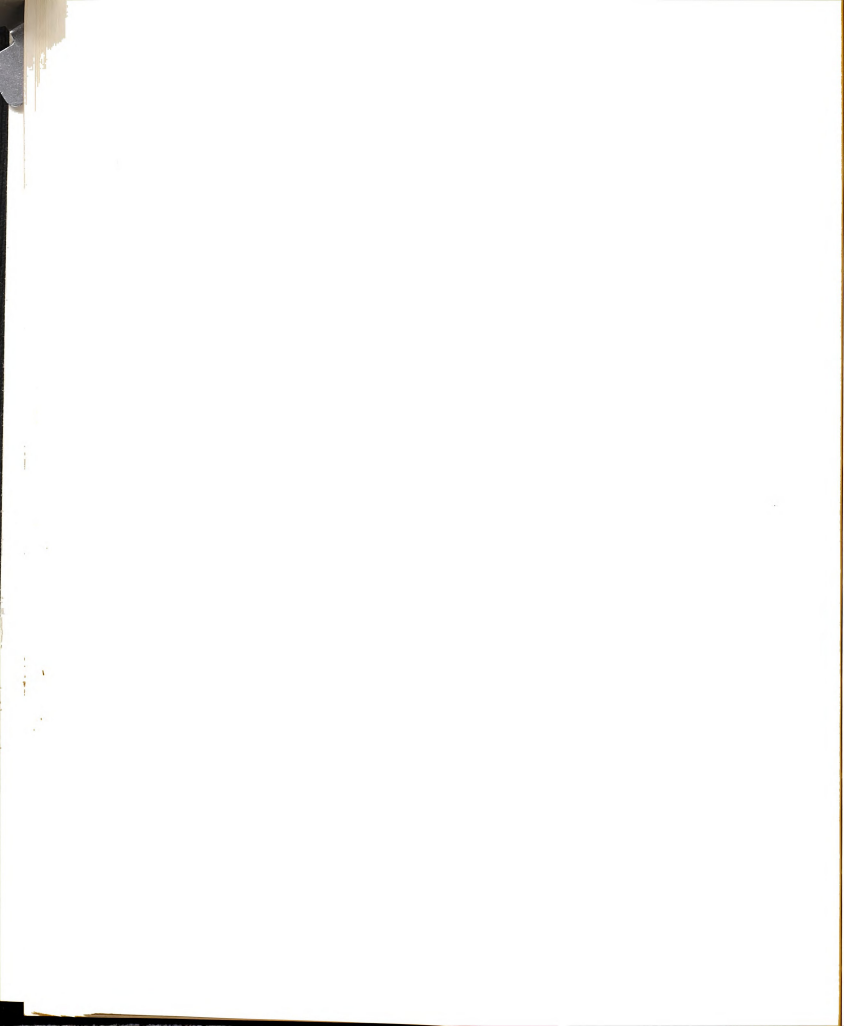
But most constitutions are silent on this point thus leaving the decision to the convention. This enables the presiding officer to act as the final arbiter. Typical are two incidents which occurred at conventions of the railway carmen. In one case a motion to permit a suspended edge officer to present his defense statement was ruled out of order by the chair. In another, the delegates wished to clarify the issues in a complex dispute by allowing one of the appellants to speak--he was at the convention though not an elected delegate. "There is no case against [him] before the convention," said the chairman, refusing to entertain the motion.<sup>47</sup> A similar request to address a convention of the printing pressmen was turned down by the chairman because the appellant was not a delegate.<sup>48</sup> A local official of the packinghouse workers' union was not permitted to respond to the committee report on his local's appeal. In turning down the request, the convention chairman said that the committee advised him the official's remarks would not be relevant to the dispute.<sup>49</sup> Several rubber workers' union staff members who had been dismissed by the president were denied appearances at the national convention; union policy,

---

<sup>47</sup>Brotherhood of Railway Carmen of America, Proceedings, (1954), p. 504.

<sup>48</sup>International Printing Pressmen and Assistants' Union, Proceedings, (1960), p. 167.

<sup>49</sup>United Packinghouse Workers, Proceedings, (1949), p. 214-17.



was explained at the following convention, did not "permit individuals who make their appeals to the convention to come here and testify."<sup>50</sup>

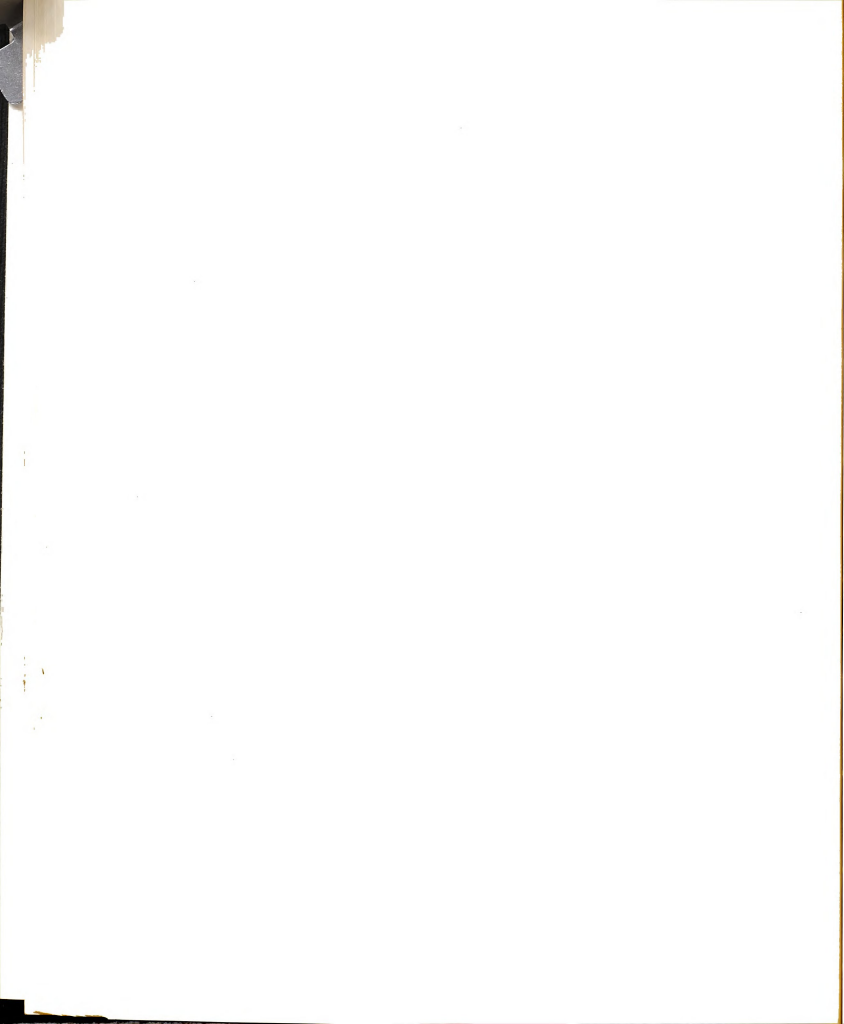
In making these decisions the convention chairmen neglected to first poll the delegates. This is significant because delegates were generally more permissive on this issue than the leadership. Delegates to conventions of the communications workers and trainmen, for example, readily approved appellant speaking requests. But at one teamsters convention they were not as accommodating. When asked to decide if all the appellants--26 cases were on the docket--should be allowed to present their cases directly to the convention, they unanimously rejected the proposal. This was after the committee chairman reminded them that with only four days of proceedings remaining, to review appeals in this way would require the convention to "spend the remainder of its time hearing appeals."<sup>51</sup> Nevertheless, in nearly every instance the delegates voted to give appellants the opportunity to be heard, provided the presiding officer would allot the time.

Sometimes the chairman, without prompting, invited appellants to appear. Walter Reuther, for example, immediately after each committee report asked if the appellant was

---

<sup>50</sup>United Rubber Workers of America, Proceedings, 1952), p. 258.

<sup>51</sup>International Brotherhood of Teamsters, Proceedings, (1947), p. 132.



in attendance and wished to speak. Steelworkers president Philip Murray did the same. But speaking privileges initiated by the convention chairman are usually associated with the appellant's political status within the organization. About a third more staff member and national officer appellants spoke before the convention than did member petitioners. Some of the unions in which appellant employees and officers addressed conventions include the chemical workers, electricians, newspaper guild, and papermakers; the cement workers and the teachers. On the other hand, local member appellants, mostly disciplined officials, testified before conventions of the upholsterers, UAW, switchmen, shipbuilders, musicians and leather workers.

The appellants made their appearance just after the reading of the committee report, usually before any discussion by the delegates. The time allotted them ranged from the setting aside of a practically unlimited period in the teachers' union to the typical practice of limiting appellants to the five or ten minute speaking rule. In the UAW they were sometimes restricted to 15-20 minute addresses but more often Reuther simply asked appellants to "be reasonable" in using the convention's time. Even where the original allocation was meager, the delegates usually conceded more time if asked.

The reception accorded appellants by the delegates, though by no means cordial, was seldom actively hostile, even when persons accused of disloyal acts or Communism





were involved. Most were allowed to present their cases without undue harrassment or interference from the floor. Sometimes this was due to administration efforts. In one case the chair requested that a suspended local officer accused of Communist activities be heard without disruptive shouting or booing."<sup>52</sup> He was not interrupted during his presentation but a question and answer period which followed was not so mild. Derogatory and incriminating remarks directed at appellants from the floor were not unusual.

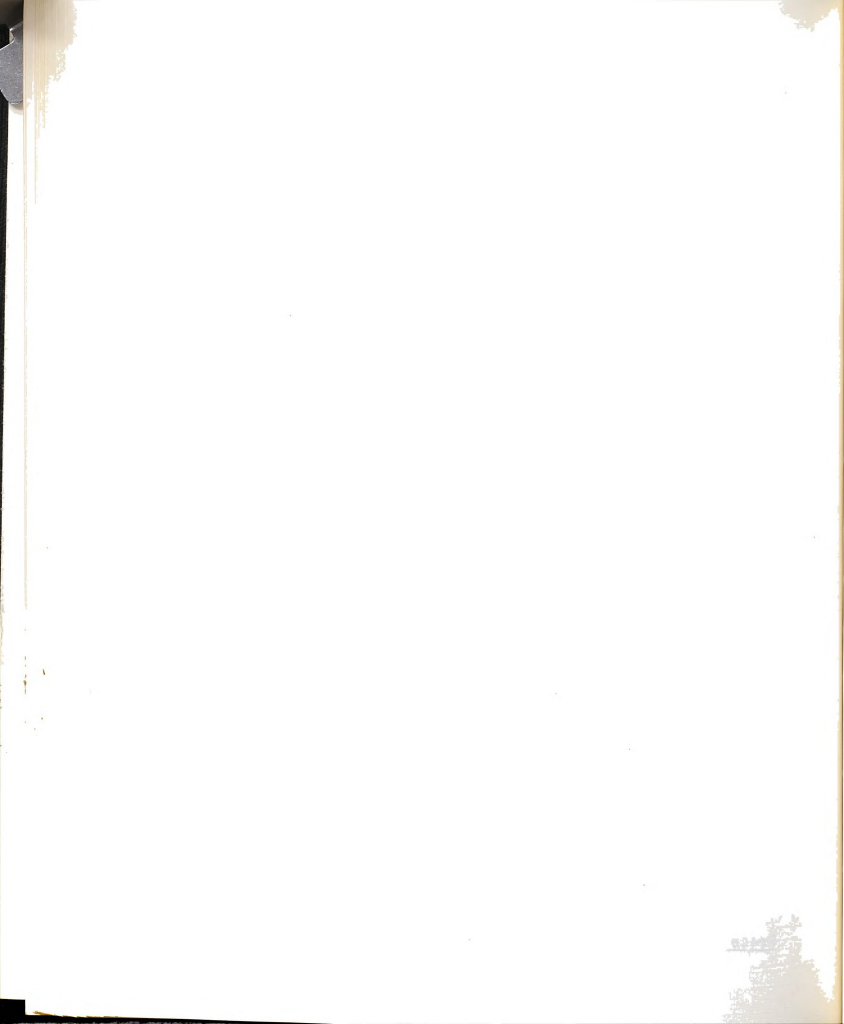
Nearly all of the appellants who addressed the convention were local officials, staff members and national officers, hence, intelligible speakers capable of pleading their cause with some proficiency. But this was not always true with the rank-and-file appellants. For example, two members appeared in separate cases before an electricians' union convention to protest the international's failure to investigate charges filed by them against local business agents. Neither appellant presented his case articulately, although both exceeded the regular time limitation; the charges remained ill-defined in rambling discourses which omitted most of the essentials.<sup>53</sup>

In sum, such a small proportion of appellants, just over 1 percent, appeared before the convention that this

---

<sup>52</sup>Marine and Shipbuilding Workers of America, Proceedings, (1952), pp. 232.

<sup>53</sup>International Brotherhood of Electrical Workers, Proceedings, (1958), pp. 656-65.



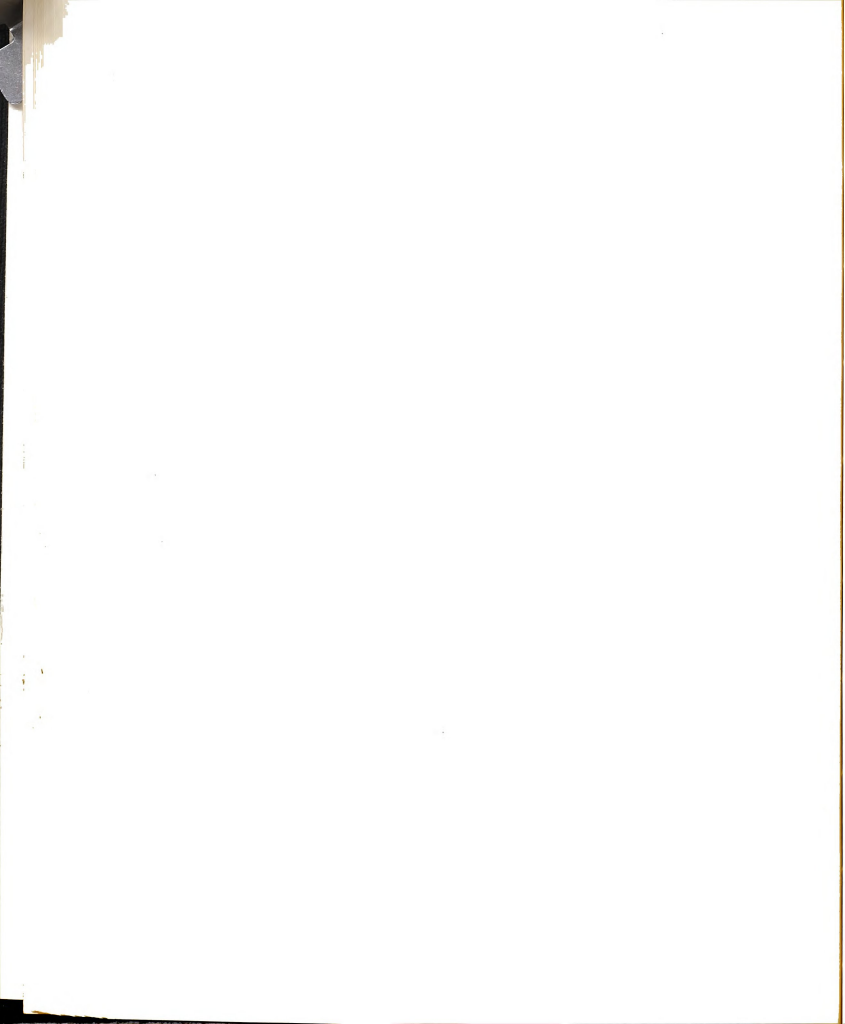
method of supplementing inadequate committee reporting was not fully utilized. Moreover, those unions in which committee reporting was sufficiently informative were the ones most likely to allow appellant speakers.

A second way in which incomplete reporting might be supplemented is through uninhibited question and answer exchanges between committee members, administration officials and the delegates on the floor.

But the delegates were seldom given this opportunity. Their requests for clarification on certain points or to hear the testimony of the parties to the dispute were rarely acknowledged. The chair simply called attention to the rules of parliamentary procedure which prohibit such informal discussion or, more often, reminded the delegates of the nature of the committee system. Textile workers president, Rieve, for example, ruled out of order a request that he explain to the convention what the administration planned to do with the treasury of a dissolved dyers' federation which had been transferred into the national treasury. According to parliamentary rules of procedure, discussion must be confined to the motion before the assembly, and at the time the only thing on the floor, he ruled, was a committee recommendation to deny an appeal that the disputed funds be earmarked for strike relief of dyers' local members.<sup>54</sup> One delegate to an

---

<sup>54</sup>United Textile Workers of America, Proceedings, (1950), pp. 111-12.



East Coast sailors' union convention asked if the charges in a discipline case could be described in the committee report. President Curran rejected the motion. "The Appeals Committee has examined the case and has made a recommendation," he said. "That recommendation is on the floor."<sup>55</sup> Without further discussion a vote was taken and the committee ruling approved.

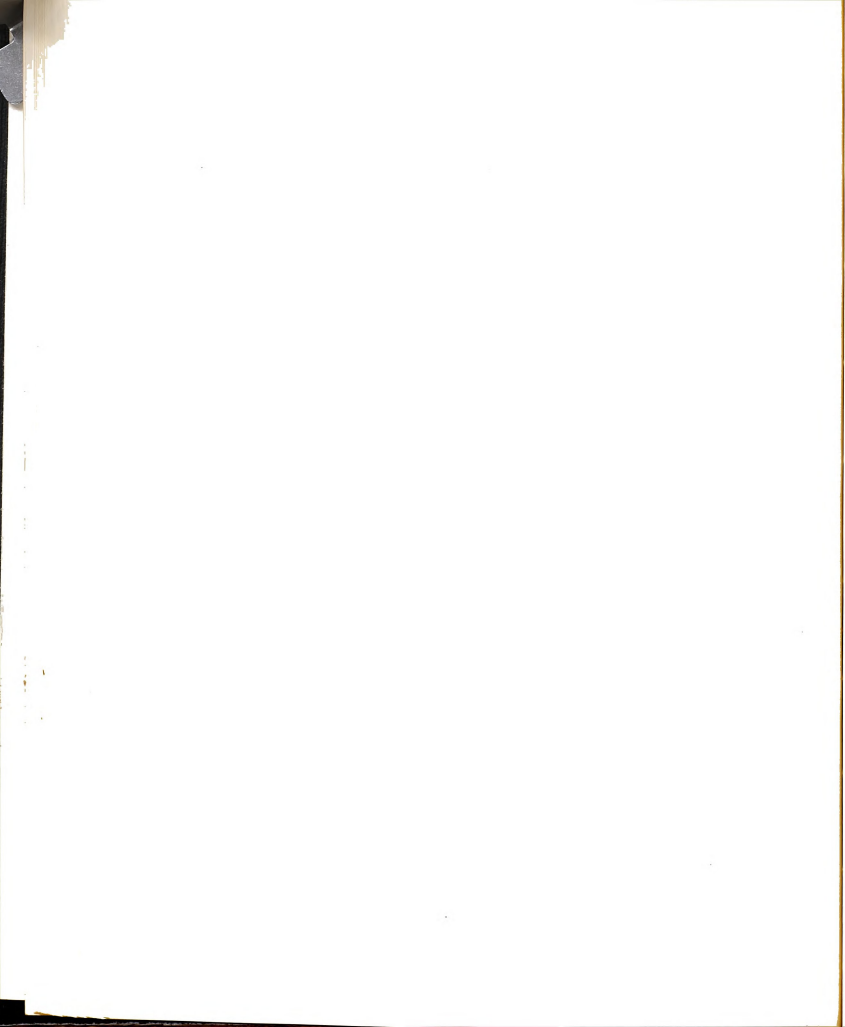
The paucity of time which accompanied the deliberation of appeals made impossible any extended consideration of the facts. Typical was the reply to one delegate who complained that the committee report was totally inadequate. That was the procedure always used, replied the committee chairman, because if the evidence in appeal cases were to be explained in the committee report the delegates "would be here until next year, trying to go through all that stuff."<sup>56</sup> Clearly, this method of remedying incomplete reports was not widely used.

A third possibility remains. It can be presumed that at the national convention information relating to appeal cases travels by word of mouth from one group to the next, not only on the convention floor and in the conference rooms but in the hotel lobbies, corridors, bars, and dining rooms as well. But can this source of information compensate for inadequate committee reporting?

---

<sup>55</sup>National Maritime Union of America, Proceedings, 1949), p. 590.

<sup>56</sup>Transport Workers Union of America, Proceedings, 1961), p. 270.



The delegates are familiar with disputes involving important personalities in the union or issues which affect the entire union. They have probably been previously instructed how to vote on such matters. In these appeals, skeletal reporting would not impose serious limitations. But what of the routine appeal with no real significance beyond the few persons involved in the dispute? There is nothing in the deliberations to indicate that delegates take the trouble to familiarize themselves with these cases or that they become aware of them through other sources. But because the adequacy of committee reporting escalates with the overall significance of the appeal, the disputes most in need of supplemental enlightenment ironically benefit the least from informal sources of information.

#### Appeal Committee Recommendations

A later chapter deals more thoroughly with the disposition of convention appeals but the following is a summary of appeal committee recommendations. These recommendations are significant because in nearly 98 percent of the appeals the committee is upheld by the delegates.

All of the committee rulings to deny appeals--and most of their sustentions of appellants--represented the administration position. In 140 cases the committee either referred the dispute to some other tribunal, voted to amend the previous decision or concluded the matter in some other way without denying or sustaining the appellant. Appeals





TABLE III-2

## APPEAL COMMITTEE RECOMMENDATIONS

| Committee Recommendation        | Number of Appeals | Percentage of All Committee Recommendations |
|---------------------------------|-------------------|---|
| Denial                          | 1428              | 83.5  |
| Sustention                      | 152               | 8.8   |
| Refer to another union tribunal | 82                | 4.3   |
| Amend the previous decision     | 29                | 1.7   |
| Other                           | 29                | 1.7   |
| Total                           | 1720 <sup>a</sup> | 100.0                                       |

<sup>a</sup>Excludes 5 cases in which there was no appeal committee review and report to the delegates.

referred elsewhere were usually reconsigned for review and final disposition back to the tribunal from which the appeal had been taken, generally the national executive board or president. Adjustments consisted of reduced disciplinary penalties and partial compensation of financial claims. Most of the appeals included in the "other" category were ones in which the matter was initially submitted to the convention but was subsequently withdrawn at the appellant's request, frequently after consultation with national officials.

### Conclusions

The convention appeal committee is appointed as an expeditious body to hear cases and report to the full

TABLE III-2

## APPEAL COMMITTEE RECOMMENDATIONS

| Committee<br>Recommendation  | Number of<br>Appeals | Percentage of All<br>Committee<br>Recommendations |
|------------------------------|----------------------|---|
| Final                        | 1428                 | 83.5  |
| Attention                    | 152                  | 8.8   |
| Refer to another<br>tribunal | 82                   | 4.3   |
| and the previous<br>decision | 29                   | 1.7   |
| Other                        | 29                   | 1.7   |
| Total                        | 1720 <sup>a</sup>    | 100.0   |

<sup>a</sup>Excludes 5 cases in which there was no appeal committee review and report to the delegates.

referred elsewhere were usually reconsigned for review and final disposition back to the tribunal from which the appeal had been taken, generally the national executive board or president. Adjustments consisted of reduced disciplinary penalties and partial compensation of financial claims. Most of the appeals included in the "other" category were cases in which the matter was initially submitted to the convention but was subsequently withdrawn at the appellant's request, frequently after consultation with national officials.

### Conclusions

The convention appeal committee is appointed as an independent body to hear cases and report to the full

convention. These committees, selected by the administration, were in a majority of instances chaired by persons either directly associated with the national leadership or holding intermediate level positions in the organization. Moreover, the normal process of advancement within the union hierarchy is reason to expect local level appointees to be equally loyal to the administration.

The opportunity for administration influence over the appeal committee is not the only reason for questioning the feasibility of using the committee system in convention appeals review. Other and equally serious shortcomings were revealed in the method of committee reporting. Crowding the report into the final hours of the session, a common practice, often resulted in convention deliberation of these cases under extremely adverse conditions. Time pressures and other factors produced grossly inadequate reporting of factual and background information, and the discretionary powers of the convention chairman, plus the demand for a realistic allocation of time, combined to make the availability of additional information to the delegates very uncertain. And of course any hope of an open hearing before the full convention was out of the question.

Supplemental information through personal appearances by appellants or direct questioning of committee members was infrequent, occurring chiefly in those organizations with above-average committee reporting from the start.

In sum, while the convention committee system may be necessary to cope with the pressures of time and unfinished business, it has proved to be inefficient and inadequate in the review of appeals.

Nevertheless, it is conceivable that in their consideration of the committee report, the delegates themselves might remedy the shortcomings of committee reporting by a thorough examination of the facts in the matter, thereby restoring an opportunity for a more reasoned and informed final disposition of appeals. This is the next object of study.

## CHAPTER IV

### DELIBERATION OF CONVENTION APPEALS

#### Introduction

In the preceding chapter I have shown how the initial convention review body, the appeal committee, is subject to administration influence both in its structural composition and its method of operation, and that the committee report, for a number of reasons, is notably limited in factual, background and contentious materials.

An excellent opportunity is provided in the normal process of convention deliberation for the delegates to correct any administration influence and to obtain information supplemental to committee reports. In their discussion and debate, delegates exercise the supreme adjudicative authority vested with the national convention. Thus, the convention's efficiency as an appeal tribunal is determined here: an effective deliberative procedure is the sine qua non of a meaningful adjudicative review.

This chapter describes and analyzes convention deliberation in the review of appeals. Three questions are posed. These relate to the criteria I advanced in the introductory chapter to test the second hypothesis: are fair procedures

used in the review of appeals? First, do the delegates discuss appeals before voting on the committee recommendation, and are discussions prejudiced by the issues and appellants involved? Second, how does the convention chairman use his authority to govern the deliberations? Does his response encourage a meaningful review of the case or does it debilitate this and prevent the convention from acting as a check on the leadership? Finally, do certain structural variables such as the size of the convention, its geographic location and the length of sessions, detract from its effectiveness?

#### The Frequency of Debate

The frequency of debate is an important index of the efficiency with which delegates perform the review function. Theoretically, it is through debate that they weigh the merits of committee recommendations and consider alternative proposals. In this way consensus is achieved and action can be taken.

#### The Lack of Debate

There was a striking absence of discussion and debate on the two thousand appeals included in this study. As Table IV-I shows, approximately four of every five cases were voted upon by the delegates without discussion. In nearly 75 percent there was no comment between the committee report and its ratification by the delegates. Only about one of every ten appeals was debated at length; less than 20 percent were discussed at all.





TABLE IV-1

## FREQUENCY OF DEBATE ON CONVENTION APPEALS

| Appeals<br>(1)   | Frequency of Debate       |            |                 |                 |                  |                  |
|--|---------------------------|------------|-----------------|-----------------|------------------|------------------|
|  | Absent <sup>a</sup>       |            | Minimal<br>(3)  | Moderate<br>(4) | Extensive<br>(5) | Prolonged<br>(6) |
|  | "A"<br>(2)                | "B"<br>(2) |                 |                 |                  |                  |
| Number of appeals  | 1,269                     | 118        | 128             | 74              | 114              | 10               |
| % of total<br>appeals debated<br>(totals = 1,709) <sup>b</sup> | 74.3                      | 6.9        | 7.3             | 4.3             | 6.7              | .6               |
|  | 81.2<br>Not debated       |            | Debated<br>18.9 |                 |                  |                  |
|  | Debated at length<br>11.6 |            |                 |                 |                  |                  |

113

<sup>a</sup>The categories of debate frequency, columns (2) through (6), are defined as follows: Absent "A" - No comment, question or discussion pertaining to the appeal occurred between the committee recommendation and the vote on the recommendation.

Absent "B" - A statement, comment or question was made by one person, not always a delegate, between the committee recommendation and the vote.

Minimal - Denotes exchanges of opinions among two to four persons covering less than three pages of convention proceedings.

Moderate - Debate involving either more than four speakers or covering more than three pages of convention proceedings.

Extensive - More than four pages of proceedings or more than six speakers.

Prolonged - Discussion and debate lasting one convention session or longer.

<sup>b</sup>Figure does not include appeal cases--16 in all--for which data regarding deliberation are not available.

These average figures conceal significant variations among unions. Table IV-2 shows the ratio of appeals debated in each union. In only ten unions were appeals debated at least two-thirds of the time; altogether they heard 27 cases. On the other hand, 48 unions discussed less than 20 percent of the time the 1,255 appeals submitted to their conventions. The frequency of debate diminished with increasing numbers of convention appeals. Table IV-2 shows that with the exception of unions in which appeals were never debated, the percentage of appeals debated is inversely related to the number of appeals. There is simply not enough time to debate them all. The insufficiency of committee reports further explains the lack of debate. In the absence of information on the appeals there is little to discuss.

Related Appeal Issue and the  
Frequency of Debate

Debate is markedly affected by (1) the issue involved, and (2) the identity of the appellant. Table IV-3 shows the relationship between issues and the frequency of debate. Appeals in the first eight categories of column (1) were debated at least 20 percent of the time. National union-local union issues dominate six of these categories. Remembering that most convention delegates hold local union position, it is understandable that they would show more interest in these disputes than appeals in the next twelve categories, which are mainly member-related disciplinary appeals.

TABLE IV-2  
DEBATE BY UNION

| Percent of<br>Appeals<br>Debated<br>(1) | National Union and Number of Appeals<br>(Appeals in Parentheses)<br>(2)  | Total<br>Unions<br>(3) | Total<br>Appeals<br>(4) |
|---|--|------------------------|-------------------------|
| 0                                       | <p>Clothing workers (1)<br/>Electrical workers (IUE) (1)<br/>Electrical workers (UE) (3)<br/>Firemen and oilers (3)<br/>Ladies' garment workers (28)<br/>Glass workers (1)<br/>Hod carriers (33)</p> <p>Hotel employees (1)<br/>Laundry workers (5)<br/>Lithographers (5)<br/>Locomotive firemen (1)<br/>Maintenance of way (1)<br/>Stone polishers (2)<br/>Meat cutters (2)</p> <p>Mine workers (17)<br/>Office employees (3)<br/>Packinghouse workers (1)<br/>Retail clerks (2)<br/>Metal workers (8)<br/>Shoe workers (1)</p>   | 20                     | 113                     |
| 1-19                                    | <p>Bakers (Ind) (11)<br/>Boilermakers (10)<br/>Bricklayers (94)<br/>Building employees (22)<br/>Carpenters (52)<br/>Electricians (150)<br/>Operating engineers (24)<br/>Allied industrial workers (6)<br/>Ironworkers (15)</p> <p>Lathers (17)<br/>Letter carriers (35)<br/>Longshoremen (ILA) (6)<br/>Machinists (46)<br/>Mailers (16)<br/>Mine, mill (6)<br/>Painters (100)<br/>Plasterers (62)<br/>Plumbers (37)</p> <p>Printing pressmen (17)<br/>Railroad telegraphers (72)<br/>Railway clerks (61)<br/>Roofers (26)<br/>Stage hands (80)<br/>Steelworkers (45)<br/>Street, electric (31)<br/>Teamsters (15)<br/>Textile workers (TWUA) (11)<br/>Transport workers (75)</p> | 28                     | 1142                    |
| 20-39                                   | <p>Brewery workers (17)<br/>Cement workers (3)<br/>Marine engineers (66)</p> <p>East Coast sailors (241)<br/>Newspaper guild (5)<br/>Railway carmen (28)</p>   | 9                      | 447                     |
| 40-66                                   | <p>UAW (104)<br/>Chemical workers (6)</p> <p>Communications workers (29)<br/>Hatters (4)</p>   | 7                      | 233                     |
| 67-99                                   | <p>Leather workers (3)</p> <p>Oil workers (6)</p>  | 3                      | 14                      |
| 100                                     | <p>Papermakers (2)<br/>Switchmen (3)</p> <p>Teachers (4)<br/>Telegraphers (1)</p> <p>Rubber workers (17)<br/>Railroad trainmen (37)<br/>Shipbuilders (22)</p> <p>Woodworkers (5)<br/>Tobacco workers (1)<br/>Upholsterers (1)</p>  | 7                      | 13                      |

TABLE IV-3

## DEBATE BY RELATED ISSUES

| Issue<br>(1)                     | % of<br>Appeal Cases<br>Debated<br>(2) | Members as<br>% of all<br>Appellants<br>(3) |
|----------------------------------|--|---|
| 1. Officer and staff complaints  | 62                                     | 11  |
| 2. Mergers and affiliations      | 44                                     | 11  |
| 3. Grievance handling            | 36                                     | 88  |
| 4. Communism                     | 20% < 33                               | 96  |
| 5. Jurisdictional disputes       | 30                                     | 3   |
| 6. Direct control over locals    | 30                                     | 23  |
| 7. Financial matters             | 26                                     | 31  |
| 8. Collective bargaining         | 22                                     | 25  |
| 9. Judicial procedures           | 20                                     | 73  |
| 10. Work rules                   | 17                                     | 87  |
| 11. Elections                    | 14                                     | 88  |
| 12. Misbehavior of officers      | 14                                     | 85  |
| 13. Illegal strikes              | 13                                     | 92  |
| 14. Membership regulations       | 20% > 12                               | 89  |
| 15. Union benefit claims         | 12                                     | 39  |
| 16. Membership status            | 12                                     | 61  |
| 17. Disloyalty to the union      | 12                                     | 85  |
| 18. Dissension and slander       | 12                                     | 95  |
| 19. Seniority and jobs           | 7                                      | 78  |
| 20. Conducting of union meetings | 5                                      | 71  |

This confirms Leiserson's observation that the delegates give "little attention to contests between individuals within a local union."<sup>1</sup> As column (3) shows, appeals from members and local officers were debated less often than those submitted by others. Altogether, member appeals were debated only 13 percent of the time compared with 30 percent of those submitted by locals, 21 percent of the intermediate body appeals and 45 percent of the cases where national officers and staff members were appellants. (See Table IV-4.)

#### Character of Debate

Debate varied considerably in length, content and intensity. Its character was shaped by the issue involved, the appellant's political position in the union and the presiding officer's response. But all of this took place within parliamentary rules of order.

The rules governing debate in a deliberative assembly weaken its efficiency as a judicial tribunal:

Debate in a deliberative assembly must be distinguished from forensic debate, or that which takes place before a judicial tribunal; the former being . . . more the expression of individual opinions among the members of the same body; the latter more a contest for victory, between the disputants, before a distinct and independent body; the former not admitting of replies, the latter regarding reply as the right of one of the parties.<sup>2</sup>

---

<sup>1</sup>Leiserson, American Trade Union Democracy, p. 182.

<sup>2</sup>Cushing, Cushing's Manual of Parliamentary Practice, p. 126.

TABLE IV-4  
DEBATE BY APPELLANT

| Appellant<br>(1)  | Appeals<br>(2)    | Length of Debate |                 |                  | Appeals<br>Debated<br>(7) | Percent<br>Appeals<br>Debated<br>(7/2) |
|-------------------|-------------------|------------------|-----------------|------------------|---------------------------|--|
|                   |                   | Minimum<br>(3)   | Moderate<br>(4) | Extensive<br>(5) | Prolonged<br>(6)          |  |
| Member            | 1194              | 89               | 32              | 41               | 3                         | 13                                     |
| Local             | 432               | 34               | 36              | 55               | 3                         | 30                                     |
| Intermediate body | 29                | 1                | 3               | 1                | 1                         | 21                                     |
| Officer and staff | 45                | 3                | 3               | 15               | 3                         | 41                                     |
| National union    | <u>5</u>          | <u>1</u>         | <u>—</u>        | <u>1</u>         | <u>—</u>                  | <u>40</u>                              |
| Total             | 1705 <sup>a</sup> | 128              | 74              | 113              | 10                        | 19                                     |

<sup>a</sup>Does not include appeals from non-members and employer-members.

Parliamentary rules of order prescribe that speakers shall be recognized by the presiding officer. Though not subject to time limitations unless imposed by the chairman or the assembly itself, the speaker must confine his remarks to the question before the members (this is supposed to be self-regulatory but in controversial cases the chairman decides if the remarks are relevant). He must also refrain from making personal attacks or comments disparaging of the assembly and its committees. No one can speak twice on a subject without the special consent of the assembly or the chairman, and then only after others have had an opportunity to speak.<sup>3</sup>

Debate can be stopped in one of three ways: (1) the chairman, or any member, can order that the question under discussion be voted upon, (2) a specified time period allotted for debate is agreed upon beforehand, (3) or debate can be automatically halted after a designated number of speakers. Though each of these methods are used at union conventions, the first is prevalent.

Under these rules, the advantage lies with those favoring the question on the floor, the committee report. It is difficult to marshal opposition against a motion once it is on the floor. Speakers are limited to a single address of five or ten minutes and are without rights of cross-examination, presentation of evidence or rebuttal.

---

<sup>3</sup>Ibid., pp. 127-35.

Yet the opposition must do three things: discredit the committee report, provide an alternative solution, and convince the delegates that to sustain the committee is to perpetuate an injustice. Unless there is an informality of procedure and freedom of inquiry in the deliberations, these things cannot be done. For example, a local union spokesman was prevented from further discussing the issue in a jurisdiction-related appeal because, the chairman ruled, he did not confine his remarks to the question. Nevertheless, deliberation was meaningless without a discussion of that issue--an attempt to show that by accepting lower pay scales one local was pirating jobs away from others.<sup>4</sup> Elsewhere, an appellant could not respond to statements made in the committee report and by the convention chairman because he had spoken on the matter once, before the report was given.<sup>5</sup> In both cases the rules of order were technically observed.

#### The Influence of Related Issues

Table V-5 shows the length of debate on appeals by issue. Non-disciplinary, work-related appeals were frequently debated. This is because they usually involve national union-local union relations. These disputes were

---

<sup>4</sup>International Association of Iron Workers, Bridge-man's Magazine, (November, 1952), pp. 25-30.

<sup>5</sup>Oil, Chemical and Atomic Workers International Union, Proceedings, (1956), p. 410.



TABLE IV-5  
LENGTH OF DEBATE BY RELATED ISSUE

| Issue                         | Length of Debate and<br>Percent of Appeals Debated |         |          |           |           |
|-------------------------------|--|---------|----------|-----------|-----------|
|                               | None   | Minimal | Moderate | Extensive | Prolonged |
| Work rules                    | 83   | 12      | 3        | 2         |           |
| Seniority and<br>jobs         | 87   | 6       | 3        | 5         |           |
| Jurisdiction<br>disputes      | 70   | 4       | 10       | 15        |           |
| Grievance<br>handling         | 64   | 16      | 8        | 12        |           |
| Collective<br>bargaining      | 78   | 11      | 3        | 8         |           |
| Elections                     | 86   | 3       | 4        | 6         | 1         |
| Misbehavior of<br>officers    | 86   | 5       | 3        | 4         | 2         |
| Dissension and<br>slander     | 89   | 7       | 2        | 2         |           |
| Financial<br>matters          | 74   | 8       | 8        | 10        |           |
| Membership<br>obligations     | 88   | 10      |          | 2         |           |
| Membership<br>status          | 91   | 3       | 3        | 4         |           |
| Disloyalty to<br>the union    | 87   | 7       | 3        | 3         |           |
| Judicial<br>procedure         | 83   | 7       | 5        | 3         | 2         |
| Communism                     | 66   | 13      | 7        | 13        | 2         |
| Union benefit<br>claims       | 90   | 4       | 2        | 4         |           |
| Direct control<br>over locals | 69   | 7       | 7        | 10        | 7         |



TABLE IV-5--Continued

| Issue                        | Length of Debate and<br>Percent of Appeals Debated |          |          |           |           |
|------------------------------|--|----------|----------|-----------|-----------|
|                              | None   | Minimal  | Moderate | Extensive | Prolonged |
| Illegal strikes              | 87   |          |          | 13        |           |
| Officer/staff complaints     | 39   | 11       | 13       | 34        | 3         |
| Mergers and affiliations     | 65   | 17       | 9        | 9         |           |
| Conducting of union meetings | <u>96</u>  | <u>—</u> | <u>—</u> | <u>4</u>  | <u>—</u>  |
| Total (%)                    | 81.2   | 7.3      | 4.3      | 6.7       | .6        |

important to the delegates so debate was normally confined to the issues. Appeals originating from seniority roster changes and wholesale job transfers in the railroad unions, for example, were too important to be deliberated in an erratic manner; even when tempers flared, the debate stayed on the issues and personal conflicts were held to a minimum. In one, the appellants' names were deliberately withheld to ensure that only the merits of the case would be discussed.<sup>6</sup>

Many grievance-handling appeals were debated at length but this is because over half of them occurred in the UAW where extended discussion of appeals was frequent. Following committee reports in the UAW any appellant may address the convention. At least five have done so, two of them being sustained as a direct result.

Work-related appeals involving disciplinary actions were not always discussed this calmly. When the president of the plasterers' union was charged with shielding an employer whose son was implicated in a work rule violation, he angrily accused the delegate of breaking his promise to amicably settle the matter. "Now maybe this don't belong in here," he said,

but this thing was sustained by the grievance committee at the request of the general executive board[!] And I was promised just a little while ago over in that corner . . . that this question wouldn't clutter up

---

<sup>6</sup>Brotherhood of Railway Carmen, Proceedings, (1958), p. 590.

this convention on the floor . . . [and] . . . when I get somebody's word I expect them to keep it.<sup>7</sup>

The appeal resolution, as it turned out, was improperly worded so that the committee's recommendation was contrary to the agreement. In order to get the appeal off the convention floor, a special committee was assigned the task of reworking the resolution. But, unable to work out the inconsistency, the committee suggested in a report to the delegates the next morning that the case be referred back to the general executive board for reconsideration. Their recommendation was adopted.

Union-related appeals involving disciplinary penalties usually evoked a hostile reaction from the convention. Delegates are union activists. Hence, their review of appeals is influenced by the nature of the offense vis-a-vis some criteria of expected conduct by union officials and members. Appeals from penalties imposed for alleged slandering of union officers, dual unionism, disloyalty to the union and Communist activities, invariably were deliberated in a hostile atmosphere. Personal quarrelling, name-calling, and unsubstantiated claims characterized the debate.

Typical were incidents at a transport workers convention. An appellant who was expelled from membership for dual union activities heard an unencouraging chorus of boos when his case was announced as the next order of business.

---

<sup>7</sup>Operative Plasterers' and Cement Masons' International Association, Proceedings, (1959), p. 328.

Then the chairman concluded his report with a denunciation of the appellant and the merits of his case. "To discuss anything further in this case is completely unnecessary," he advised, "and in the opinion of your Committee to do so would be insulting to the decent union men and women who are delegates to this Convention."<sup>8</sup> At the same convention, it was claimed that a number of persons expelled for leading an illegal walkout had not been formally tried but were instead summarily punished by the local union executive board. The speaker, a dissident member of that executive board, claimed that no evidence had been presented which would warrant the expulsions. This exchange followed:

PRESIDENT QUILL [presiding]: Well, he [the speaker] . . . has a bleeding heart for all people that are supposed to be persecuted.

[SPEAKER]: Are you willing to deny the men that went out to fight for you the right to a hearing?

DELEGATES: (Chorus of Yesses)<sup>9</sup>

The delegates are usually willing to ratify without hesitation penalties imposed for these offenses. Six appeals involving disloyalty to the union were submitted to conventions of the steelworkers. Four were rejected without discussion.<sup>10</sup> The delegates debated reimposing an

---

<sup>8</sup>Transport Workers Union of America, Proceedings, (1950), pp. 220-21.

<sup>9</sup>Ibid., p. 225.

<sup>10</sup>United Steelworkers of America, Proceedings, (1958), pp. 469-73, and (1960), pp. 445-47.

original expulsion penalty in another, but finally agreed that suspension from membership was sufficient.<sup>11</sup> After it was pointed out that the Taft-Hartley Act prohibited dismissing persons from work for loss of union membership, the sixth penalty was also upheld.<sup>12</sup> In another instance, the convention's only concern was with a reduction of penalties by the national executive board.<sup>13</sup> Spontaneous applause sometimes followed announcement that appeals from convicted dual unionists had been denied.<sup>14</sup>

Orderly deliberation of disciplinary cases is unlikely when the appellant is well represented on the convention floor. At a recent electricians' union convention nearly two dozen local members and officers appealed penalties imposed by the international for their participation in an illegal strike.<sup>15</sup> The walkout was called in violation of an international directive not to strike, issued after contract negotiations stalemated. In response, the international revoked the local's charter and authorized a new group to continue bargaining. An agreement was quickly signed thus

---

<sup>11</sup>Proceedings, (1956), pp. 382-84.

<sup>12</sup>Ibid., pp. 389-90.

<sup>13</sup>Proceedings, (1957), pp. 256-257.

<sup>14</sup>Cf.: Brotherhood of Railway and Steamship Clerks, Proceedings, (1951), p. 396, and Bricklayers, Masons and Plasterers' International Union, Proceedings, (1962), pp. 120-25.

<sup>15</sup>International Brotherhood of Electricians, Proceedings, (1962), pp. 832-46.

bringing a majority of the members back to work. But the appellants stayed away from their jobs and urged that others do the same. At the convention the appellants accused the international of conducting secret, dual negotiations which undermined the local's original demands and made the strike inevitable. Then, they argued, the newly chartered group was ordered to accept an inferior settlement negotiated, in effect, by the international. Following a committee recommendation to deny the appeals, the president countered the accusations by calling the appellants' spokesman a liar. The appellants then charged he was using the gavel to stifle opposition views. At that point the president ordered the speaker's microphone shut off. After additional name-calling and counter-accusations, a vote was taken and the appeals were rejected.

But most illegal strike cases were not debated. The delegates were reminded that offenses of this sort jeopardize the entire union, hence there is nothing to discuss. In the appeal of an assistant business manager who was removed from office for sanctioning an illegal strike, debate was cut short when the delegates were informed that these stoppages often result in suits against the union. To tolerate this offense, it was claimed, would encourage further insubordination.<sup>16</sup>

---

<sup>16</sup>International Association of Machinists, Proceedings, (1952), pp. 242-50.



But the most emotional response was produced by the mention of Communism. This was not confined to convention appeals. A resolution endorsing the World Federation of Trade Unions was summarily dealt with. "I make a motion that this resolution be thrown out on the grounds that it was submitted by a Communist," one delegate suggested.<sup>17</sup> The delegates not only rejected the resolution but went on to change the constitution to make membership in any Communist organization cause for automatic expulsion from the union.<sup>18</sup> In another union, when the convention chairman claimed that an opposition delegate was a Communist there were cries from the floor to "throw him out."<sup>19</sup>

Appellants accused of Communist involvement were seldom calmly received and heard at the convention. When a local officer appealed his suspension from membership for refusal to sign a non-Communist affidavit, he was advised to go to Russia if he didn't like it in this country.<sup>20</sup> Over one-quarter of the nearly two dozen convention appeals reviewed in the shipbuilders' union involved Communism. In one, the delegates were warned that to rescind the penalties

---

<sup>17</sup>International Chemical Workers Union, Proceedings, (1945), p. 110.

<sup>18</sup>Ibid., pp. 110-11.

<sup>19</sup>Transport Workers Union of America, Proceedings, (1950), pp. 97-98.

<sup>20</sup>International Association of Machinists, Proceedings, (1948), p. 240.

imposed upon a suspected member at a time when the organization's strength was reduced following the postwar cut-back in defense contracts, would expose the union's officials to "a program of vilification and slander by these same people who are motivated by ideals which spring from Moscow in all instances."<sup>21</sup> Adverse publicity and potential harm to the union's bargaining position as a result of harboring suspected Communists were the reasons given for a committee recommendation to deny the appeal of a local officer suspended for alleged pro-Communist activities.

"There are many things that" the accused could do "as an individual," the report read:

We don't disagree with that. We don't care one bit whether [he] is a member of the Communist Party or [not] . . . and we don't care whom he supports, to what meetings he goes, or with whom he associates. But in all these negotiations, he has been identified as a member of the Bethlehem Atlantic Coast Committee or as a chairman or as a shipyard worker from Baltimore, CIO, and as a result, it would appear in the public press that the CIO Shipbuilding Union is supporting or at least making efforts contributing to the support of these subversive organizations.<sup>22</sup>

It is interesting that the hostility was not motivated by ideological compulsion but by very pragmatic considerations. The UAW executive board refused to reverse a local decision to drop the grievance of a member discharged from

---

<sup>21</sup>Marine and Shipbuilding Workers of America, Proceedings, (1951), p. 339.

<sup>22</sup>Marine and Shipbuilding Workers of America, Proceedings, (1952), p. 251.

employment for an insignificant falsification of his job application. The real reason for the dismissal was his refusal, along with several others, to testify before the House Un-American Activities Committee of the Michigan State Legislature. These actions gave rise to a number of anti-UAW incidents in the community--including a one-man picket around the plant who carried a shotgun and a placard identifying him as a "Commie Killer." The executive board approved the position taken by its investigating representative "that the decision had to be made in terms of the total welfare of the Union as well as in light of the merits of the case." Circumstances made it impossible, the board added, to pursue further the discharge grievance.

To have elected to process the case to its fullest extent in light of the situations which existed in the community would have been devastating to our Union. A combination of the lack of merit in the case plus this unusual and very critical situation was responsible for the Union's action in withdrawing the grievances.<sup>23</sup>

Convention chairmen often exploited the enmity toward suspected Communists. "I do not intend to occupy the time of this convention" with an appeal involving expelled Communist sympathizers, haters' union president Zaritsky

---

<sup>23</sup>United Automobile Workers of America, Proceedings, (1946), p. 311. See Benjamin Aaron, "Unions and Civil Liberties: Claims vs. Performance," Northwestern University Law Review, 53 (March-April, 1958), pp. 7-9, for an analysis of this "emphasis by union officials on the importance of being respectable."

ruled in 1946. "We are not going to waste hours on this silly thing. It is a decision." This ruling came after two speakers had briefly spoken on the matter, one of them Alex Rose, who later became president of the union. Rose accused the appellants of instigating "a Communist-oriented dual union movement."<sup>24</sup> The second speaker was never allowed to finish his comments in support of the appellants. At the 1949 maritime union convention, several Gulf port local officers appealed their expulsion from membership for pro-Communist activities. A delegate rose to criticize the expulsion of one person from the union for distributing alleged subversive literature. "This type of case is becoming a precedent in this Union," he complained. "I can see [a time when] there will be a struggle in this Union [including] a distribution of leaflets perhaps against the administration . . . and we will find these people brought up on charges for distributing leaflets."<sup>25</sup> After ordering another delegate to remain seated, president Curran ignored charged made by a third that the records indicated the accused was barred from attending his own trial. "The appeal committee has evidently gone through the case," Curran replied, and ratified the ruling to deny the appeal.<sup>26</sup>

---

<sup>24</sup>United Hatters, Cap and Millinery Workers, Proceedings, (1946), p. 440.

<sup>25</sup>National Maritime Union of America, Proceedings, (1949), p. 577.

<sup>26</sup>Ibid., p. 578.



This response to requests for further evidence was customary. "I would like to hear some of the testimony submitted in defense before we can make a decision," said one delegate. "We have only heard the charges." Unless the delegates wished "to retry the case here on this convention floor," he was told, they should accept the judgment of the committee. Besides, when a member "gives aid and comfort to the . . . totalitarian state he is violating a policy" of the union and it makes no difference if he is a "proven Communist" or not.<sup>27</sup>

Each of the Communist-related appeals was denied. This hostility at least partially explains the unanimity. It is significant that most of these cases were reviewed between 1947 and 1954, an era of McCarthyism at home, the cold war and, later, armed conflict with a Communist power abroad. If during this tense period justice was dispensed summarily by trade unions in their attempt to dispel suspicion and to demonstrate ideological purity, if convention delegates succumbed to the national compulsion to punish union members accused of conspiring from within to betray their fellow unionists, and if the leadership neglected to disclose to the delegates how the removal of accused subversives had the attendant virtue of eliminating real or potential sources of internal political opposition, these were not the only excesses of the times and it is unlikely

---

<sup>27</sup>International Association of Machinists, Proceedings, (1948), p. 76.

that the most serious inequities occurred inside trade unions. Perhaps the historical lesson in this experience is that union tribunals can no more divorce themselves from the mood of the times than can other groups in the community.

The debate on appeals involving Communism and disloyalty to the union was subjective but it was also functional. Repeatedly, union leaders focused on internal security. Such offenses, they insisted, jeopardize the welfare if not the very existence of the union. One question was consistently posed to the delegates: "Do you want a debating society or an efficient organization, unrestrained in its efforts to deliver at the bargaining table?" This raises the problem of values in a bureaucracy. Leiserson observed that the officers "to whose care the institutions of unionism are entrusted tend to value and conserve interests of the organization above those of the individual members." It follows that "the union must be safeguarded, perpetuated, even at the cost of sacrificing those who happen to be members at the time."<sup>28</sup> And Michels noted, years ago, that the leader inevitably comes to identify himself with the organization and dissent "is taken by him as a personal affront."<sup>29</sup>

One national president, expressing his approval of the convention's action to deny appeals from several persons

---

<sup>28</sup>Leiserson, American Trade Union Democracy, p. 59.

<sup>29</sup>Michels, Political Parties, p. 221.

convicted of instigating an illegal strike, reflected this attitude. "This organization," he observed, "is bigger and has more involved than any one man or any few men, when contracts are signed and laws are made."<sup>30</sup> Another time, local union members protesting the transfer of work following a successful organizing drive in another plant were told that unless they accepted the job losses, "the reputation of the Union would suffer and it would soon become impossible for us to win representation elections anywhere . . ."<sup>31</sup> East Coast sailors' union president Curran, supporting a committee recommendation to ratify his expulsion of a dissident local official, asked the convention "if it wants to have a disciplined working organization or anarchy."<sup>32</sup>

#### Union-related Appeals and the Observance of Procedural Regulations

In their concern for the security of the union, the leaders sometimes disregarded procedural regulations. The convention declined to act on such violations, however. A local officer expelled from membership primarily because of his refusal to testify before the California State Un-American Activities Committee, was tried in a manner contrary to

---

<sup>30</sup>International Brotherhood of Teamsters, Proceedings, (1945), p. 397.

<sup>31</sup>United Automobile Workers of America, Proceedings, (1964), p. 173.

<sup>32</sup>National Maritime Union of America, Proceedings, (1949), p. 553.



established procedure. But the executive board noted in sustaining the expulsion, "he could not have benefited by the mere reading of the charges at [the trial] meeting."<sup>33</sup> The appeal committee and the convention approved the board's action.

The intent and procedural provisions of the constitution admittedly were violated in the removal from office of a woodworkers' union national vice president and former Communist Party member. Nevertheless, the delegates disregarded this and upheld the penalty. In fact, the person who represented the appellant on the convention floor was himself forced to accept a withdrawal card from the union the following year.<sup>34</sup>

Questions of union security could also be invoked to protect national officers against their internal critics. Dissident brewery workers' locals accused one of the international vice presidents of illegal campaign activities and the vindictive firing of his unsuccessful opponent from the union's field staff.<sup>35</sup> The debate heightened when an appeals committee member, the sole dissenter on the committee, reported that during the hearing the officer in question

---

<sup>33</sup>International Brotherhood of Electrical Workers, Proceedings, (1954), p. 561.

<sup>34</sup>International Woodworkers of America, Proceedings, (1953), pp. 60-88, and (1955), pp. 40-49.

<sup>35</sup>United Brewery Workers of America, Proceedings, (1954), pp. 394-405.

admitted to certain campaign irregularities because, in his words, he "was only human" and was "blinded by anger" at the actions of his opponent. It was true, the officer conceded, that some campaign materials had been printed with union funds and that the dismissal of his opponent was politically inspired. But, he added, shifting the onus of guilt to the appellants, charges of this sort "breed dissension" among convention delegates and are a disservice to the organization. These people are "not doing this international any good," he warned.<sup>36</sup> The national president, acting as convention chairman, agreed. Controversies of this sort, he said, "continue to give our enemies an opportunity to seize upon . . . for future exploitation of the union."<sup>37</sup> The delegates voted to dismiss the charges.

#### Appeal Issues With Political Implications

Appeals involving staff members were debated often and with obvious political interest. In most, former staff members claimed that their dismissal from employment was politically inspired. A general organizer was fired for attending the national convention in violation of orders from the president; a general organizer and former vice president was dismissed for reportedly spending an excess amount of time campaigning for union office; a staff employee was fired for her role in the distribution of an

---

<sup>36</sup>Ibid., p. 402.

<sup>37</sup>Ibid., pp. 404-405.

i-administration leaflet, "The Truth Will Out;" another dismissed shortly after her active support of a vice president defeated for re-election; six staff members, two of them former national officers, were fired in the wake of a disruptive internal political conflict.<sup>38</sup>

Involvement in the political life of the union is inevitable as long as these positions are appointive. A printers' union local protested the placing of one of the former officers on the international payroll. The integrity of the appointment was questioned which goaded the president into giving a candid description of the reasons for his decision:

[The appointee] was put on as a Special Representative. He was put on because the local union had preferred charges against him so that he couldn't take a traveling card--he had been fired as a proofreader for making one error and the officers of the local were after him tooth and toenail to ruin him and drive him out of town, and had preferred charges against him so that he couldn't get a traveling card. I'll admit that is as sordid a story as ever could have occurred, and for the sole purpose of seeing that they wouldn't do it, I put him on the ITU payroll to stay there and watch them and see what they were doing.<sup>39</sup>

Staff members participated in the deliberation of their appeals more often than other appellants. But sometimes the

---

<sup>38</sup>United Cement, Lime and Gypsum Workers, Proceedings, 1946), pp. 309-40; International Chemical Workers Union, Proceedings, 1949), pp. 312-28; Communications Workers of America, Proceedings, 1949), pp. 304-19; American Newspaper Guild, (1956), pp. 102; and United Rubber Workers of America, (1950), pp. 175.

<sup>39</sup>International Typographical Union, Proceedings, 1955), p. 925.

leadership could exploit the political situation to deny them this privilege. This occurred in the appeal of six suspended staff members of the rubber workers' union. Their initial request that a transcript of the hearings be taken and distributed to the convention was denied because it would delay the committee report, which was given the final day of proceedings anyway, and because the committee was "not sitting as a trial board but rather as a reviewing body on behalf of the delegates."<sup>40</sup> Yet the committee report contained no information on the dismissals, nor were the appellants allowed to address the convention. When a delegate inquired as to the nature of the charges, vice president Childs, the temporary chairman, answered: "I will ask President Buckmaster if he cares to answer the question." But the president declined. "It was the executive board's decision," he replied.<sup>41</sup> Speaking for him, the chairman reminded the delegates that constitutionally the president could fire employees without showing cause. Eventually the delegates ratified the dismissals without showing the reason for them.

Staff member appeals were usually reviewed with greater care than this, but the political implications made impartial review an impossibility. For example, despite

---

<sup>40</sup>United Rubber Workers of America, Proceedings, (1950), p. 264.

<sup>41</sup>Ibid., p. 266.

modest size of the convention, the unusually sophisticated level of debate, and the allowance of ample time for appellant's defense statements, the fundamental points issue in a newspaper guild appeal case--a staff member's record and job competency--were lost in a tumult of political controversy. Appeals already decided by each delegate in accordance with his political persuasion, observed one member, cannot be impartially reviewed:

I like the democratic way in which our conventions operate but I do not believe that the atmosphere of a convention is a substitute for arbitration in the determination of competency [of staff employees] and I doubt that any of you sitting here feel that we can sit as a panel to adequately hear testimony and calmly and with due reflection consider the merits of this case as we would want an arbitrator to consider the merits of our case were our employer to dismiss us on a charge of incompetence.<sup>42</sup>

Deliberation of appeals submitted by national officers always politically oriented. The appeal of a former workers vice president illustrates this point. Frank was removed from office, "censured for all time," barred from future service in any official capacity for alleged dual union activities. He was the leader of a re- group which was gaining influence in the union and had several persons on the international executive board.

---

<sup>42</sup>American Newspaper Guild, Proceedings, (1956), pp. 5. The appeal was heard at a special evening session with no time limitations imposed on either side. Numerous workers appeared for each side and documents were distributed and read to the delegates. Extended cross-examination of the interested parties was permitted. After only four hours of deliberation the executive board decision was approved by a comfortable margin.

ever, his suspension arose out of the incidents surrounding a local union strike. In 1959 the Contintal Canpany transferred some of its operations from a plant organized by the steelworkers' union. At the new location this union was challenged by the paperworkers' union and an NLRB election was held, amid charges that the company was intimidating the paperworkers. In April 1960, the paperworkers' union was certified to represent the employees, and contract negotiations were started. Because the company insisted on wage rates much lower than those negotiated with the steelworkers, the local went on strike in July. At a membership meeting called by the union's regional director, which was held in the plant cafeteria, the members were requested to accept the company's second offer. Objections to the proposal were vehement and led to a fist-fight during which the regional director, at whom most of the hostility was directed, fled the cafeteria, giving the names of eight local members he believed responsible for the melee to the plant manager who minutes later fired them. Grasso, who sided with the members, asked the local leaders to send the men back to work, which they did, and he then wrote a critical report on the incident and the regional director's actions to the union president. When he later testified before the NLRB in connection with unfair labor practices charges filed against the company and the international union by local officials, Grasso was suspended from office for allegedly urging the steelworkers' union to raid the local,

subordination, and slandering union officers.<sup>43</sup> The executive board, no longer divided between reform spokesmen and administration supporters because of two new presidential appointments, found him guilty as charged. Grasso appealed to the 1963 convention.

His case was heard under more favorable conditions than most appellants experience.<sup>44</sup> Before deliberations were started, each delegate was given a copy of the lengthy appeals committee report. The committee secretary then read the entire executive board statement of charges, the board's findings and its disciplinary action. Grasso was invited to a place on the platform before the report began and was later permitted to address the convention. After hearing both sides of the dispute, the convention debated the matter for some time, although most of the discussion centered upon the union's internal political struggle, as did all the debate at that convention. In fact, the vote on the appeal was the same narrow majority by which the administration repeatedly defeated the reform group at this convention. But the procedure used reflects the greater care in reviewing appeals from persons high in the union's

---

<sup>43</sup> Continental Can Company, Inc., and Mickey Greco; United Papermakers and Paper Workers, AFL-CIO, 136 NLRB 98, April 17, 1962. Grasso appealed his suspension to the courts but the matter was dismissed because he had been disciplined as an officer of the union, and therefore was not protected by Section 10 (a) (5) of the Landrum-Griffin Act which pertains to union members, Grasso v. Phillips (50 L.R.R.M.) 2079 (DC NNY, 1962).

<sup>44</sup> United Papermakers and Paperworkers, Proceedings, 1963), pp. 27-46.

political structure. By contrast, a second appeal at this convention, from a local member protesting his forced acceptance of a withdrawal card, was disposed of in a few minutes.

Local union appeals against administration decisions were often debated simply because the local delegate was on hand to initiate discussions. Nevertheless, the leadership was able to get most controversial disputes off the convention floor before the debate became unmanageable.

This occurred at the 1957 East Coast longshoremen's convention. Four Negro locals from the Brownsville, Texas area petitioned the convention to abolish existing jurisdictional lines between white and Negro locals in that area and establish a more equitable distribution of the available work. The appeal committee recommended adoption of a compromise solution worked out by a presidentially appointed "Fact Finding Committee" and calling for an equal division of work in the Brownsville port. This proposal was satisfactory to the appellants--it had been agreed upon prior to the report--and the matter would have ended there had not a Negro delegate from another segregated local proposed an amendment to the committee report that "from the furthest reaches of Canada to the port of Brownsville, we split everything fifty-fifty."<sup>45</sup>

---

<sup>45</sup>International Longshoremen's Association, Proceedings, p. 268.



His proposal completely disrupted the convention. Adopted it would jeopardize existing practices in every port and Gulf port in the union, upsetting the political stability of the entire organization. The problem of segregated locals was, and still is, a continuing one in the union--the Brownsville dispute dated back some 17 years--such an abrupt and decisive solution was clearly unattainable. Thomas Gleason, chairman of the "Fact Finding Committee" and the union's general organizer, reported that an equal work formula had been agreed upon by all parties to the dispute on the condition that it be confined to the Brownsville port. "We've been trying . . . for three days," he said, "to handle this thing . . . so it would be done peacefully without bringing it on the [convention] floor."<sup>46</sup> In order to avoid an open-ended debate of the union's segregationist policies, an international vice president offered a substitute motion to refer the controversy back to the executive council for reconsideration. "This thing could lead to the ruination of the ILA," he warned.<sup>47</sup> His motion was carried and that evening the council met with representatives of the other Negro local and agreed upon a broadened equal work formula which would include their port--but no others. Other locals were satisfied and the issue did not appear again on the convention floor. Here, then, was an instance

---

<sup>46</sup>Ibid., pp. 271-72.

<sup>47</sup>Ibid., p. 276.

a few locals threatened the leadership with a dis-  
 ve and embarrassing floor fight in order to achieve a  
 limited goal. It is interesting that Larrowe, an  
 ver at this convention, later described it as "badly  
 acted, rambling, poorly planned; an atmosphere of sus-  
 e prevailed, as though the officers were always waiting  
 a speaker to arrive or for some dramatic event to oc-  
 48

A similar strategy was used when a nearly-defunct  
 ed industrial workers local, which had been placed under  
 nistratorsip some years before, appealed to the 1947  
 vention for restoration of its autonomy. This was part  
 an effort to recover, using the impounded local treasury,  
 resentation rights lost to the UAW. But the international  
 used to return the funds, insisting that to prematurely  
 ease them would simply invite a UAW raid on the unguarded  
 asury. At the convention a heated debate on the issue  
 interrupted by the president who expressed his surprise  
 : this matter was being discussed at all because, accord-  
 to him, the local president had earlier agreed to "the  
 ortance of not letting the convention rule on the return  
 he autonomy, because of the danger that it presented to  
 proper protection of the funds . . ." This was confirmed

---

<sup>48</sup> Charles P. Larrowe, Maritime Labor and Industrial  
 tions on the Great Lakes (East Lansing, Michigan:  
 r and Industrial Relations Center, Michigan State  
 ersity, 1959), p. 90.

the local officer but, upon reconsideration, he was now of the opinion, he said, that to "sell" the membership on something that "two people had agreed to would be impossible."<sup>49</sup> But in the end the leadership was able to avoid an unpredictable convention decision by stopping debate and bringing the matter returned to the international executive board for final disposition.<sup>50</sup>

A long-standing jurisdiction dispute in the lathers' union, affecting two of its largest locals, was also referred back to the national executive board. The leadership successfully held off a spirited political debate prompted by the appellant local's charge that a trepidant administration had handed down a "political decision" to allay the ire of the offending local union.<sup>51</sup>

Debate on national union-local union disputes was not always stopped this way. Procedures used in the textile workers' and teachers' unions illustrate alternative approaches.

A Southern local of the textile workers' union sought to thwart the Supreme Court school-desegregation ruling by

---

<sup>49</sup>Allied Industrial Workers of America, Proceedings, 1931.

<sup>50</sup>It appeared that the delegates from the appellant were not carrying out the instructions of the membership to push for a successful convention decision rather than accept some informal agreement, Ibid., p. 132.

<sup>51</sup>The Metal Lathers International Union, Proceedings, 1931, pp. 150-52.

ng local funds to help build and maintain in the commun-  
 a private, segregated school. The national executive  
 rd imposed a trusteeship over the local for violation of  
 union's civil rights policies; the local appealed to  
 1960 convention.<sup>52</sup> The appeals committee suggested that  
 view of the good record of the local and the sincerity of  
 members, the trusteeship be referred to the national  
 sident for arbitration. Also submitted was a minority  
 ort calling for impartial arbitration of the trusteeship.  
 then, due to the importance of the case, deliberation  
 postponed so that both reports, though lengthy, could  
 mimeographed and distributed to the delegates. Debate  
 resumed the following morning and continued without  
 interruption until midnight when a vote favoring the major-  
 view was obtained. During this time the regular speak-  
 rules were suspended to give unlimited time for the  
 sentation of both sides.

The procedure used by the teachers' union to review  
 ention appeals was unique in that no appeal committee  
 used. The case together with all evidence and testimony  
 directly before the delegates. The convention usually  
 into executive session, which automatically dispenses  
 parliamentary rules, and either no time limitations  
 imposed on speakers or, if so, they were quite per-  
 utive and flexible. And, importantly, requests for specific

---

<sup>52</sup>United Textile Workers of America, Proceedings,  
 0), pp. 173-76, 192-216.



ormation or testimony were recognized and both parties  
oyed rights of cross-examination.

An appeal involving action taken against a number of  
egated locals illustrates this method. At the 1953 con-  
ion a constitutional amendment was ratified which for-  
racial segregation of local memberships and further  
ided for the expulsion of locals which refused to com-

The amendment was judiciously ignored until 1956, when  
national council revoked the charters of four Georgia  
ls which failed to desegregate. Two of them, the white  
ls, had rejected merger attempts sponsored by the  
onal union. Several alternate methods of settling the  
er were presented to the 1956 convention. The white  
ls appealed the revocations, demanding the return of  
r autonomy and segregated membership privileges. The  
o locals requested a merger of the memberships and re-  
ion of charters. A third group, a minority on the  
onal council, asked for the expulsion of several addi-  
al locals throughout the South. Deliberation was started  
ne second day of proceedings in order to leave ample time  
a thorough review. Speakers favoring any of the three  
osals were extended unlimited time as the deliberations  
nued throughout the day and late into the evening.  
gates were allowed to question speakers at length,  
rested parties could cross-examine hostile witnesses

countless delegates spoke on the issue. In addition, printed briefs were circulated by each group.<sup>53</sup>

The choice the convention was called upon to make was to enforce the national constitution regardless of immediate cost to the union or give priority to more pragmatic considerations. One national officer told the delegates they must "decide if the harm attendant to sacrifice the Constitution and the principle involved is of less consequence than the harm [in loss of membership] that might come from enforcing [the rules]."<sup>54</sup> The Southern delegates, on the other hand, warned them that preoccupation with civil rights to the neglect of collective bargaining responsibilities would ruin the union. But because of the lengthy speeches and unyielding positions taken by both sides, the matter could not be settled at that session. Nevertheless, important decisions were made. The minority council report was defeated as was a substitute motion which would have the union acquiesce to the dual structures in the future, and it was agreed that the final convention decision would be ratified by two-thirds of the delegates.

Discussion was resumed the following day. It soon became clear that although a majority favored the board's proposals, the necessary two-thirds vote could not be obtained.

---

<sup>53</sup>American Federation of Teachers, Proceedings, (1956), 10-60, 73-78.

<sup>54</sup>Ibid., p. 51.

several hours of discussion an exasperated president said that the procedure thus far had been a "wonderful session of democracy at work," but as reasonable people, mistreated, the delegates must agree to some compromise motion.<sup>55</sup> Finally, at 9 p.m. a conciliatory motion passed which would postpone the revocation until the end of the year with expulsion automatic if there was no evidence of compliance with the constitution at that time. Accordingly, in the absence of compliance, at the next convention the resolutions were ratified.

#### The Convention Chairman

The union president presides over all national union conventions. Typical of constitutional clauses which stipulate this is that in the printing pressmen's union: "The president shall attend and preside over all meetings of the International Union during his term in office."<sup>56</sup>

The chairman determines the order of convention business, he receives and submits for consideration all motions and propositions, he regulates debate, and he judges the speaker on all questions. He can, if he chooses, encourage or stop it, aid one side or the other, or use his position to lecture the assembly.<sup>57</sup> Because his decisions

---

<sup>55</sup>Ibid., p. 75.

<sup>56</sup>International Printing Pressmen and Assistants' Constitution and Laws, (1961), Art. III, sec. 1.

<sup>57</sup>Cushing, Cushing's Manual of Parliamentary Procedure, pp. 154-57.



these matters stand unless reversed by a two-thirds  
 the president governs convention proceedings at his  
 discretion. Hence, the manner in which an appeal case  
 deliberated depends on him. Michels has depicted the  
 willingness to the leaders of their position as parliamentary  
 chairman:

The parliamentarians are past masters in the art of  
 controlling meetings, of applying and interpreting  
 rules, of proposing motions at opportune moments; in  
 a word, they are skilled in the use of artifices of  
 all kinds in order to avoid the discussion of contro-  
 versial points, in order to extract from a hostile  
 majority a vote favorable to themselves, or at least,  
 if the worst comes to the worst, to reduce the hostile  
 majority to silence. There is no lack of means, vary-  
 ing from an ingenious and often ambiguous manner of  
 putting the question when the vote is taken, to the  
 exercise on the crowd of a suggestive influence by  
 insinuations which while they have no real bearing  
 on the question at issue, none the less produce a  
 strong impression.<sup>58</sup>

Individual philosophies and personal demeanor deter-  
 mine the conduct of the president as a national convention  
 chairman. Philip Murray reportedly "did not subscribe to  
 the theory of neutral chairmanship."<sup>59</sup> Even Walter Reuther,  
 whose efforts to insure free speech at UAW conventions are  
 widely recognized, sometimes "takes advantage of his po-  
 sition to respond to points made from the floor and to  
 recognize committee members more frequently and for longer  
 periods than he accords to opposition speakers."<sup>60</sup>

---

<sup>58</sup> Michels, Political Parties, p. 110.

<sup>59</sup> Ulman, The Government of the Steel Workers' Union,

<sup>60</sup> Stieber, Governing the UAW, p. 25.

From the time the appeal committee chairman takes rostrum to make his report until the delegates vote on the matter, the convention chairman governs the proceedings. This section is concerned with his exercise of authority during five stages of the deliberative process: (1) regulating the committee report, (2) retaining chairmanship during debate on appeals, (3) responding to requests for more information or the submitting of new evidence, (4) participation in debate, and (5) conducting the vote on committee recommendations.

#### Regulating the Presentation of Appeal Cases to the Convention

At a time in the convention proceedings satisfactory to the presiding officer the appeals committee makes its report. This gives the chairman certain discretionary powers. In fact, under suitable conditions, he can prevent appeals from being heard at all.

Three separate oil workers' locals protested the denial of strike benefits to their members. Technically the appeals were not properly before the convention because they arrived at the international offices three days after the expiration date. But the union's constitution allows the convention to review late appeals if it wishes. With this in mind, the grievance committee chairman interrupted the proceedings to notify the delegates that appeals "having a great deal of importance" had been submitted, but because of technicality the committee could not hold hearings

ess instructed to do so by order of the delegates." The chair, ignoring his proposal, moved that the appeals be declared improperly before the convention. When reminded that this was not the committee's recommendation, the chair simply ruled the appeals "untimely and not properly the property of this committee." To his critics he replied that the intent of the constitution was clear "and I have nothing to do but rule on what the written word is."<sup>61</sup> A second motion to waive the untimeliness and consider the appeals anyway was ruled out of order and the grievance committee dismissed.

#### President Presiding During the Review of Convention Appeals

The national president usually officiated during appeals reviews. Some would temporarily vacate the chair but in no way was this a regular practice, nor was any president required to do so by the convention. When he did step down the gavel was turned over to another national officer (in one case the convention chaplain was designated).<sup>62</sup> Another time a convention delegate was asked to preside during an appeal in which the president and the national union were restrained by court order from further involvement.<sup>63</sup> A board of

---

<sup>61</sup>Oil, Chemical and Atomic Workers International Union, Proceedings, (1963), pp. 186-87.

<sup>62</sup>Brotherhood of Railway and Steamship Clerks, Proceedings, (1947), p. 270.

<sup>63</sup>Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Proceedings, (1946), p. 15.

ees' chairman was called upon to preside because the  
 "had nothing to do with the previous handling of  
 [appeals] that will now be reported."<sup>64</sup>

More often convention chairmen stepped down so they  
 participate directly in the debate. One did so to  
 be involved in debate concerning the appeal of a staff  
 organizer he had fired.<sup>65</sup> In the appeal of a local officer  
 indicted for alleged Communist sympathies, the president  
 of a faction-ridden industrial union relinquished the gavel  
 to conduct a vigorous defense of his actions from the con-  
 vention floor.<sup>66</sup> This is notable because ordinarily the  
 chairman made his comments directly from the rostrum.

#### Response to Requests for Additional Information or the Submission of Evidence

Inadequate committee reports might be supplemented  
 through privileged questions from the floor or by the reading  
 of documents, statements and other relevant materials.  
 To what extent these sources are used depends on the chairman.  
 The fact that his decisions are subject to convention  
 approval is immaterial because most chairmen are not disposed  
 to submit such questions to a vote.

---

<sup>64</sup>Brotherhood of Railway and Steamship Clerks, Proceedings, (1943), p. 256.

<sup>65</sup>United Cement, Lime and Gypsum Workers, Proceedings, pp. 316-30.

<sup>66</sup>Industrial Union of Marine and Shipbuilding Workers, Proceedings, (1952), pp. 283-89.

As a rule, national presidents were restrictive, constantly ruling out of order requests to present additional information. Typical were decisions that certain pieces of evidence could not be presented because the material was irrelevant, that the appeals committee had already considered it, or that the request was in some other manner improperly before the convention.<sup>67</sup> Information on appeals submitted to several East Coast sailors' union conventions was withheld by the chairman on grounds that: (1) delegates could not speak on a case unless they had first presented it before the appeals committee, (2) it was not in the best interests of the organization to discuss certain matters, (3) evidence and documents not presented to the appeals committee were not to be read on the convention floor, (4) delegates wanting specific information must go directly to the appeals committee (5) appellant briefs could not be read aloud, and (6) mimeographed copies of the committee report could not be distributed to all the delegates because, "We cannot afford to delay this convention with this kind of business."<sup>68</sup> The union's national secretary admonished delegates "who feel that they are supposed to get up and discuss

---

<sup>67</sup> See, as examples, United Packinghouse Workers, Progress, (1949), pp. 214-17, and United Association of Plumbers and Apprentices of the Plumbing and Pipe Fitting Industry, Proceedings, (1951), pp. 175-76.

<sup>68</sup> National Maritime Union of America, Proceedings, (1945), p. 368, (2) 1951, p. 410, (3) 1949, p. 567, (4) 1949, pp. 130-31, (5) 1949, pp. 545, 561, (6) 1959, p. 941.

tail a number of questions surrounding these cases."

your information," he advised, "this appeal that

he member is making . . . has been processed through the National Office, the National Council, and [he is] now making his final appeal after the committees of the Council and the National Office have already gone through the questions of constitutionality and all the other features that may become involved in the legality of the fines, suspensions, or expulsion."<sup>69</sup>

Other words, nothing remained to be done but for the

delegates to ratify the decision. They obeyed.

Only those appellants doubly fortunate to possess delegate status and the temerity to battle the presiding officer were able to present to the delegates a version of the case other than the committee's. A local officer of the printing pressmen's union, for example, was an elected delegate to the convention as well as an appellant protesting his dismissal from employment. During the floor debate he was given the usual ten-minute speaking time. He began with a request that his mimeographed defense statement be read to the delegates; to justify this he cited Cushing's Manual of Parliamentary Practice that any papers distributed to the assembly must be read aloud before a vote can be taken on their content. Because he had not been able to arrange a distribution of the brief, he wished it read for the benefit of those delegates unfamiliar with the case. The president DeAndrade rejected the motion: "that's what Appellate Committees are for" he said. So the appellant used

---

<sup>69</sup>Proceedings, (1957), p. 95.

of his ten minutes to read the document aloud. In claimed he had been discharged for organizing activity and that the local membership inadvertently reversed a favorable trial committee ruling. He then asked that an international vice president and two persons who happened to be delegates be called upon to corroborate his statements. An officer was consulted but appeared very embarrassed by the whole thing and refused to make any firm statement one way or the other. Before the other two substantiating witnesses could be heard from, DeAndrade halted the proceedings.

"I am not going to hold a trial on this floor," he said. "You appeared before the [Appeals] Committee, and complete your two minutes now."<sup>70</sup> At that point a delegate informed the convention that a Newhouse paper, an international publishing chain which is suspected by printers' unions of supplying non-union help to struck newspapers, had fired the appellant. He started to elaborate but DeAndrade cut him short: "That is a speech," he ruled.<sup>71</sup> What had been said, however. The committee report was read and the appeal sustained.

But most appellants did not have convention speaking privileges and antagonistic employers were seldom involved. Efforts to restrict debate generally met with greater success.

---

<sup>70</sup>International Printing Pressmen and Assistants' Proceedings, (1960), p. 168.

<sup>71</sup>Ibid., p. 169.

## Participation in the Operation of Appeals

Parliamentary rules of order advise against participation in debate by the presiding officer, but few union presidents refrained. Moreover, they were often drawn into deliberations because of their previous involvement. Regardless of the reason, when the president participated considerable prestige and influence of his office accrued to the favored party, the appeals committee.

The chairman usually aided passage of the committee resolution by guiding the debate and by preventing the introduction of contrary evidence and testimony. Machinists' union president Hayes was once confronted with demands for an investigation into malfeasance charges against two district officers. The leadership's dismay, an opposition group produced on convention floor a photostatic copy of a confidential letter from the international auditor to the executive council warning the misuse of some \$68,000 in district funds, and subsequent repayment to the international treasury of \$150 by one of the accused officers. "If these monies were not misappropriated, then why were they paid back," the opposition asked.<sup>72</sup> It was further revealed that the minutes

---

<sup>72</sup>International Association of Machinists, Proceedings (1960), p. 150. For a treatment of this case sympathetic to the dissidents, see H. W. Benson, Union Democracy in Action, No. 7, (September, 1962). By contrast, Perlman, Democracy in the Labor Movement, Trade Unions Graph Series (New York: John Wiley and Sons, Inc.), questions the opposition's sincerity in making these charges.



the executive council meeting at which the charges had  
 dismissed were never made available as required by  
 international constitution. At this point, Hayes inter-  
 ed to speak at length on the anti-union attitude of the  
 person who had made the charge. (The following year he was  
 expelled from the union.) Hayes then called for a vote on  
 committee's recommendation to reject the charges, but  
 before this could be done another delegate demanded that an  
 organized report of the repayments be presented to the con-  
 vention. Hayes remained adamant. "All of this information  
 [available to] your Appeals Committee and that is why I  
 created an Appeals Committee," he replied, announcing that the  
 committee report had carried.<sup>73</sup>

The transport workers' union once devoted two whole  
 days of proceedings to an appeal from an elected delegate  
 who was denied his convention seat through a provision ex-  
 cluding Communists from holding elected positions in the  
 union. Neglecting to hold a formal trial, the local board  
 simply assumed that everybody knew him to be a Communist from  
 the articles which appeared under his name in the allegedly  
 leftist local union paper "Transit News" edited by Maurice  
 George, who was expelled from the union two years earlier for  
 alleged dual union activities. The committee denied his ap-  
 peal but before a vote could be taken the chairman postponed  
 the matter pending further investigation. The following day

---

<sup>73</sup>Ibid., p. 161.



union's chief counsel advised the delegates that the procedure had been in violation of the constitution and that if the appellant were denied delegate status the union might be subject to damages. President Quill observed that even though the appellant was a "nuisance" he must be tolerated, at least for that convention. The remedy, Quill suggested, was to change the constitution. Hence, the delegates voted to expel the appellant but added a constitutional clause making Communists, whether admitted or otherwise, not only ineligible for elected office but subject to separate disciplinary proceedings.<sup>74</sup>

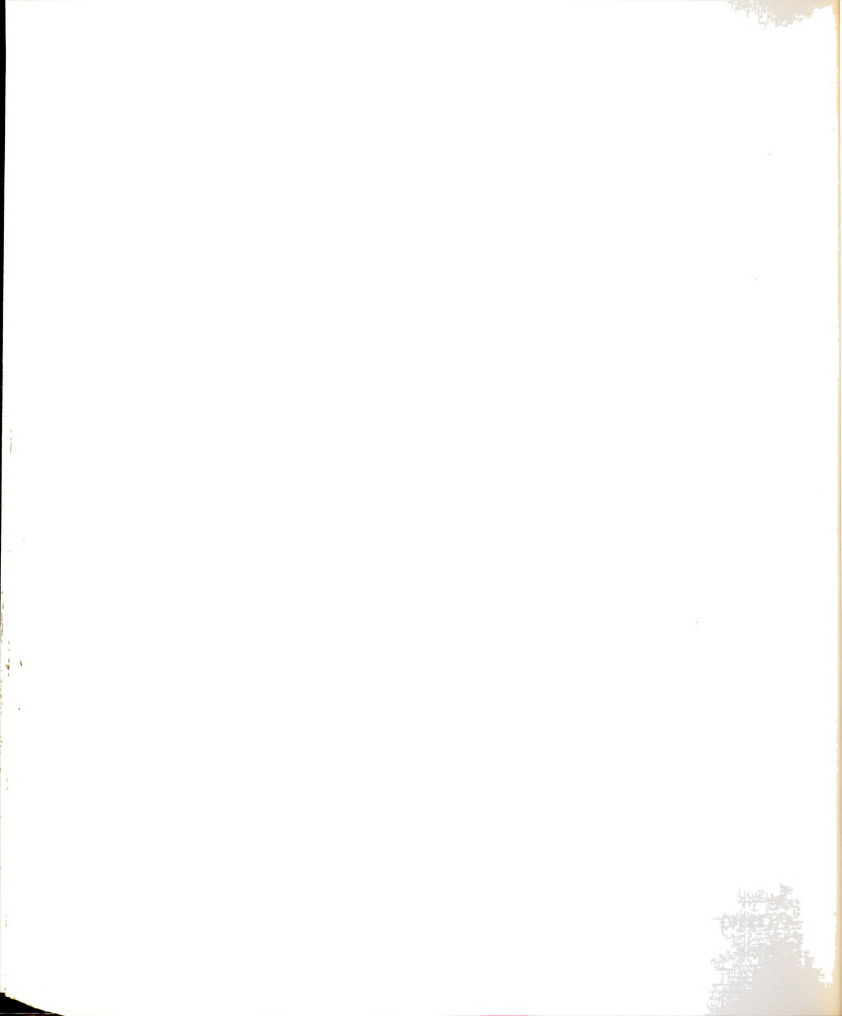
The Chairmen were not neutral in their intervention. They frequently belittled appellants and the people defending

President Quill, for example, publicly scolded a number of local officers appealing penalties imposed for organizing an illegal strike. They were, he asserted, "company spies" whose "anti-union" behavior cost numerous members their jobs and the union its favorable public image.<sup>75</sup> A former president of the chemical workers' union usually concluded his announcement of appeal cases with disparaging personal comments about the appellants and the merits of their appeals, particularly those accused of Communist

---

<sup>74</sup>Transport Workers Union of America, Proceedings, 1950, pp. 95-102, 163-91. Also see the union's Constitution, (1952), Art. XIII, sec. 1 (m).

<sup>75</sup>Transport Workers Union of America, Proceedings, 1950, pp. 225-27.



ities.<sup>76</sup> As a result, convention chairmen often be-  
 involved in personal quarrels and name-calling contests.  
 instigators of an unauthorized strike may have been  
 any stooges" as Quill maintained, but that the outcome  
 affected by these remarks is undeniable.

cting the Delegate Vote on  
ommittee Recommendation

The rules of order authorize the chairman to call for  
 judge the outcome of the vote, though a division of the  
 may be requested. Voting is ordinarily a mechanical  
 dure but on occasion presiding officers used this  
 rity to influence the disposition of appeals. The  
 wing chapter deals with this aspect of appeals review  
 ngth so permit one illustration to suffice here.

An appeal submitted to the railway clerks convention  
 sted the consolidation of district seniority rosters  
 wing the reorganization of a railroad line. This appeal  
 articularly important to the national officers because  
 stained it would weaken their ability to control intra-  
 adjustments to industry mergers and crew changes. But  
 in the deliberations it became evident that the dele-  
 would not readily broaden the administration's prero-  
 s in this area. A substitute motion was made to  
 d the seniority consolidation pending proof that it  
 de necessary by the company's reorganization.

---

<sup>76</sup> See, for example, International Chemical Workers  
Proceedings, (1951), pp. 28-29.

porters of the motion argued that the consolidation violated the principle "of permitting a person to follow his work according to his seniority."<sup>77</sup> In spite of the leadership's efforts, the substitute motion was adopted. Rather than let the decision stand, however, the president asked someone who had voted for the motion would move to reconsider the matter. This was done and debate resumed; as time the administration warned of the danger to the union in restricting the leadership's flexibility in coping with technological change and subsequent job displacement. A second vote was taken which upheld the president and reversed the original seniority merger.

#### Structural Aspects of the National Convention

There are also certain structural features which influence the hearing of convention appeals. These are the size of the convention and its geographic location.

#### Size of the Convention

Union conventions range in size from a consignment small enough to meet at a single table to delegations in excess of two thousand. Both the marine engineers' and railroad officers' unions can seat the delegates at a single table--their number averages between 35-45 delegates and officers. The next smallest group includes the craft and

---

<sup>77</sup>Brotherhood of Railway and Steamship Clerks, Proceedings, (1959), p. 306.

d-trades organizations. These are followed by the craft unions which admit semiskilled workers; their convention delegations approach a thousand in number. Some railroad brotherhoods and the unions in the transportation, service, food, and garment trades regularly seat a thousand delegates. Industrial unions have the largest conventions. About 3,000 delegates attended the 1966 convention. Increases in membership and the prevalence of a graduated scale representation formula, which favors all locals, account for additional numbers of delegates in recent years. Efforts by the leadership to reduce convention size have met with strong opposition from the delegates who invariably resist in the interest of maintaining democracy and greater local participation in union affairs.<sup>78</sup> Size does not seem to be an overriding influence in the hearing of appeals but it does have an effect. Large conventions, as Ulman points out, are unwieldy, inert, and inefficient.<sup>79</sup> It is difficult to hold the attention of large

---

<sup>78</sup>Leiserson, American Trade Union Democracy, pp. 134-

<sup>79</sup>Lloyd Ulman, The Rise of the National Trade Union: Development and Significance of Its Structure, Government Institutions, and Economic Policies (Cambridge: Harvard University Press, 1955), pp. 254-57. And Michels

it is easier to dominate a large crowd than a small audience. The adhesion of the crowd is tumultuous, temporary, and unconditional. . . . A great multitude assembled within a small area is unquestionably more susceptible to panic alarms, to unreflective enthusiasm, and the like, than is a small meeting, whose

gations unless information acquired in the convention corridors and hotel lobbies had already piqued their interest. Trying to sustain interest in a topic having little significance to the delegates is futile.

After 34 appeals had been reported and disposed of with eight more cases to be processed, a painters' union local committee chairman pointedly commented upon the lack of interest. "I hope we are not interfering with any of the private meetings that are going on around here," he said. "I can hardly hear myself up here."<sup>80</sup>

Walter Reuther several times asked the convention to give greater attention to appeals, reminding the delegates of their responsibilities:

I think in fairness to the Committee and those who have grievances before this convention, the delegates certainly ought to settle down and pay some attention to the report of committees. I don't think one-third of the delegates are following the reports, and I don't see how you can intelligently act on the report if you don't know what you are voting on.<sup>81</sup>

The conventions and the pressures of time make meaningful deliberations difficult in appeals involving complex issues.

---

Members can quietly discuss matters among themselves." Political Parties, p. 64.

Glocker reported that the union convention became inefficient when it grew in size to "several hundred delegates." The Government of American Trade Unions, p. 159. A convention of that size is of modest proportions by American standards.

<sup>80</sup>Brotherhood of Painters, Decorators and Paperhangers, Proceedings, (1959), p. 370.

<sup>81</sup>United Automobile Workers of America, Proceedings, p. 312.





a convention of twelve hundred persons, one appellant.  
 ted on the task before him:

rst, it is difficult in a Convention of this size to  
 ke action contrary to that of the Appeals Committee.  
 has not happened on very many occasions. [And]  
 condly, the matter of jurisdiction is a complicated  
 e and it is difficult, in the [speaking] time al-  
 tted, to explain all the details.<sup>82</sup>

Fewer delegates is not an automatic remedy. The  
 r gatherings, though informal and argumentative, were  
 ntly picayune and bogged down in personal quarrels.<sup>83</sup>  
 lex appeal heard by a convention of only 28 delegates  
 rates the informality.<sup>84</sup> Despite specific rules  
 ing the submitting of appeals, a written appeal was  
 handed to the committee chairman by another delegate  
 he delegates at this union's conventions are port  
 als, usually district leaders). The chairman was al-  
 to include the matter in the committee's schedule and  
 spute became part of the official business of the con-  
 n. More important, the appellant sat with the dele-  
 and freely participated in all the deliberations. But

---

<sup>82</sup> Communications Workers of America, Proceedings,  
 p. 329. Joel Seidman, on the other hand, suggests  
 delegates to conventions of the railroad trainmen have  
 ed debating skills and grievance handling experiences  
 nable them to oppose effectively the leadership when  
 ry, The Brotherhood of Railroad Trainmen, p. 192.

<sup>83</sup> For a description of deliberations at small con-  
 s, see Leiserson, American Trade Union Democracy,  
 -37.

<sup>84</sup> National Marine Engineers' Beneficial Association,  
ings, (1959), pp. 354-67, 390-91, 407-409, and

for shortcoming in the small convention is the influence of the large locals. At most conventions the balance of power resides with the moderate-size locals if they choose to use it. In this case the combined votes of the appellants' local and that of the person who submitted the appeal, the two largest locals in the union, were sufficient to make a majority.

This informality contributes to the free discussion of local cases independent of the presiding officer or the committee chairman. One convention of the marine engineers heard an appeal from heavy fines imposed upon three members for failure to clear with local officers before going to work in so doing, working while a strike was in progress.<sup>85</sup> Admitting their guilt, the appellants protested the \$500 fines as too severe in view of "extenuating circumstances" and the employer's complicity in the offenses. The appeal committee, sympathizing with them, recommended a reduction of the penalties. But the delegates, ignoring the president's report of this ruling, decided after lengthy debate that the committee had the authority to modify committee reports, that the records and files in the case were not available to the committee at the time of its decision, that the principal reason for the heavy fines was to "get at" a particular engineering company purportedly extreme in its anti-union activities, and that the original fines should be restored. The

---

<sup>85</sup>National Marine Engineers' Beneficial Association, Proceedings, (1949), pp. 271-80.

ussions were marked by a spontaneous and unrestricted  
 ary unobtainable at larger conventions.

### tion of the Convention

Geographic location is a problem inherent in using  
 national convention as a final appeal tribunal. The  
 ended geographic jurisdiction of most national and inter-  
 onal unions precludes a site convenient and easily ac-  
 ible to each member and local. For this reason there  
 both time and financial obligations, sometimes prohibi-  
 , imposed upon appellants wishing to present their cases  
 ne appeals committee or to the convention itself.

The appellant's political position within the organ-  
 ion poses an additional inequality of access to the con-  
 ion. The individual member must bear the entire costs  
 udicial review, but the national officers, intermediate  
 es and local unions usually have automatic representation  
 ne convention and fully or partially subsidized means of  
 nding.

Individual members cannot, for example, suddenly  
 e their jobs to travel long distances for a week or so.  
 e case an appellant living in Seattle, Washington was  
 med that the hearing on his case was scheduled two  
 later in New York City in the event he wished to  
 d.<sup>86</sup> Such short notice may not allow appellants time

---

<sup>86</sup> Building Service Employees' International Union,  
edings, (1960), pp. 284-85. Cf., International  
 iation of Machinists, Proceedings, (1960), p. 328.

to travel and to prepare for the hearing. A local  
 cer in California presented her case by correspondence  
 convention meeting in Chicago because she had, she said  
 er letter, been notified of her expulsion from member-  
 only five days before the opening of the convention.<sup>87</sup>

No national union underwrites expenses incurred by  
 ention appellants. The UAW made one exception when  
 el costs and lost working time were reimbursed for two  
 lled local officers. This, Reuther explained, was an  
 rt "to preserve democratic procedure and to give these  
 hers a hearing and their day in court" in this contro-  
 ial case.<sup>88</sup>

#### Frequency and Length of the National Convention

##### Interval Between Sessions

When the convention is infrequently convened its  
 ctiveness as a control device is greatly restricted.  
 wich feels that where the time interval exceeds two

---

<sup>87</sup>Office Employees International Union, Proceed-  
 , (1947), pp. 296-97. The executive officer of the  
 ical workers' union, dismissed for her implication  
 factional fight, requested that a letter of appeal  
 ead to the delegates. She claimed that unemployment  
 consequent financial difficulty prevented her per-  
 l appearance. "I have not worked [in over a year]  
 . and I am in no position financially to make the  
 ," she wrote. International Chemical Workers Union,  
eedings, (1955), p. 252.

<sup>88</sup>United Automobile Workers of America, Proceedings,  
 ), p. 265.

"the check upon the leadership is seriously inhibited there is the constant possibility of a minority controlling undemocratic control."<sup>89</sup>

In judicial matters, the appeal procedure, Ulman says, "must be speedy if it is to afford real relief."<sup>90</sup> of three or more years in obtaining a final decision, common in appeals, are costly and unfair to appellants, must comply with the decision pending appeal.<sup>91</sup> Most constitutions make it an offense to seek recourse outside the union before exhausting internal remedies.

Leiserson has noted that the time interval between conventions lengthens as the union matures but that "a majority of unions still meet in annual or biennial sessions."<sup>92</sup> As shown in Table VI-6, 53 percent of the unions included in my study presently hold their national convention intervals greater than two years; a number of them have shortened the interval in recent years but none, to my knowledge, has shortened it (see Appendix A). Thus, this potential

<sup>89</sup>Bromwich, Union Constitutions, p. 9.

<sup>90</sup>Ulman, Rise of the National Trade Union, pp. 257-58.

<sup>91</sup>Appeals review was the first order of business decided by Walter Reuther after his election to the UAW presidency in 1946. Dissatisfied with the manner in which appeals had been handled--a number of cases never got to the convention floor--he said that unless the procedure improved at future sessions, appellants would suffer additional delay of the 18 months between conventions. If the appeals had been pending more than three months, he said, he would have asked for a referendum. United Automobile Workers of America, Proceedings, 1947, pp. 8-322.

<sup>92</sup>Leiserson, American Trade Union Democracy, p. 140.

TABLE IV-6

## FREQUENCY OF NATIONAL UNION CONVENTIONS

| Number of Years<br>Interval | Number of<br>National<br>Unions | Accumulative<br>Percentage |
|-----------------------------|---------------------------------|----------------------------|
| 1                           | 10                              | 11                         |
| 2                           | 34                              | 47                         |
| 3                           | 10                              | 57                         |
| 4                           | 32                              | 91                         |
| 5                           | <u>9</u>                        | 100                        |
| Total                       | 95 <sup>a</sup>                 |                            |

<sup>a</sup>Excludes the Utility Workers Union of America meets every 18 months.

SOURCE: Directory of National and International Labor in the United States, 1963, U. S. Department of Bureau of Labor Statistics Bulletin No. 1395.





upon arbitrary administration practices has been re-  
as time intervals increase.

### of Sessions

The availability of time determines the atmosphere  
which appeals are heard and acted upon at the con-  
on. A convention working under pressures of time can  
te inhospitable.

Sessions range in length from a few days in some of  
smaller unions to the two-month marathons in the rail-  
trainmen, who do everything in a grand manner. The  
majority of unions schedule a one-week convention begin-  
on Monday and adjourning sine die the following Friday.  
First two or three days are usually given over to speeches  
sitting dignitaries, "state of the union" messages from  
leadership and a great deal of organizational ritual.  
g this time the various committees hold hearings and  
re reports which, because of the numerous unavoidable  
s, are seldom completed until the last day or two of  
edings. For this reason important matters are not con-  
ed at the scheduled time and as Glocker observed decades  
'most of the business is rushed through during the  
part of the session."<sup>93</sup>

Appeals are not considered important relative to other  
tion business, so that committee is frequently the last  
ort, sometimes after many of the delegates have left

---

<sup>93</sup>Glocker, The Government of American Trade Unions,

home. During the final hours of the convention time  
 sures mount. Up to this time, business has been con-  
 ed at a more leisurely pace, but now extended dis-  
 ion is discouraged, requests for additional infor-  
 on are rejected and the speaking rules are strictly  
 rced. All of this produces a mechanical, perfunctory  
 ew of appeals. For example, on the final day of a  
 e hands convention 28 appeals, 22 involving expulsion  
 s, were disposed of in less than a half-hour.<sup>94</sup>

On one occasion appeals were the last order of business  
 re final adjournment with only half the delegates still  
 ttendance. One expressed his disapproval:

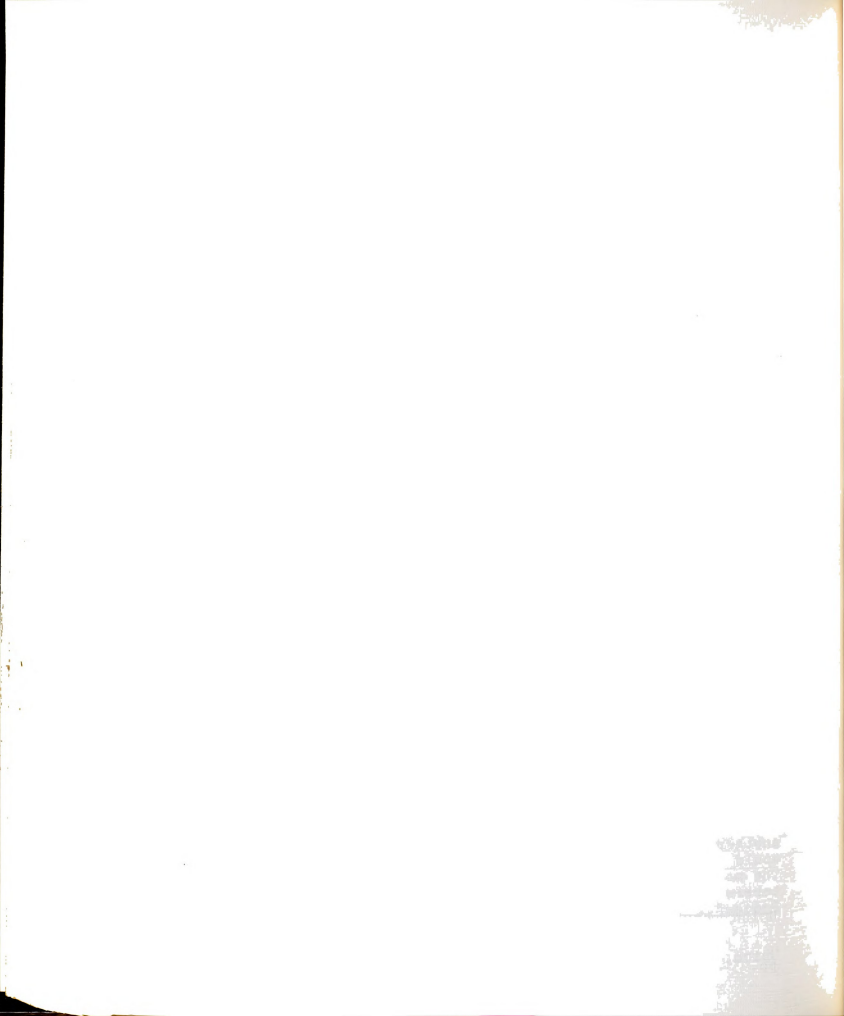
I think this is a very poor time for anyone to have to  
 stand before the assembly with any appeal case and get  
 justice, when people are waiting for trains and planes.  
 I think this should be done at a different time, early  
 in the morning, and I would suggest we do away with  
 the first two days of speeches.<sup>95</sup>

---

<sup>94</sup> Before the report was read the committee chairman  
 red the delegates it would be finished in time for the  
 heon recess, twenty-five minutes away, International  
 ance of Theatrical Stage Employees and Moving Picture  
 ators, Proceedings, (1950), p. 923. At a deck of-  
 rs' convention the chairman assured the other dele-  
 s that two remaining cases could be disposed of in the  
 minutes before adjournment. International Organ-  
 ion of Masters, Mates and Pilots, Proceedings, (1956),  
 8.

A controversial dispute was referred back to the  
 terers' union executive board when the delegates were  
 nded that to debate the matter fully would keep them  
 her two or three hours. "I know a lot of you boys  
 d like to be on your way home," said the chairman.  
 motion was carried without comment. Operative Plas-  
 rs' and Cement Masons' International Association,  
 eedings, (1959), p. 333.

<sup>95</sup> International Printing Pressmen and Assistants'  
 n, Proceedings, (1960), pp. 171-72.



In order to complete its work, another convention appeals at 3 a.m. with the meetings scheduled to re-  
e at 9 o'clock the same morning, the last day of pro-  
gs. Finally, a delegate informed the chair that  
the delegates are sleeping," whereupon discussion was  
d, a vote taken, and the session adjourned.<sup>96</sup>

Sometimes a quorum could not be obtained. The UAW  
an evening session to review appeals so that other  
ss could be conducted at the regular meeting. From  
eginning the session was not well attended, and late  
e evening someone observed that there was no longer a  
n. President Reuther reminded the remaining delegates  
f the appeals were not heard that night they would not  
ard at all. The numerical deficiency was officially  
ed and the appeals review completed.<sup>97</sup>

Aware of these disadvantages, the musicians' union  
ed its constitution to require that appeals be reported  
e convention to later than the third day of business,  
g preference over other matters. This action repudi-  
that union's customary practice of hearing appeals on  
st day of the convention when, the resolution read,  
e delegates are anxious to conclude the business of  
e convention in order to go home and . . . the  
pressure of business on the closing day of the con-  
vention together with the natural desire to speed  
things up results, in many cases, in inattention

---

<sup>96</sup> Oil, Chemical and Atomic Workers International  
Proceedings, (1956), p. 411.

<sup>97</sup> United Automobile Workers, Proceedings, (1959),  
2-53.

the part of the delegates to the evidence and testimony recited, thus making it difficult to render a calm, dispassionate and just decision.<sup>98</sup>

### Summary

Appeals are not regularly debated. Four of every five decided by the delegates without discussion. Most of the debate which occurred is attributable to the appeal issue of the political position of the appellant. Appeals involving union-related discipline evoked a hostile response at the convention; most of the non-disciplinary disputes were deliberated according to their political implications. Disputes from members were least often discussed; those from employees and union officers, most often.

Debate is vital to the deliberative function of the convention. But the leadership dominated the proceedings and the delegates were unable to supplement inadequate committee reports by hearing appellants, by questioning committee officials and executive officers, or by examining new evidence. Whenever the debate threatened to become unmanageable, the convention chairman called for a vote on the committee report or had the dispute referred to another tribunal.

---

<sup>98</sup> American Federation of Musicians, Proceedings, p. 54. The teachers' union is to my knowledge, the only one having a similar regulation. A local appeal for revocation of its charter is the first order of business. This is not an empty privilege; of their four convention appeals involved this Constitution, (1962), Art. IV, sec. 6.

The union president presides as convention chairman. The rules of order, which by their nature are inimical to the hearing of judicial matters, give him considerable discretion in the procedure used in the review of appeals, most of which are from his decisions. Other structural aspects of the convention detract from an effective deliberative process. Large conventions are held in large halls, which make the delegates pliable to the demands of the leadership. The location of the meetings imposes unequal burdens of access to prospective appellants. A principal disadvantage is the unavoidable rush of convention business at the end of the meetings. Because appeals are not considered important, action on them is delayed until the final day or two of proceedings when they are heard under conditions adverse to the appellant. The failure of the national convention to provide a meaningful deliberation of appeals is structural; even the unions which use special procedures were unable to overcome these deficiencies.

## CHAPTER V

### FINAL DISPOSITION OF CONVENTION APPEALS

The denouement of deliberations comes when the motion is moved and the delegates vote to accept, reject, infrequently, to amend the appeal committee's recommendation. The present chapter is concerned with final disposition. The description and analysis is in three parts: (1) the voting procedure, (2) an actual examination of the disposition of appeal cases, (3) an analysis of disposition patterns.

#### The Voting Procedure

##### Method of Voting

There was no common method of voting and while procedures varied from one union to another, and frequently within a single organization, most delegations were large enough to make voting by roll-call practical. So, with the exception of some of the seafaring unions, this was the method unless the chairman's judgment had been challenged. Because this seldom occurred, a voice vote or show of hands decided most convention appeals on a majority-rule basis. In some cases where the chairman himself was

in he called for a standing vote. This required the  
 es to stand at their places or move to a designated  
 the convention hall. From the point of view of  
 on's leadership, the standing vote was a convenient  
 ment for identifying its support, and its opposition,  
 itive issues.<sup>1</sup>

Committee recommendations were customarily voted upon  
 ely thus enabling the delegates to discuss each ap-  
 se individually and vote to accept or reject that  
 the committee report alone. But in 76 cases, less  
 percent of the total, the report was voted upon in  
 irectly; no committee ruling was reversed under this  
 and only three, all in the communications workers'  
 were even discussed by the delegates.<sup>2</sup>

### ing Environment

n the preceding chapter I discussed at some length  
 ieu within which appeals were deliberated and how  
 tracted from the overall efficacy of the national

---

A politically disruptive case was brought to the  
 W convention. The union's executive board had  
 a group of dissident local officers to cease  
 tion of provocative articles in their local paper  
 international supervision. Their appeal against  
 er was turned down by the delegates in a stand-  
 e called for by the convention chairman. United  
 ile Workers of America, Proceedings, p. 356.

Voting on the entire report rather than on each  
 ively is standard practice in the building  
 es union and in the letter carriers' union. Until  
 9 convention this method was used by the com-  
 ons workers' union, and had also been used on  
 a by the lathers, the retail clerks and by the



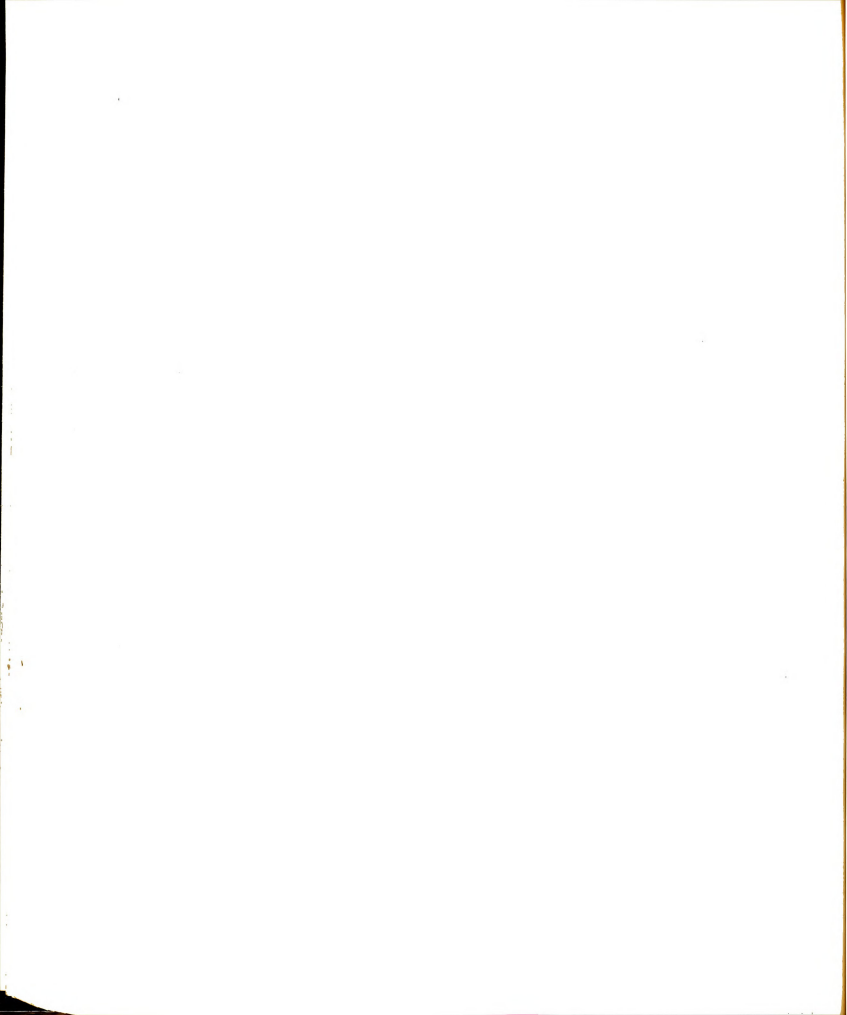
tion as a final appeal body. The same is true of  
 atmosphere surrounding the vote on these appeals. There  
 or instance, the same apparent lack of interest. Some-  
 even the legal quorum of delegates was not on hand for  
 al vote. In many instances the number of delegates  
 was considerably less than the full complement. For  
 e, a standing vote at one convention revealed that  
 lf the delegates either failed to vote or were not  
 floor at the time.<sup>3</sup> A similar discrepancy at another  
 ily large enough to affect the outcome of the vote.<sup>4</sup>  
 re but two illustrations which reflect the languid  
 of voting discernible in printed convention proceed-  
 This disinterest reflected a preoccupation on the  
 ion floor with matters other than the appeals being  
 ed at the rostrum. In fact, at one trainmen's con-  
 a delegate requested that he be recorded as not  
 to vote because he had been unable to hear the ap-  
 mmittee report.<sup>5</sup> Ironically, at the smaller con-  
 s, where the vote of a single large local could affect  
 come, the situation was reversed and delegates from

---

Bricklayers, Masons and Plasterers' International  
 America, Proceedings, (1948), p. 88.

Brotherhood of Railway Carmen of America, Proceed-  
 (1958), pp. 384-85.

rotherhood of Railroad Trainmen, Proceedings,  
 p. 433.



that had appeals before the convention were some-  
asked to refrain from voting.<sup>6</sup>

The same haphazard procedure which distinguished much  
debate also characterized the voting. As a result,  
come of a convention appeal was sometimes quite  
ous. For example, an appeal lost at one convention  
at the following session when a delegate chanced to  
r its similarity to another appeal just sustained;  
discussion the delegates voted to reverse the previ-  
vention's decision.<sup>7</sup> On another occasion, the dele-  
supported a number of committee recommendations to  
appellants until, in a case no different from the  
they petulantly reversed the committee for its  
excessive leniency.<sup>8</sup>

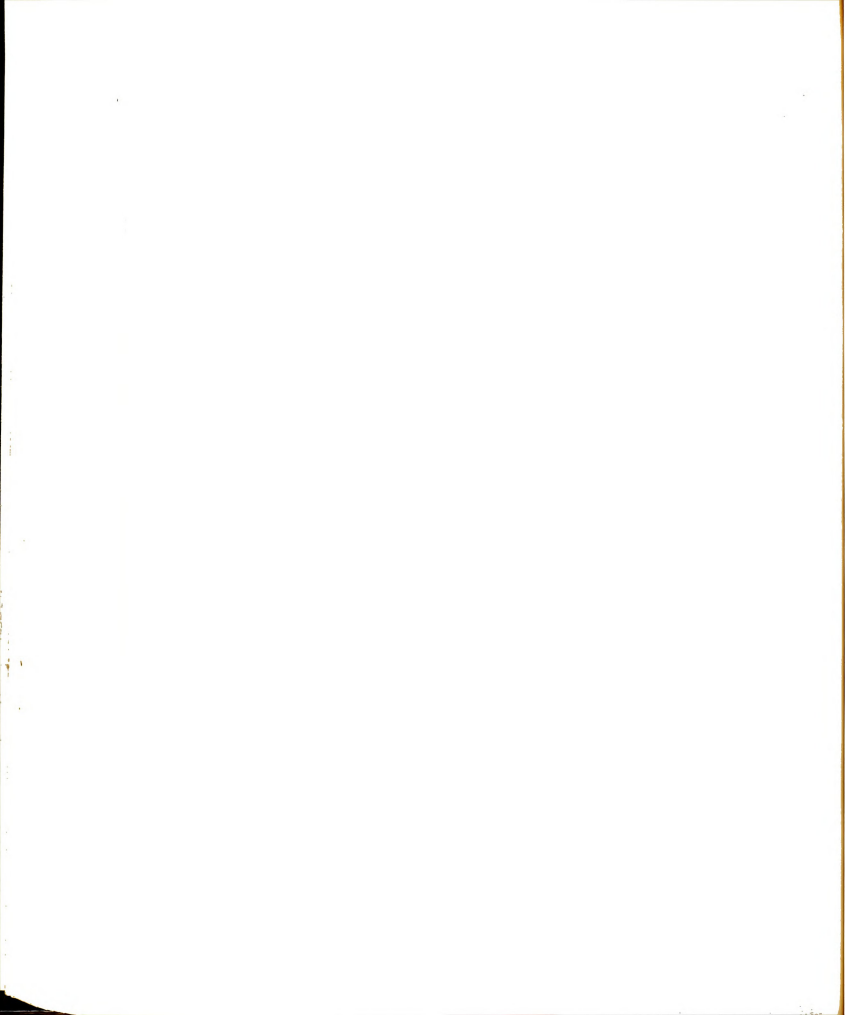
The circumstances in many appeals produced strange  
expected voting patterns. In one, a staff member dis-  
for her refusal to move to a new job assignment was  
ed by a bloc of delegates representing workers whose  
job complaint was the company's automatic dismissal

---

Cf., National Marine Engineers' Beneficial Assoc-  
Proceedings, (1955), pp. 172-73 and, International  
ation of Masters, Mates and Pilots, Proceedings,  
p. 164.

United Automobile Workers of America, Proceedings,  
p. 315.

One delegate asked in his argument against the com-  
s ruling: "What the hell does a man have to do in  
o be expelled from this Union?" Moreover, he re-  
the committee "trying to make a fool out of this  
ion." National Maritime Union of America, Proceed-  
1947), p. 943.



those not reporting for undesirable job assignments.<sup>9</sup> The backing turned an otherwise commonplace appeal into a spirited contest narrowly won by the leadership, and after the opposition forced a roll-call vote. And three officers of the UAW's Kelsey-Hayes local requested that the international executive board be invited by the convention to negotiate their reinstatement with the company, a delegate from the union's largest local, Local 600, supported the appeal because in his words, it was "to return the help" the Kelsey-Hayes locals had extended to Local 600 in the past.<sup>10</sup>

The same political considerations which influenced the deliberations were evident in the final vote, which often depended as much upon comparative political voting strength as upon an impartial evaluation of the merits of each side in the dispute. Frank Schonfeld, former district officer of the painters' union and who is currently leading a reform movement in New York says of convention appeals:

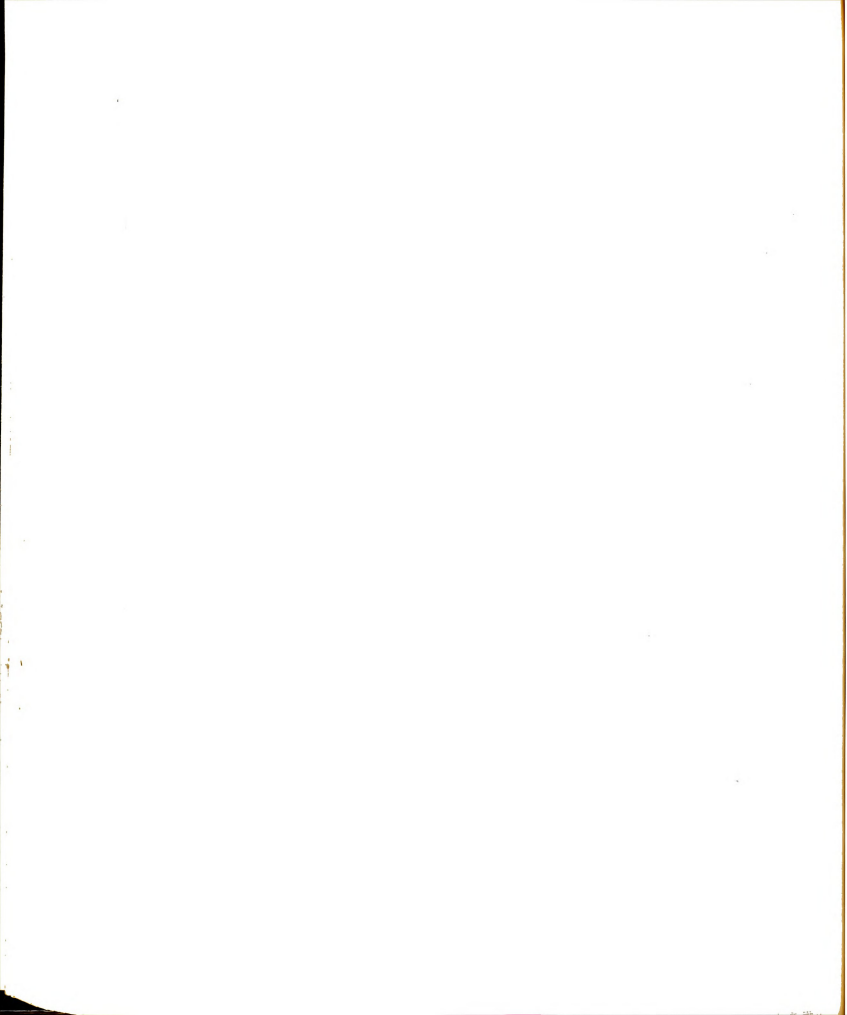
Conventions often serve as a final review board; but there can hardly be any calm, judicial consideration of appeals before mass conferences. Every appeal becomes a challenge to the administration and, as delegates vote, they are moved, not by the needs of justice, but by the requests of their own elected officials for another vote of confidence.<sup>11</sup>

---

<sup>9</sup> Communications Workers of America, Proceedings, p. 314.

<sup>10</sup> United Automobile Workers of America, Proceedings, p. 314.

<sup>11</sup> Frank Schonfeld, "Why I Propose the Public Review Principle for Painters District Council 9," (mimeo) April, p. 1.



s particularly true in those unions where the national election elects the union's officers, where "every issue election issue."<sup>12</sup> For example, an otherwise inconsequential appeal but one purposely designed to test administration strength vis-a-vis that of a gathering opposition was decided strictly along factional lines.<sup>13</sup> In the engineers' union, where convention voting is along factional lines, a Gulf port delegate pointed out that the lack of information in a dispute between two locals, one working on the Atlantic the other on the West Coast, left the delegates uncertain and with conflicting obligations: "Possibly I might even go for the West Coast in a deal like this," he said.<sup>14</sup> Political considerations were also apparent in the remarks of a local delegate in another union who was disappointed with the vote on a particular appeal:

. . . have had a bad taste in our mouth for quite some time on this [case], and when the per capita dues issue came up, some of us were going to use that as a political football. Don't . . . be naive. Politics are played here.<sup>15</sup>

---

<sup>12</sup> Interview in September, 1964 with Mr. Don Doherty, president of the International Chemical Workers

<sup>13</sup> International Chemical Workers Union, Proceedings, pp. 154-176.

<sup>14</sup> National Marine Engineers' Beneficial Association, Proceedings, (1958), p. 402.

<sup>15</sup> Marine and Shipbuilding Workers of America, Proceedings, (1952), p. 275.

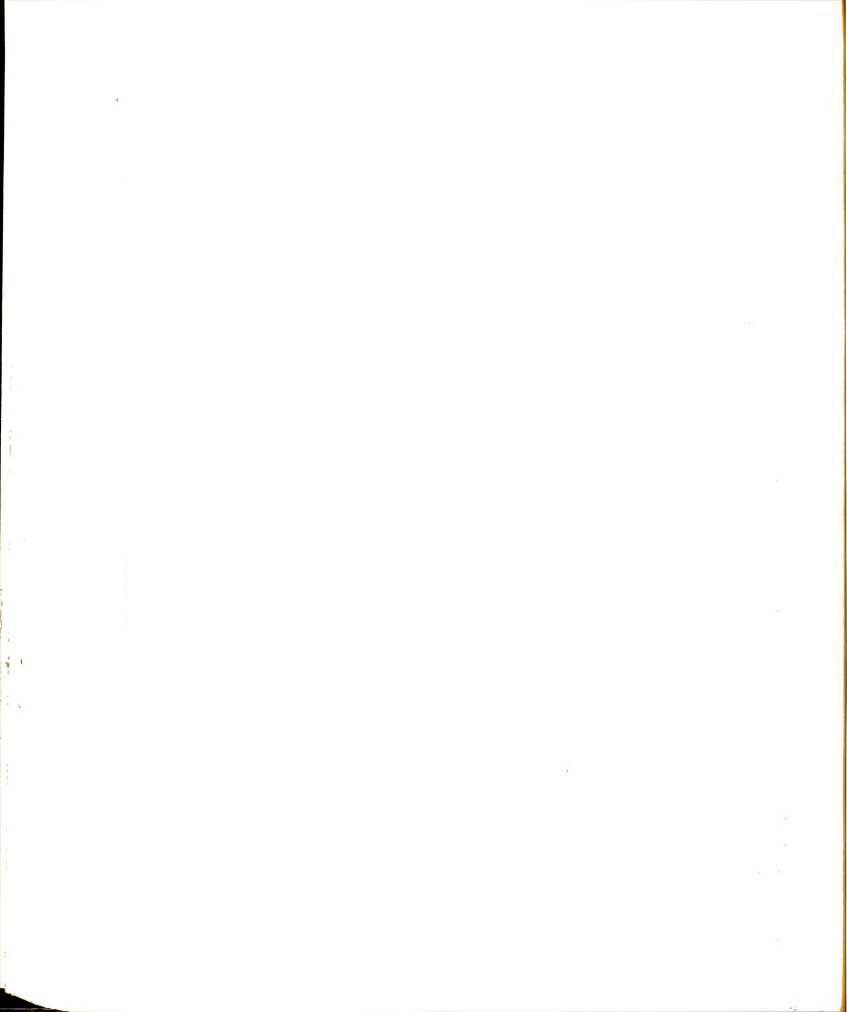
Finally, the convention chairman's ultimate control deliberation was also evident in the final vote. His intent was not often questioned but even on these occasions he decided whether or not another vote should be taken. The likelihood of a roll-call or division of the house depended primarily on the chairman's estimate of the cost to him if any, in refusing to recognize such requests. As a result some chairmen were quite responsive while others did not afford to be completely autocratic on voting procedure. Even the Beirne of the communications workers, for example, was usually amenable to demands for a counting of votes.<sup>16</sup> On one occasion he was openly accused of instructing national staff members to circulate among the delegates to muster support for committee recommendations. "I have been intimidated by this staff," said one delegate, claiming he had been warned not to speak in opposition to an appeals committee report.<sup>17</sup> But because the president usually has no real power at convention with him, most chairmen have nothing to fear from a roll-call. Extended debate and introduction of evidence were not permitted at the maritime union conventions, and President Curran never objected to a polling of the delegates on appeals committee recommendations.

---

<sup>16</sup>Cf., Communications Workers of America, Proceedings (1952), p. 627 and (1959), p. 319.

<sup>17</sup>Proceedings, (1959), p. 317.

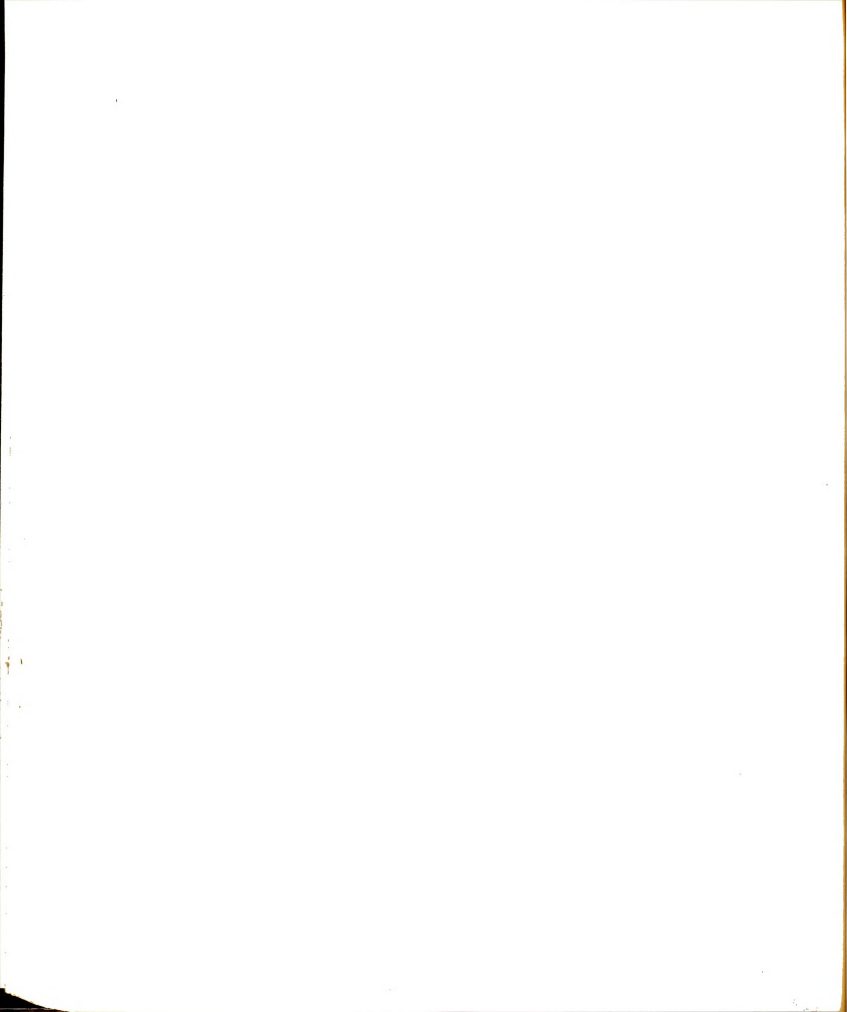




The Disposition of Convention  
Appeal Cases

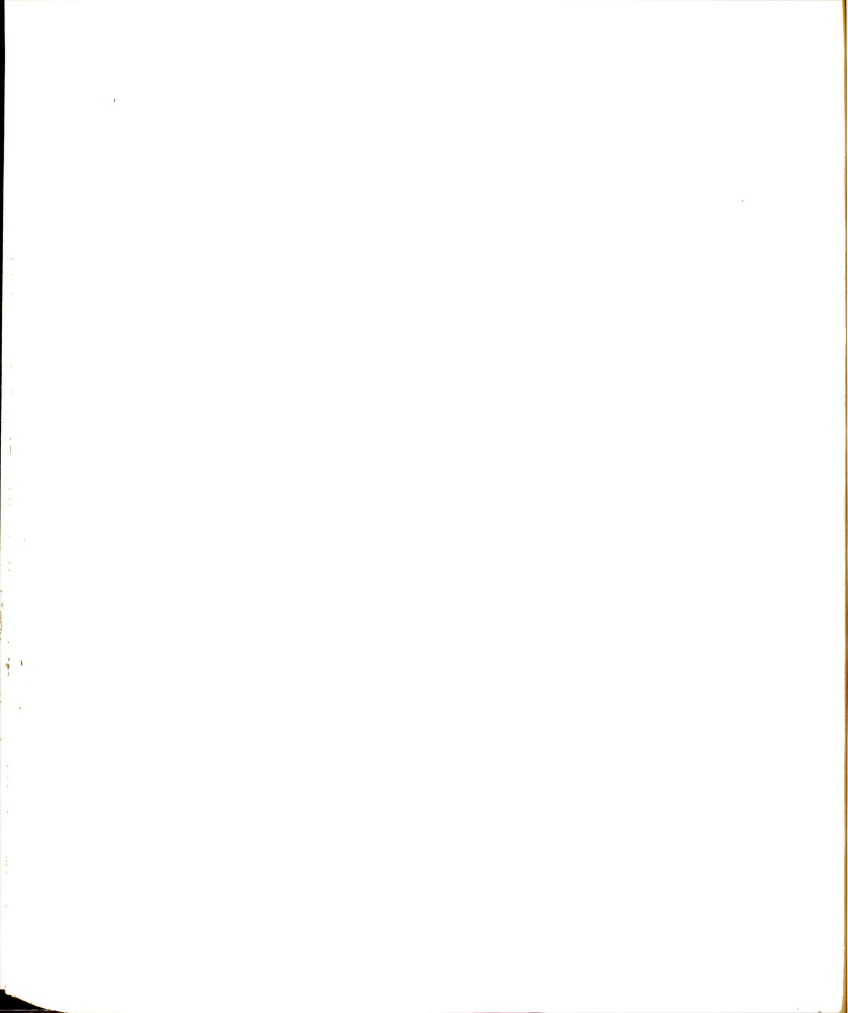
A summation of the final disposition of appeal cases is shown in Table V-1. Appendix B includes a summary of appeals disposition in each union. As indicated in column (c), over 80 percent were denied. A much smaller portion, the 10 percent figure in column (d), were sustained, though usually upon committee recommendation. Another 5.2 percent were not resolved at the convention but instead, referred back to the tribunal whose decision was upheld or, in a few instances, to a conference with the disputing parties. And in just under 2 percent of cases the original ruling was amended at the convention. This usually meant a reduction in disciplinary action imposed upon individual members and local officers. Remaining appeals, 1.7 percent of the total, were resolved in some other way, frequently by the appellant's voluntary withdrawal of the case.

The differences in final disposition between work-related and union-related appeals are slight. But the somewhat higher rate of sustention in work-related cases is not to be taken to believe that this sort of appeal was better received than the politically charged union-related disputes. This is further supported by higher sustention rates for disciplinary cases than for the administrative, non-disciplinary decisions. As Table V-1 shows, the highest sustention rates were in cases of membership regulation and

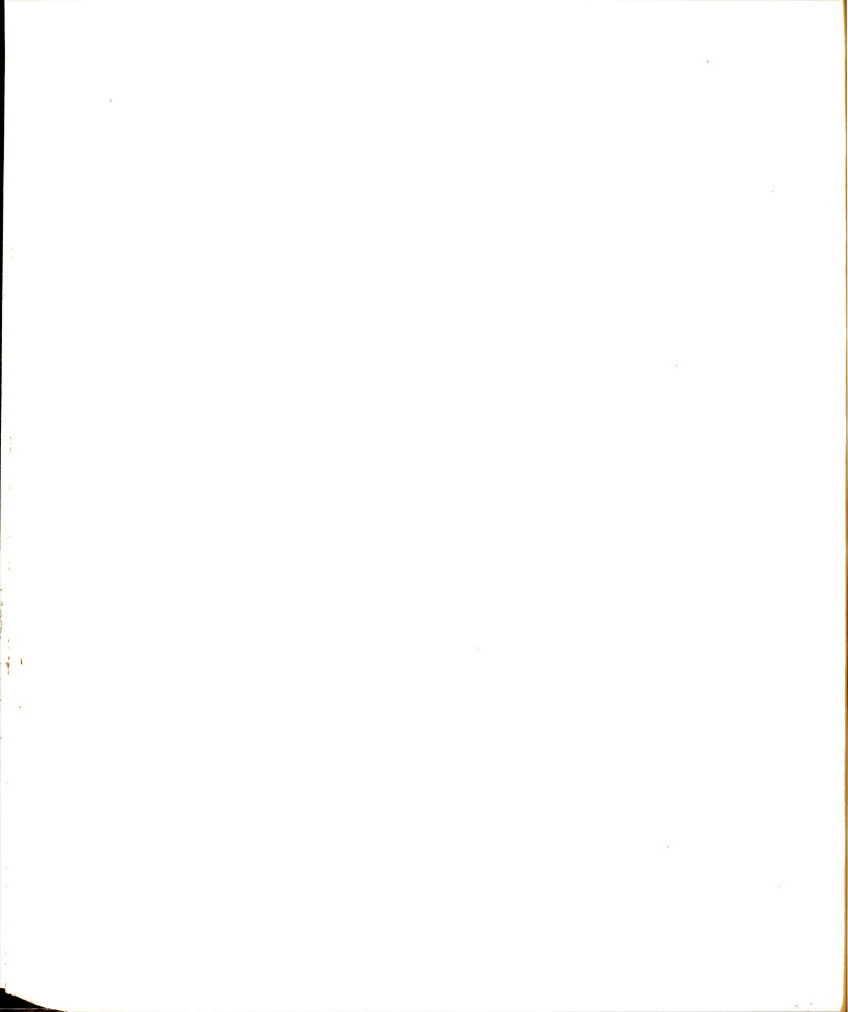


# Final Disposition

| Issue<br>(a)               | Total<br>Number<br>of<br>Appeals<br>(b) | Appeal |    |     | Appeal |    |     | Appeal |    |     | Prior  |    |     | Other<br>Number<br>(g) |
|----------------------------|---|--------|----|-----|--------|----|-----|--------|----|-----|--------|----|-----|------------------------|
|                            |   | Number | %  | (c) | Number | %  | (d) | Number | %  | (e) | Number | %  | (f) |                        |
| Work rule violations       | 235                                     | 183    | 78 |     | 38     | 16 |     | 3      | 1  |     | 11     | 5  |     | -                      |
| Seniority and jobs         | 193                                     | 168    | 87 |     | 18     | 9  |     | 6      | 3  |     | 1      | .5 |     | -                      |
| Jurisdictional<br>disputes | 118                                     | 81     | 69 |     | 5      | 4  |     | 27     | 23 |     | -      | -  |     | 4                      |
| Grievance handling         | 92                                      | 75     | 82 |     | 10     | 11 |     | 5      | 5  |     | -      | -  |     | 2                      |
| Collective<br>bargaining   | 36                                      | 25     | 69 |     | 7      | 19 |     | 2      | 6  |     | 1      | 3  |     | 3                      |
| Elections                  | 146                                     | 122    | 84 |     | 16     | 11 |     | 5      | 3  |     | 1      | 1  |     | 1                      |
| Misbehavior of<br>officers | 124                                     | 111    | 90 |     | 5      | 4  |     | 3      | 2  |     | 5      | 4  |     | -                      |
| Dissension and<br>slander  | 116                                     | 109    | 94 |     | 3      | 3  |     | 3      | 3  |     | 1      | 1  |     | -                      |
| Financial matters          | 86                                      | 65     | 76 |     | 5      | 6  |     | 5      | 6  |     | 4      | 5  |     | -                      |
| Membership regulations     | 83                                      | 61     | 74 |     | 12     | 15 |     | 6      | 7  |     | 2      | 2  |     | 8                      |
| Membership status          | 80                                      | 62     | 77 |     | 13     | 16 |     | 4      | 5  |     | 1      | 1  |     | 2                      |
| Disloyalty to the<br>union | 78                                      | 66     | 85 |     | 7      | 9  |     | 3      | 4  |     | 1      | 1  |     | -                      |
| Judicial procedure         | 62                                      | 51     | 82 |     | 7      | 11 |     | 1      | 2  |     | 2      | 3  |     | 1                      |
| Communism                  | 56                                      | 54     | 96 |     | -      | -  |     | 2      | 4  |     | -      | -  |     | 2                      |
| Union benefit claims       | 49                                      | 33     | 67 |     | 13     | 26 |     | 3      | 6  |     | -      | -  |     | -                      |



| Issue<br>(a)                  | Total<br>Number<br>of<br>Appeals<br>(b) | Appeal<br>Denied<br>Number<br>(c) |      | Appeal<br>Sustained<br>Number<br>(d) |      | Appeal<br>Referred<br>Elsewhere<br>Number<br>(e) |     | Prior<br>Decision<br>Amended<br>Number<br>(f) |     | Other<br>Number<br>(g) |     |
|-------------------------------|---|-----------------------------------|------|--------------------------------------|------|--|-----|---|-----|------------------------|-----|
|                               |   | Number                            | %    | Number                               | %    | Number   | %   | Number  | %   | Number                 | %   |
| Direct control<br>over locals | 43                                      | 32                                | 74   | 4                                    | 9    | 3  | 7   | 2   | 5   | 2                      | 5   |
| Illegal strikes               | 39                                      | 38                                | 97   | -                                    | -    | 1  | 3   | -   | -   | -                      | -   |
| Officer and staff             |   |                                   |      |                                      |      |  |     |   |     |                        |     |
| employee complaints           | 38                                      | 29                                | 76   | 3                                    | 8    | 2  | 5   | -   | -   | 4                      | 11  |
| Mergers and<br>affiliations   | 27                                      | 20                                | 74   | 2                                    | 10   | 3  | 15  | -   | -   | 2                      | 10  |
| Conducting union<br>meetings  | 24                                      | 19                                | 79   | 4                                    | 17   | -  | -   | -   | -   | 1                      | 4   |
| Total                         | 1725                                    | 1404                              | 81.4 | 172                                  | 10.0 | 87   | 5.2 | 32  | 1.9 | 30                     | 1.7 |

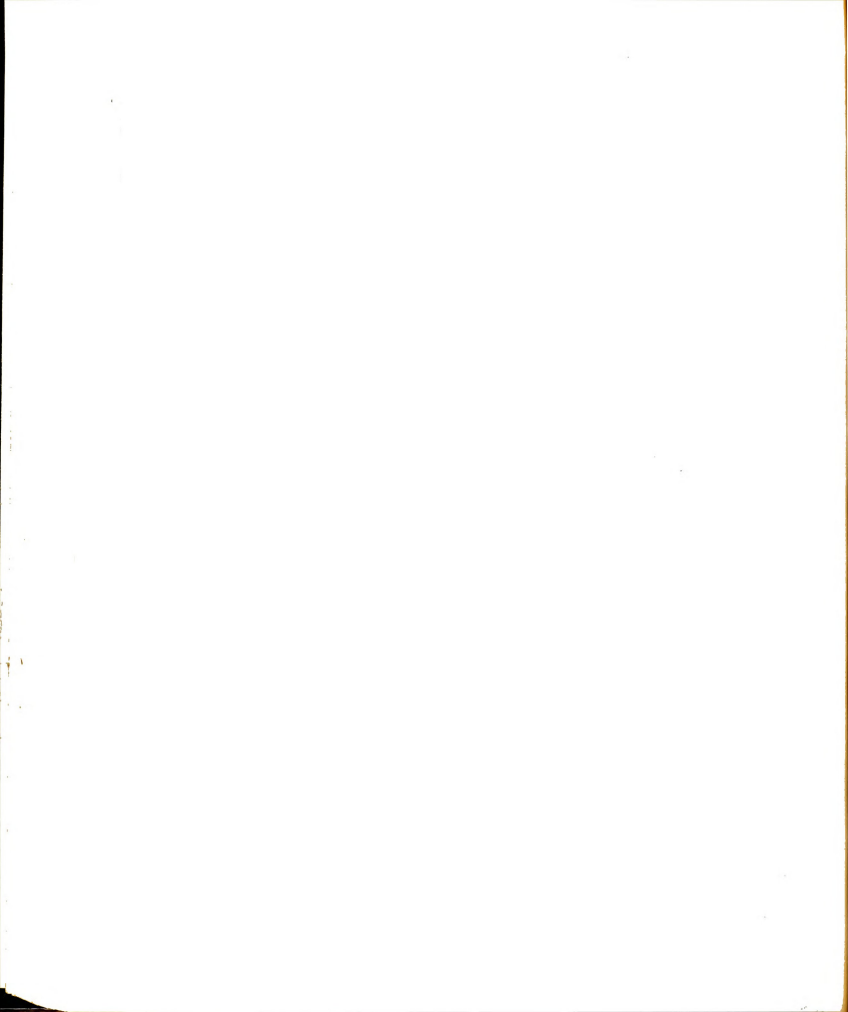


violations, the collective bargaining issues (of controversial nature), individual benefit claims, the concerning union membership status, and protests concerning certain administrative procedures. By contrast, the appealed appeals from disciplinary actions and those stemming from certain internal union matters--Conduct of officers and member dissension and were seldom upheld.

### Convention Appeals

At appeals, by far, were lost at the national convention. At least two-thirds of the time, appeals in each of the categories listed in column (a) of Table V-1 were usually upon the committee's recommendation. In only a few instances, or in .02 percent of all decisions, the delegates reverse the committee to uphold appellants. In fact, they accepted most committee recommendations without dissent. When some doubt was expressed, the convention was invariably advised by the chair of the dangers in rejecting committee rulings. To do this, they were told needlessly hinder the national union or in some way weaken the organization. It would, for example: (1) prevent the leadership "from enforcing the international union," (2) open the way for "thousands" of similar appeals at successive conventions, (3) encourage the distribution of slanderous materials, (4) expose the union to the national raiding of rival unions, (5) require each





n to redefine national union authorities, (6) e the integrity of international officers in future with other unions, and (7) bring "anarchy" to the political structure and involve the union in Landrum-et violations.<sup>18</sup> Such reminders, though often were helpful in uniting the delegates behind the ation position.

### n of Appeals

ividual appellants did not often have the opportunity t their case to the convention. But when they did ast was equally ominous. Member and staff employee s, for example, related their experience to the loss of rights by others and adverse consequences union. They warned that unless their appeal were (1) the rights of "several thousand" members would cted, (2) the executive board's stifling of free the union would eventually hurt organizational ef- ause, "People will not join the union if they are at they cannot express their opinions," (3) "If my stands we may well expect that anyone who fails to ooperly or to be subserviant and uncritical will be

---

International Chemical Workers Union, Proceedings, 162; International Brotherhood of Electrical Proceedings, (1946), p. 345. Cf., United Auto-  
workers of America, Proceedings, (1946), p. 320.  
Shipbuilding Workers of America, Proceedings, 299; International Organization of Masters, Pilots, Proceedings, (1948), p. 118; American Guild, Proceedings, (1956), p. 51; International Pressmen and Assistants' Union, Proceedings, (1956), Transport Workers Union of America, Proceedings, 289.

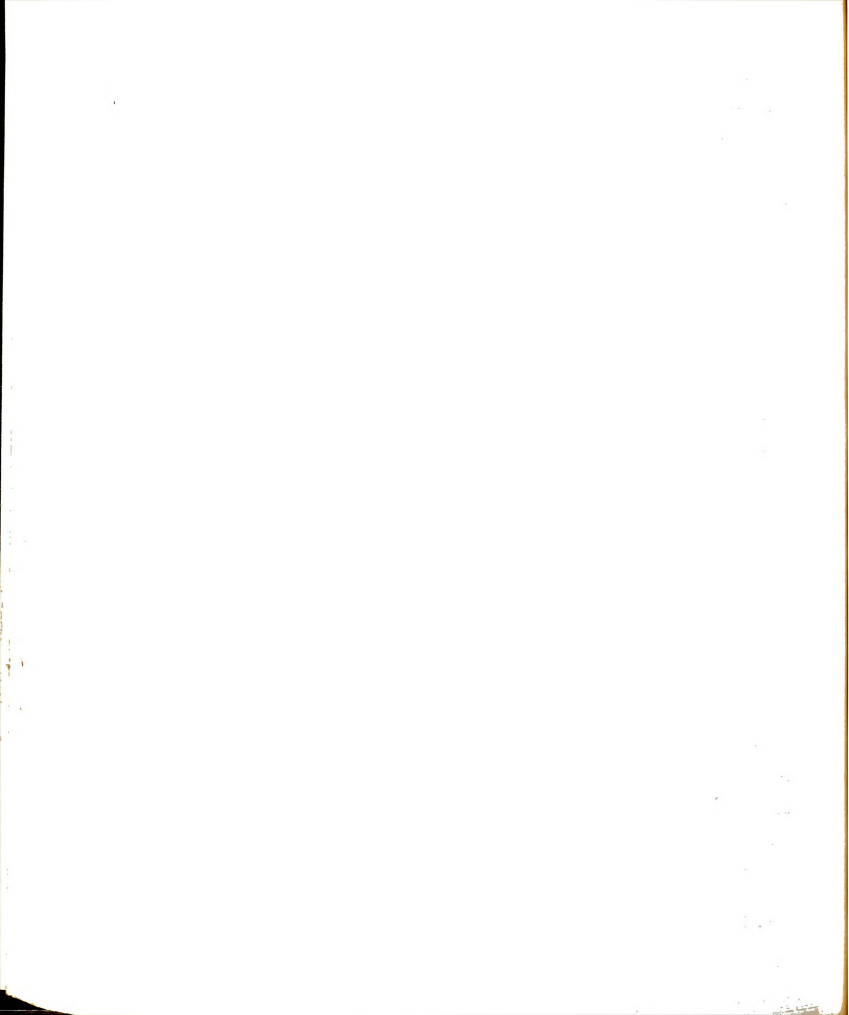
" from the union staff, (4) "If our Board of Directors can arbitrarily expel these men [from the union], they also have the power to expel any member of any union without provocation."<sup>19</sup> Appellant local unions made similar arguments. For example, a plasterers' representative insisted that an appeal committee rule and refer back to the executive board a case involving a local's suspension of a foreman would discourage the many locals "waiting to see if [we] may exercise such discipline is necessary to maintain conditions befitting union if those who use such great efforts to tear down good [union] conditions" would be given "additional time to succeed in their effort."<sup>20</sup> The complete ruination of the plasterers' union was forecast by locals appealing their revocation of charter for failure to integrate the membership.<sup>21</sup> Appellant from an electricians' local which had had its charter revoked warned the delegates that unless the international's action was rescinded a dangerous precedent would be established and over time "more than one of the locals" present at the convention might suffer a similar

---

International Chemical Workers Union, Proceedings, p. 163; Marine and Shipbuilding Workers of America, Proceedings, (1946), p. 299; Office Employees International Union, Proceedings, (1947), p. 297; International Printing and Assistants' Union, Proceedings, (1956), p. 83.

Operative Plasterers' and Cement Masons' International Association, Proceedings, (1946), p. 179.

American Federation of Teachers, Proceedings, pp. 26-29, 50-51.



ience.<sup>22</sup> Appellants frequently sought to enlist de-  
support by associating individual appeals with much  
implications and by reminding them of the consequences  
d the appeal be denied. This reflected their apparent  
f that the best way to win a convention decision is to  
upon the emotions of the delegates.

### ls Referred Elsewhere

About one in every twenty appeals was not resolved at  
onvention but was instead remanded back to a lower ap-  
forum. But as Table V-2 shows, 76 percent of these  
rals were back to the same national union tribunal from  
the convention appeal had been taken. Another 13 per-  
went back to some intermediate body for final review  
ecision. These decisions to refer appeals elsewhere  
concentrated in three trade groups: building con-  
tion unions, the maritime organizations and the rail-  
brotherhoods. The East Coast sailors' union alone  
nted for 14 such referrals and the marine engineers,  
erers, boilermakers and hod carriers for five each.  
of those in the building trades and railroad brother-  
involved complex, difficult problems concerning national  
-subordinate body relations which the administration  
d to refer elsewhere, rather than risk settling them on  
loor of the national convention.

---

<sup>22</sup>International Brotherhood of Electrical Workers,  
edings, (1962), p. 842.

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

TABLE V-2

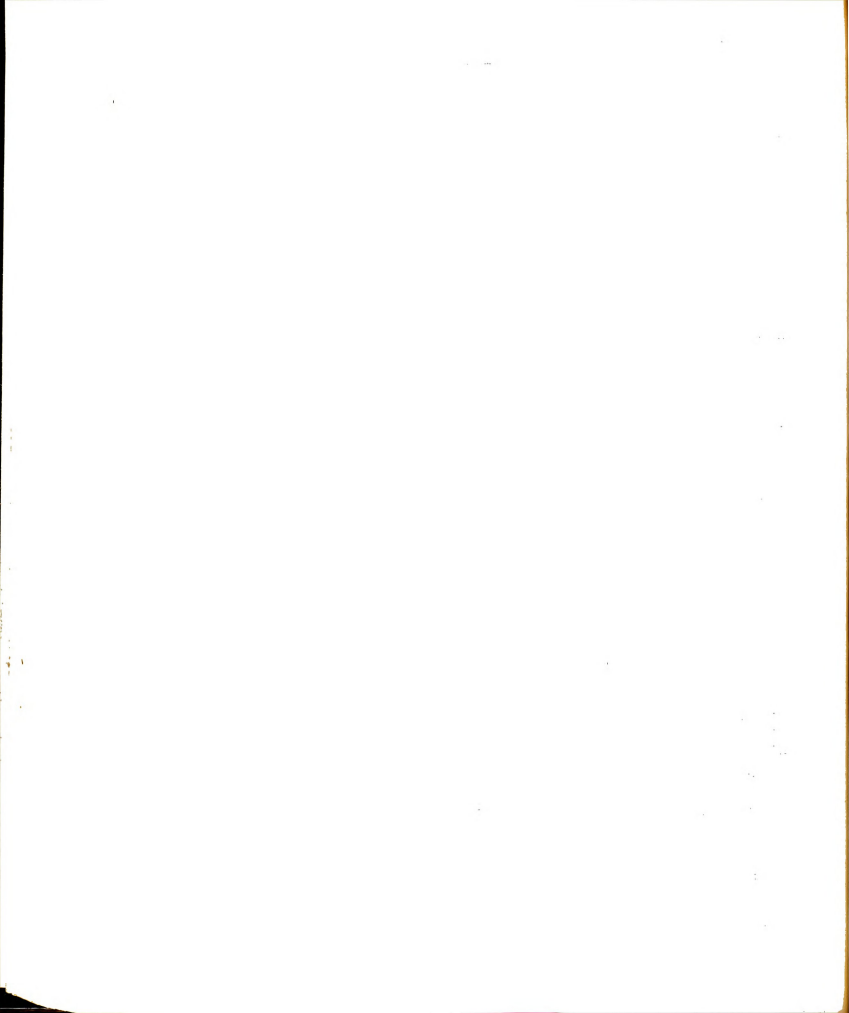
## CONVENTION APPEALS REFERRED ELSEWHERE

| Related Issue | Appeals Referred Elsewhere as Percentage of Total Appeals | Number of Appeals Referred | Number of Appeals Referred to the |                          |                         |                             |                    |                 |
|---------------|---|----------------------------|-----------------------------------|--------------------------|-------------------------|-----------------------------|--------------------|-----------------|
|               |   |                            | National Executive Offices        | National Executive Board | Local or District Union | Other Convention Committees | Board of Directors | Next Convention |
|               | (1)   | (2)                        | (3)                               | (4)                      | (5)                     | (6)                         | (7)                | (8)             |
| ational       | 19.5  | 23                         | 3                                 | 16                       | 3                       |                             | 1                  |                 |
| hip           | 7.2   | 6                          | 6 <sup>a</sup>                    |                          |                         |                             |                    |                 |
| control       | 7.0   | 3                          |                                   | 2                        |                         |                             |                    | 1               |
| ocals         | 6.1   | 3                          |                                   | 3                        |                         |                             |                    |                 |
| enefit        | 5.8   | 5                          |                                   | 1                        |                         | 3                           | 1                  |                 |
| al            | 5.4   | 5                          |                                   | 2                        | 2 <sup>c</sup>          |                             |                    | 1               |
| s             | 5.3   | 2                          |                                   |                          |                         | 2                           |                    |                 |
| ce            | 5.3   | 2                          |                                   |                          |                         |                             |                    |                 |
| ng            | 3.8   | 3                          | 3                                 |                          |                         |                             |                    |                 |
| and           | 3.8   | 3                          |                                   | 2                        | 1                       |                             |                    |                 |
| employee      | 3.7   | 1                          |                                   | 1                        |                         |                             |                    |                 |
| ints          | 3.6   | 2                          |                                   |                          | 2 <sup>b</sup>          |                             |                    |                 |
| lty to        | 3.4   | 5                          | 2                                 | 3                        |                         |                             |                    |                 |
| lon           | 2.8   | 1                          | 1                                 |                          |                         |                             |                    |                 |
| hip           | 2.6   | 3                          | 2                                 |                          | 1                       |                             |                    |                 |
| and           | 2.6   | 1                          | 1                                 |                          |                         |                             |                    |                 |
| ations        | 2.6   | 5                          | 4                                 |                          | 1 <sup>c</sup>          |                             |                    |                 |
| sm            | 2.4   | 3                          | 3 <sup>a</sup>                    |                          |                         |                             |                    |                 |
| s             | 1.6   | 1                          |                                   | 1                        |                         |                             |                    |                 |
| ve            | 1.3   | 3                          |                                   | 3                        |                         |                             |                    |                 |
| ing           | 4.5   | 78                         | 25                                | 34                       | 10                      | 5                           | 2                  | 2               |

11 of these occurred in the National Maritime Union.

Both cases involved the large New York Transport Workers Local 100.

referred to various system councils of the railroad unions.





Most of these appeals contained important policy  
 tions. These included: (1) contract negotiations in  
 electricians' union railroad locals, (2) work allocation  
 seniority issues in the railroad brotherhoods, (3)  
 onal supervision over local affairs, (4) disputed  
 tions and (5) demands for lockout payments to local  
 ers.<sup>23</sup> Jurisdictional disputes were frequently referred  
 where. Many of them were long-standing conflicts which  
 d not be settled at successive conventions, and the situ-  
 n simply remained in some indefinite status, being shuf-  
 between executive board and national convention.

Five additional cases were referred to other convention  
 ittees more directly responsible for handling the issues  
 r consideration. This usually occurred at the smaller  
 entions, possibly reflecting their greater informality  
 procedure.<sup>24</sup>

---

<sup>23</sup>International Brotherhood of Electrical Workers, Proceedings, (1946), p. 380; Brotherhood of Railroad Train-  
Proceedings, (1960), pp. 689-703; Allied Industrial  
 ers of America, Proceedings, (1945), pp. 115-32;  
 Dry, Dry Cleaning and Dye House Workers International  
 n, (Ind), Proceedings, (1961), p. 141; Hod Carriers',  
 ing and Common Laborers' Union, Proceedings, (1961),  
 35-37, and International Brotherhood of Boilermakers,  
Proceedings, (1953), p. 504; United Association of Journey-  
 and Apprentices of the Plumbing and Pipe Fitting In-  
 y of the United States and Canada, Proceedings, (1961),  
 3.

<sup>24</sup>Cf., International Organization of Masters, Mates  
 Pilots, Proceedings, (1952), p. 113 and (1958), p.  
 and the National Marine Engineers' Beneficial Assoc-  
 n, Proceedings, (1958), pp. 248-50.

ed Decisions

National conventions amended 32, or just under 2 per-  
 of the decisions being appealed. As Table V-3 shows,  
 ed disciplinary penalties comprised two-thirds of the  
 ed cases. Work rule violations in the maritime trades  
 accounted for ten of them. The remainder consisted  
 ly of national administration decisions affecting  
 dinate unions, financial differences between the  
 nal union and staff members or locals, protested judi-  
 procedures in the UAW, and disputed revocation of local  
 ers. While the original penalty or decision was modi-  
 in these cases, the committee report invariably affirmed  
 judgment used in the initial ruling.

These modifications were made for a variety of reasons:  
 excessive severity of the penalty, (2) the unintended  
 tion of membership regulations, (3) the appellant's  
 quent good behavior, (4) as a gesture of leniency, (5)  
 se notice of the original trial date was not provided,  
 hat an initially justifiable trusteeship had served the  
 e and should be removed within ninety-days, or (7) in  
 that an otherwise deadlocked convention could resolve  
 ssue.<sup>25</sup>

---

<sup>25</sup>United Automobile Workers of America, Proceedings,  
 , p. 290; National Marine Engineers' Beneficial  
 ation, Proceedings, (1957), p. 255; National Mari-  
 Union, Proceedings, (1945), pp. 238-39; Switchmen's  
 of North America, Proceedings, (1959), pp. 65-66;  
 and Confectionery Employees International Union,  
dings, (1951), p. 247; Office Employees International  
Proceedings, (1949), pp. 223-24; this was the un-  
 successful effort by the teachers' federation executive

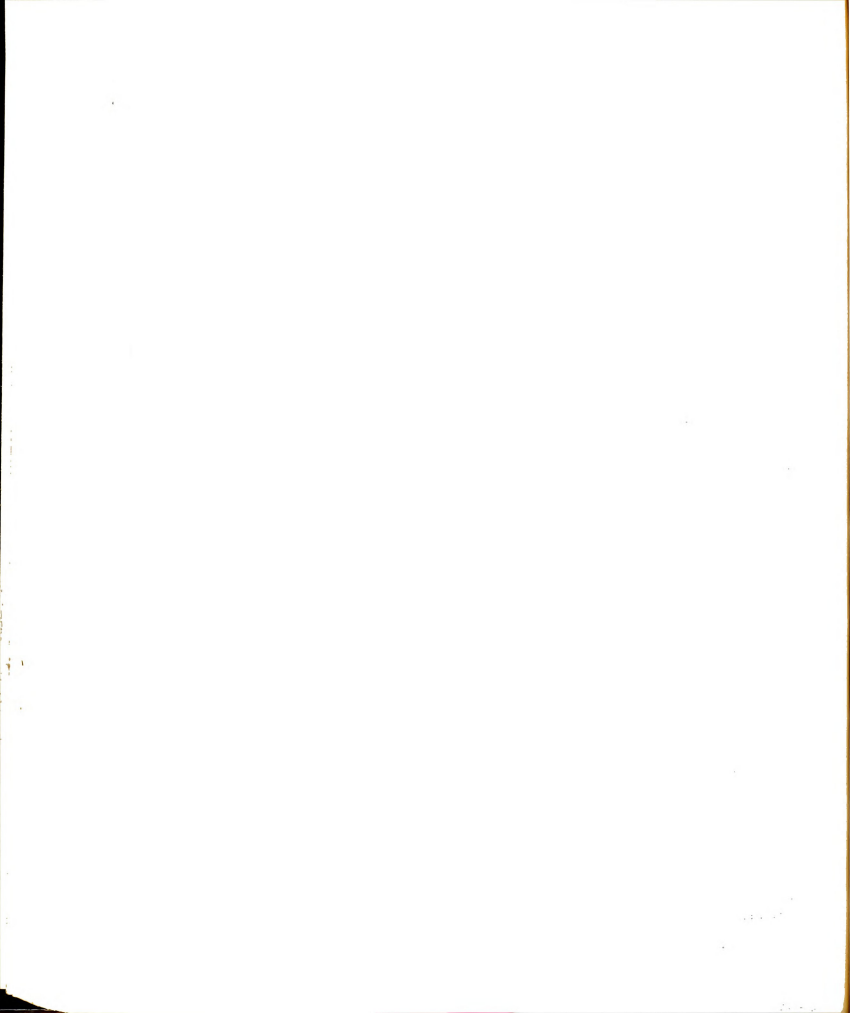


TABLE V-3

## DECISIONS AMENDED BY CONVENTION ACTION

| Issue             | Number of<br>Amended<br>Decisions | Type of Amendment       |                                 |                       |
|-------------------|-----------------------------------|-------------------------|---------------------------------|-----------------------|
|                   |                                   | Reduction<br>of Penalty | Partial Repay-<br>ment of Funds | Other                 |
| Rules             | 11                                | 11 <sup>a</sup>         |                                 |                       |
| Behavior of       |                                   |                         |                                 |                       |
| Members           | 5                                 | 3                       | 1                               | 1 <sup>b</sup>        |
| Special           |                                   |                         |                                 |                       |
| Members           | 4                                 |                         | 4                               |                       |
| Membership        |                                   |                         |                                 |                       |
| Relations         | 2                                 | 2                       |                                 |                       |
| Control           |                                   |                         |                                 |                       |
| Locals            | 2                                 |                         |                                 | 2 <sup>c</sup>        |
| Local pro-        |                                   |                         |                                 |                       |
| cedure            | 2                                 | 2                       |                                 |                       |
| Security and      |                                   |                         |                                 |                       |
|                   | 1                                 |                         |                                 | 1 <sup>d</sup>        |
| Effective         |                                   |                         |                                 |                       |
| Training          | 1                                 |                         |                                 | 1 <sup>e</sup>        |
| Loyalty to        |                                   |                         |                                 |                       |
| Union             | 1                                 | 1                       |                                 |                       |
| Union and         |                                   |                         |                                 |                       |
| Order             | 1                                 | 1                       |                                 |                       |
| Relations         | 1                                 | 1                       |                                 |                       |
| Membership status | <u>1</u>                          | <u>—</u>                | <u>—</u>                        | <u>1</u> <sup>f</sup> |
| Total             | 32                                | 21                      | 5                               | 6                     |

<sup>a</sup>Includes eight decisions in the National Maritime

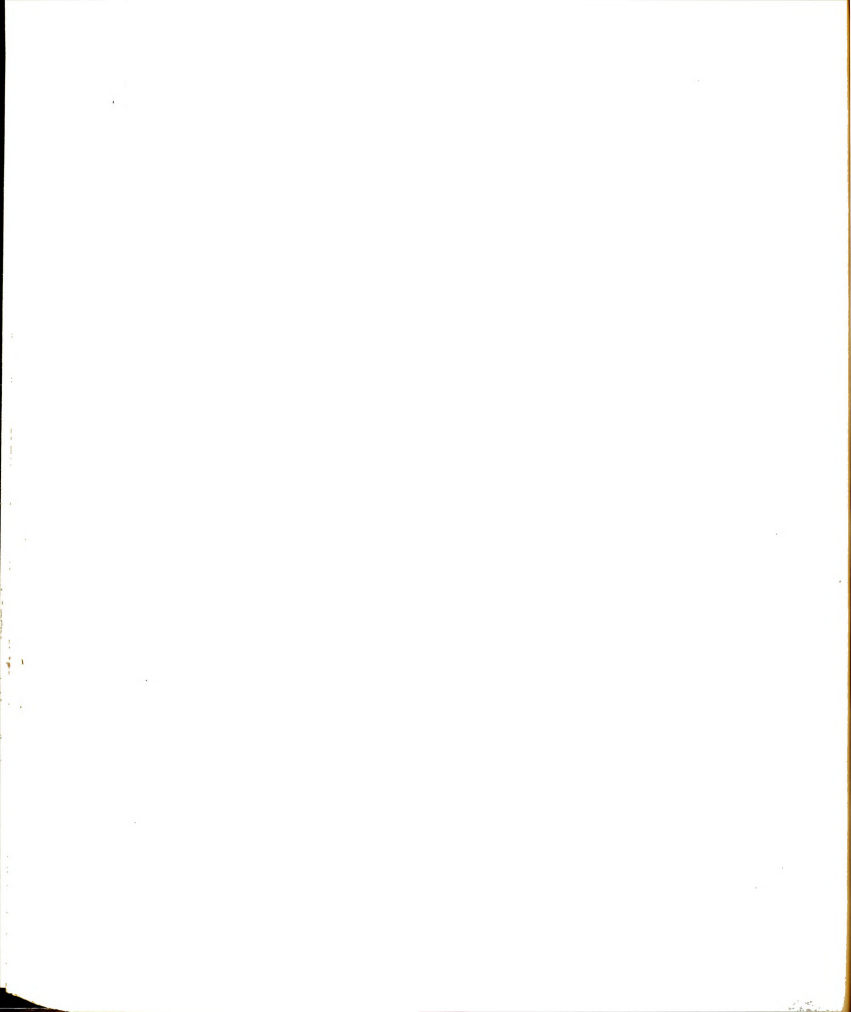
<sup>b</sup>Ordered retrial.

<sup>c</sup>Gradual reduction of national supervision; delayed  
restoration of teachers' union locals pending subsequent  
action by them.

<sup>d</sup>Involved a partial restoration of seniority status.

<sup>e</sup>Modified national union policy regarding worker  
participation in company merchandising program.

<sup>f</sup>Delegates reinstated several electricians' union  
members who had lost membership privileges during a long,  
successful strike.



Five other amended decisions related to partial payment of financial claims. Three involved compensation to local unions for expenses incurred in (1) arbitration procedures, (2) in lawsuits brought by expelled members, and (3) in litigation in which the national union was also implicated.<sup>26</sup> Compensation was also made to two individual appellants: a disciplined local officer and a delegate claiming expenses from the previous convention.<sup>27</sup>

### Analysis of the Final Disposition of Appeals

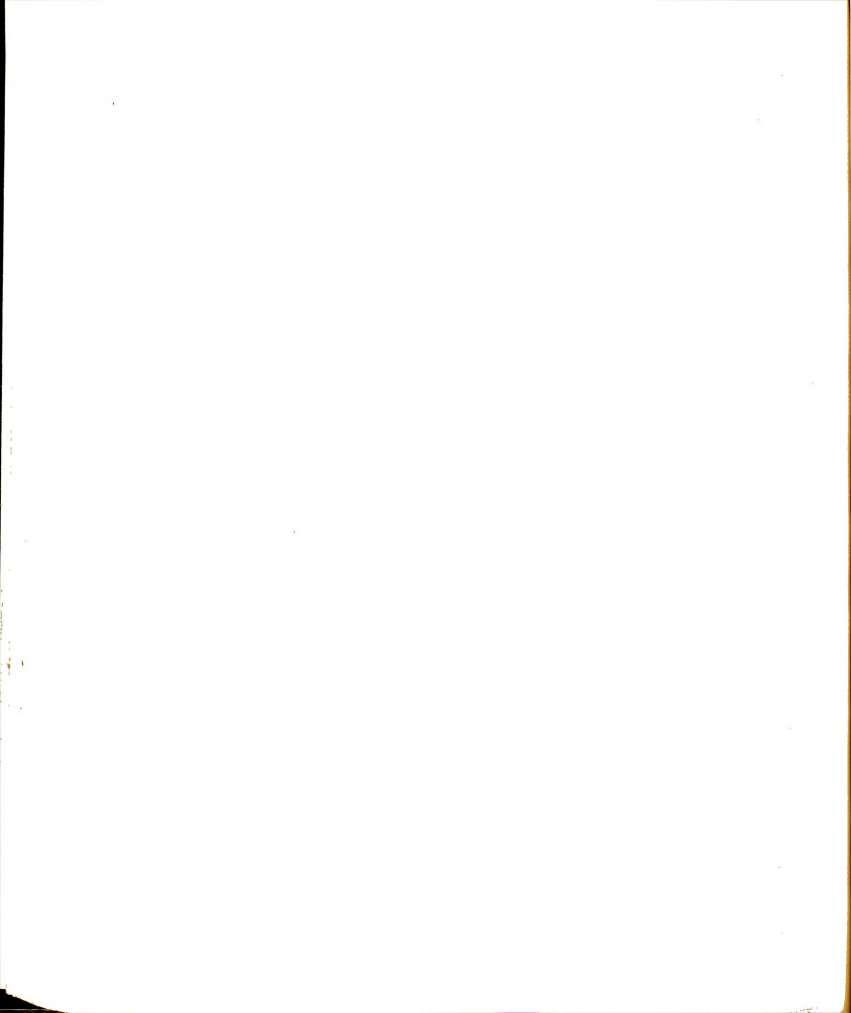
The disposition of convention appeals reveals a number of distinct patterns. At least five major kinds of decisions are distinguishable: (1) those which uphold the national union's initial position in the dispute, (2) those which involve a change in the judgment under appeal in order to achieve some other objective, normally that of the administration, (3) those which protect individual members from arbitrary treatment by the local union, (4) a very small

---

board to revoke the charters of several segregated Southern locals, Proceedings, (1956).

<sup>26</sup>National Marine Engineers' Beneficial Association, Proceedings, (1950), pp. 178-80; International Organization of Masters, Mates and Pilots, Proceedings, (1956), p. 40; United Automobile Workers of America, Proceedings, (1946), pp. 315-16.

<sup>27</sup>Commercial Telegraphers' Union, Proceedings, (1951), pp. 49-50, and Operative Plasterers' and Cement Masons' International Association, Proceedings, (1959), p. 335.



number of decisions which sustain the appellant in a manner contrary to the expressed wishes of the national leadership, and (5) decisions which reflect differences in political status between appellants.

Decisions Which Upheld the Initial  
Position of the National Union

Because all convention appeals are protests against actions and decisions which have been reviewed by the national union (if they did not originate at that level), the large majority of decisions reaffirm the administration's initial position.

But in addition to the appeals which are lost, a large number of sustentions had the same effect. This was true for a number of work-related disputes in the railroad brotherhoods where the delegates reversed the union's board of directors decisions and reaffirmed the president's original rulings. All of these cases concerned seniority and job disputes, thereby strengthening the president's prerogatives in those areas.<sup>28</sup> Elsewhere, the delegates were advised to sustain the appeal of several members protesting their local officers' refusal to carry out executive board instructions in a job-related dispute.<sup>29</sup> An international

---

<sup>28</sup>Order of Railroad Telegraphers, Proceedings, (1960), June 19, p. 5 and June 21, pp. 14-16. Brotherhood of Railroad Trainmen, Proceedings, (1946), pp. 432-38, and (1960), pp. 431-35. Each of these was upheld upon recommendation of the appeal committee.

<sup>29</sup>United Automobile Workers of America, Proceedings, (1953), pp. 345-48.





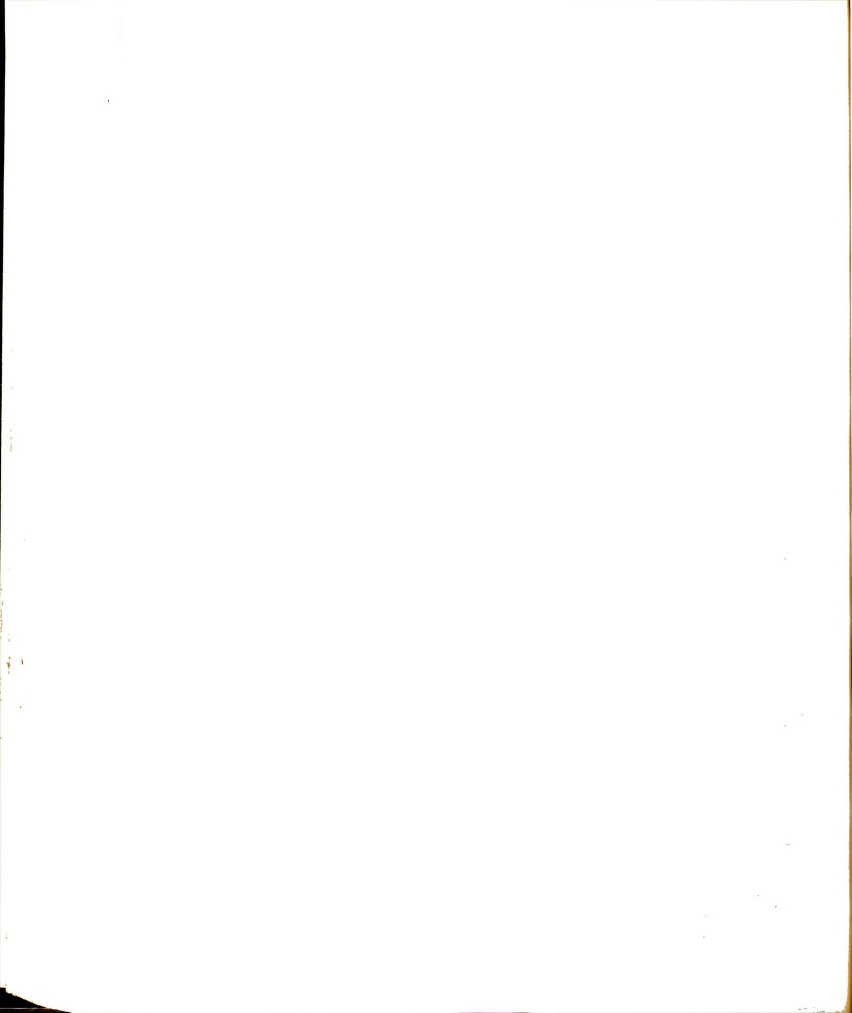
officer in another organization refused the honorary withdrawal card issued him by his former local and appealed to the following convention which upheld an executive board order revoking the issuance.<sup>30</sup> (See Table V-4 for a summary of work-related appeals which were sustained at the convention. Included are the union involved and the reason for upholding the appellant. Table V-5 contains similar data for the union-related cases.)

At least 16 of the sustentions in union-related cases involved direct approval of administrative decisions. Eleven occurred at letter carrier conventions where the appeal committee consisted of the national executive board chairman, a vice president of the union and a member of the board of trustees, the same group that made the initial review. This committee simply submitted for delegate approval its rulings since the preceding convention. Between 1946-1962 each of its 35 decisions were approved. Other union-related appeals in which sustaining the appellant meant upholding the national union's position included: (1) the reinstatement to membership of onetime opposition leaders, (2) similar adjustments in the status of a former staff employee and an international vice president, and (3) the condemnation of a former international secretary-treasurer for exerting unethical influence in an internal appeal case.<sup>31</sup> But in many

---

<sup>30</sup>United Rubber Workers of America, Proceedings, (1951), p. 255.

<sup>31</sup>This involved the reinstatement of a "Progressive-Unity" caucus member who had originally opposed UAW



officer in another organization refused the honorary withdrawal card issued him by his former local and appealed to the following convention which upheld an executive board order revoking the issuance.<sup>30</sup> (See Table V-4 for a summary of work-related appeals which were sustained at the convention. Included are the union involved and the reason for upholding the appellant. Table V-5 contains similar data for the union-related cases.)

At least 16 of the sustentions in union-related cases involved direct approval of administrative decisions. Eleven occurred at letter carrier conventions where the appeal committee consisted of the national executive board chairman, a vice president of the union and a member of the board of trustees, the same group that made the initial review. This committee simply submitted for delegate approval its rulings since the preceding convention. Between 1946-1962 each of its 35 decisions were approved. Other union-related appeals in which sustaining the appellant meant upholding the national union's position included: (1) the reinstatement to membership of onetime opposition leaders, (2) similar adjustments in the status of a former staff employee and an international vice president, and (3) the condemnation of a former international secretary-treasurer for exerting unethical influence in an internal appeal case.<sup>31</sup> But in many

---

<sup>30</sup>United Rubber Workers of America, Proceedings, (1951), p. 255.

<sup>31</sup>This involved the reinstatement of a "Progressive-Unity" caucus member who had originally opposed UAW

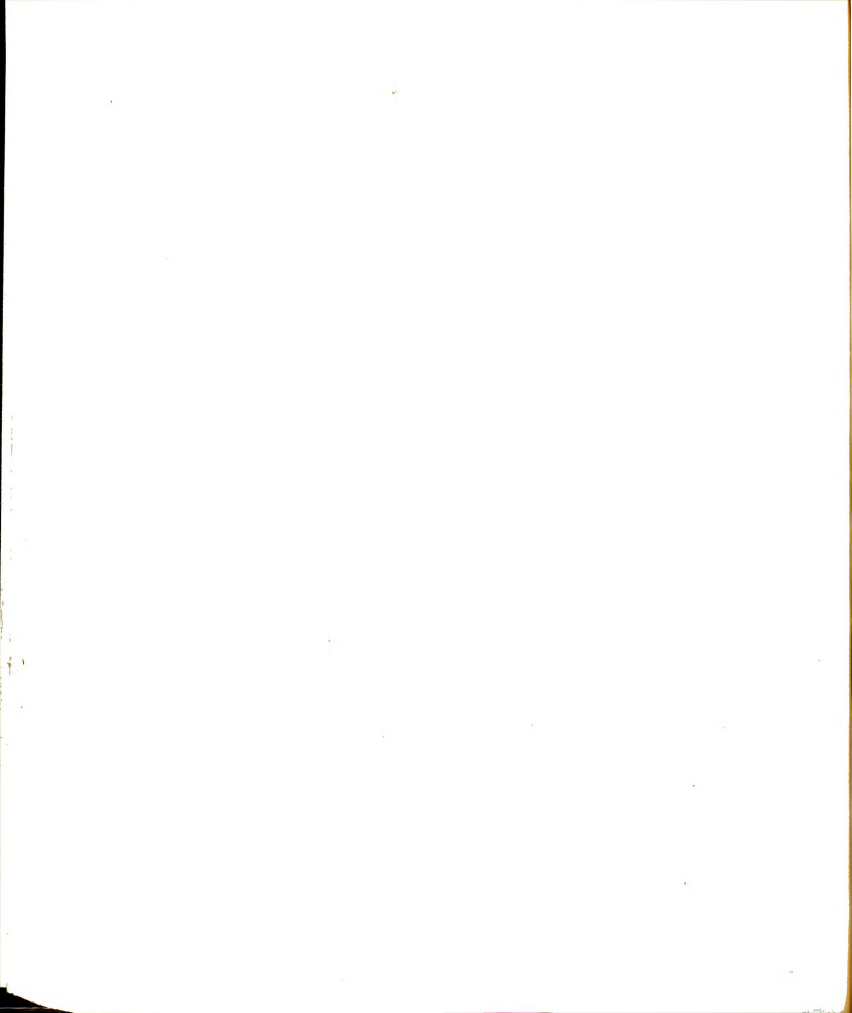


TABLE Y-4

| Issue<br>(1)          | Number of<br>Sustentions<br>(2) | National<br>Union<br>(3)   | Reason for Upholding the Appellant<br>Sustained Upon Appeal Committee Recommendation   | Sustained by Dele-<br>gate Reversal of<br>Appeal Committee              |
|-----------------------|---------------------------------|--|--|---|
| Work Rules            | 38                              | Bricklayers<br>(1)*<br>Iron<br>workers (3)<br>Lathers (1)<br>East Coast<br>sailors (24)  | New evidence not available to executive board<br>New evidence not available to executive board<br>Penalty too harsh<br>Subsequent good behavior of appellant<br>Extenuating circumstances<br>No punishable offense involved<br>Inadequate evidence<br>Appellant was framed<br>Improper procedure at local level<br>Upon recommendation of national union | Local autonomy  |
|                       |                                 | Plasterers<br>(7)  | Upheld local penalty<br>Improper procedure at local level<br>New evidence<br>None apparent   | Penalty too harsh<br>Anti-communism<br>Alleged frame-up<br>of appellant |
|                       |                                 | Typesetters<br>(1)   |  | Upheld penalizing<br>of unpopular<br>foreman                            |
| Seniority and<br>Jobs | 18                              | Roofers (1)<br>UAW (3)<br>Electricians<br>(3)<br>Mailers (2)<br>Marine<br>engineers (1)<br>RR Tele-<br>graphers (3)<br>RR Carmen (1) | Good behavior of appellant<br>Evidence supports local. Appellant victim of local<br>prejudice. Upheld executive board order<br>Local autonomy<br>Upheld member's priority claims<br>No previous council decision<br>Rescinded board of directors reversal of presidential<br>rulings. None apparent  | Local autonomy  |
|                       |                                 |  |  | None apparent   |

|                         |                            |  |   |
|-------------------------|----------------------------|--|---|
| Grievance Handling      | RR Trainmen (2)            | Rescinded board of directors reversal of president's ruling    | Reversed board of directors                     |
|                         | Rubber workers (1)         | Upheld union's executive board                                 | Executive board decisions were inconsistent     |
|                         | Typesetters (1)            |  |   |
| Transport workers (1)   |                            | Granted request for honorary withdrawal card                   |   |
|                         | UAW (5)                    | Appellant was victim of local prejudice                        | Emotional reaction to discharge from employment |
|                         | RR Telegraphers (1)        | Local at fault: improper grievance procedure                   | Rejected administration claim                   |
| Rubber workers (1)      | RR Carmen (3)              | Fast president overruled decision                              | Grievance could not be won. None apparent       |
|                         |                            | Upon recommendation of national union                          |   |
|                         |                            | Local at fault: improper grievance procedure                   |   |
| Collective Bargaining   | UAW (1)                    | Upheld executive board decision                                |   |
|                         | Brewery workers (5)        | Trivial matter   |   |
|                         | Marine engineers (1)       | Ruled executive board unnecessarily interfered in negotiations |   |
| Jurisdictional Disputes | UAW (1)                    |  | Local autonomy                                  |
|                         | Communications workers (1) |  | Executive board decisions were inconsistent     |
|                         | Bricklayers (1)            | Executive board made error in judgment                         |   |
| Totals                  | Ironworkers (1)            | Trivial matter   |   |
|                         | Masters, mates (1)         | Trivial matter   |   |
|                         | 78                         | 63   | 15  |

\*Number of sustentions in parentheses.





TABLE V-5  
SUSTENTIONS IN UNION-RELATED CASES

| Issue                | Number of Sustentions | National Union             | Reason for Upholding the Appellant  |                     | Sustained by Delegate Reversal of Appeal Committee                  |
|----------------------|-----------------------|----------------------------|---|---------------------|---|
|                      |                       |                            | Sustained Upon Appeal Committee Recommendation  | Upheld by Appellant |   |
| Elections            | 16                    | UAW (1)*                   | Dues delinquency was fault of local secretary, not member. Appellant therefore eligible candidate.  |                     |   |
|                      |                       | Letter carriers (7)        | Past practice permits members to attend convention despite loss of election for local delegate.   |                     |   |
|                      |                       |                            | None apparent.  |                     |   |
|                      |                       |                            | Delegate's acceptance of nomination reasonable under circumstances.   |                     |   |
|                      |                       |                            | Secret ballot must be used in local elections.  |                     |   |
|                      |                       | Marine engineers (2)       | Council made illegal decision on election by-laws.  |                     |   |
|                      |                       | Mine, Mill (1)             | Illegal to displace local officer while on leave.   |                     |   |
|                      |                       |                            | Questionable procedure in election for executive board; ordered rerun election.   |                     |   |
|                      |                       | RR Telegraphers (2)        | None evidence in local election dispute.  |                     | None apparent.  |
|                      |                       |                            |   |                     |   |
| Membership Status    | 14                    | Steelworkers (1)           | Reversed election results following conference between disputants and international officers.   |                     |   |
|                      |                       | Street electric (1)        | Local election procedures unconstitutional.   |                     |   |
|                      |                       | Communications workers (1) |   |                     | Local autonomy.   |
|                      |                       | UAW (2)                    | Upheld local fine. Upheld executive board decision.   |                     |   |
|                      |                       | Laundry workers (1)        | Reinstated member upon national union recommendation.   |                     |   |
|                      |                       | Marine Engineers (2)       | Upheld local union expulsion of member.   |                     |   |
|                      |                       | Plasterers (5)             | Sustained member in dispute over proper local union affiliation. Reinstated members upon local union request.   |                     |   |
|                      |                       |                            | Reversed executive board denial of reinstatement request  |                     |   |
|                      |                       | Transport workers (1)      | Reinstated expelled member upon request of union president.   |                     |   |
|                      |                       | Chemical workers (1)       |   |                     | Reversed executive board in internal political dispute.             |
| Union Benefit Claims | 13                    | Rubber workers (1)         | Reinstated former vice-president to membership.   |                     |   |
|                      |                       | Electricians (1)           |   |                     | Reinstated several former members.                                  |
|                      |                       | Plasterers (11)            | All of these cases involved modest financial claims and short periods of dues arrearage at time of death.   |                     |   |
|                      |                       | Electricians (1)           |   |                     |   |
|                      |                       | Molders (1)                |   |                     |   |
|                      |                       | East Coast sailors (11)    | Improper local procedure. Hardship case. Inadequate evidence in local trial. Penalty considered too harsh. Not apparent. Subsequent good behavior of appellant. Appellant exonerated in court of law. |                     | Emotional health case involving former staff member. None apparent. |
|                      |                       | Railway clerks (1)         | Local requested reinstatement of expelled member.   |                     |   |
|                      |                       |                            |   |                     |   |
|                      |                       |                            |   |                     |   |
|                      |                       |                            |   |                     |   |

Continued on page 199

|                                  |                                     |   |
|----------------------------------|-------------------------------------|---|
| Marine engineers (1)             | Improper procedure at branch trial. |   |
| East Coast sailors (1)           | Appellant was framed.               |   |
| Tobacco workers (1)              | Improper local trial procedure.     |   |
| Printing pressmen (1)            |                                     | Anti-employer feeling.                                    |
| 7                                | UAW (1)                             | Upheld executive board expulsion of opposition leaders.   |
| Disloyalty to the Union          | East Coast sailors (4)              | Findings of new evidence. No punishable offense involved. |
|                                  | Railway clerks (2)                  | Improper procedure at local level.                        |
|                                  |                                     | Upon recommendation of general president.                 |
|                                  |                                     | None apparent.  |
| 5                                | Letter carriers (1)                 | Illegal to retain local office after job transfer.        |
| Misbehavior of Officers          | East Coast sailors (3)              | Subsequent good behavior of appellant.                    |
|                                  | Rubber workers (1)                  | Communist frame-up. Improper procedure at local level.    |
|                                  |                                     |   |
| 4                                | Letter carriers (2)                 | Improper branch meetings.                                 |
| Conducting Union Meetings        | Marine engineers (1)                | Convention acted unconstitutionally.                      |
|                                  | RR Telegraphers (1)                 | Upheld traditional voting rights of general chairman.     |
| 3                                | Brewery workers (1)                 | Trivial matter.   |
| Direct Control over Locals       | Laundry workers (1)                 | Local autonomy.   |
|                                  | Communications workers (1)          |   |
|                                  |                                     | None apparent.  |
| 3                                | Rubber workers (1)                  | Reinstatement of suspended officer.                       |
| Officer and Staff Grievances     | RR Trainmen (2)                     |   |
|                                  |                                     |   |
| 3                                | Ladies' garment workers (1)         | Leniency in view of circumstances.                        |
| Political Dissension and Slander | Ironworkers (1)                     | Trivial matter.   |
|                                  | Transport workers (1)               | Reinstatement of suspended member.                        |
| 1                                | State employees (1)                 |   |
| Mergers and Affiliations         |                                     | Local autonomy.   |
| Totals                           | 93                                  | 80  |
|                                  |                                     | 13  |

\*Number of sustentions in parentheses.

TABLE V-5  
SUSTENTIONS IN UNION-RELATED CASES

| Issue                     | Number of<br>Sustentions | National<br>Union  | Reason for Upholding the Appellant   | Sustained Upon Appeal Committee Recommendation | Sustained by Dele-<br>gate Reversal of<br>Appeal Committee                 |
|---------------------------|--------------------------|--|--|--|--|
| Elections                 | 16                       | UAW (1)*<br>Letter<br>carriers (7)<br><br>Marine<br>engineers (2)<br>Mine, Mill<br>(1)<br>R.R. Tele-<br>graphers (2)                     | Dues delinquency was fault of local secretary, not member.<br>Appellant therefore eligible candidate.<br>Past practice permits members to attend convention despite loss<br>of election for local delegate.<br>None apparent.<br>Delegate's acceptance of nomination reasonable under circum-<br>stances.<br>Secret ballot must be used in local elections.<br>Council made illegal decision on election by-laws.<br>Illegal to displace local officer while on leave.<br>Questionable procedure in election for executive board;<br>ordered rerun election.<br>New evidence in local election dispute.              |  | Sustained by Dele-<br>gate Reversal of<br>Appeal Committee                 |
| Membership<br>Status      | 14                       | UAW (2)<br>Laundry<br>workers (1)<br>Marine<br>Engineers (2)<br>Plasterers<br>(5)<br>Transport<br>workers (1)<br>Chemical<br>workers (1) | Reversed election results following conference between<br>disputants and international officers.<br>Street<br>electric (1) Local election procedures unconstitutional.<br>Communications<br>workers (1)<br>Upheld local fine. Upheld executive board decision.<br>Reinstated member upon national union recommendation.<br>Upheld local union expulsion of member.<br>Sustained member in dispute over proper local union affiliation.<br>Reinstated members upon local union request.<br>Reversed executive board denial of reinstatement request<br>Reinstated expelled member upon request of union<br>president. |  | Local autonomy.  |
| Union Benefit<br>Claims   | 13                       | Rubber<br>workers (1)<br>Electricians<br>(1)<br><br>Plasterers<br>(1)<br>Electricians<br>(1)   | Reinstated former vice-president to membership.<br>All of these cases involved modest financial claims and short<br>periods of dues arrearage at time of death.  |  | Reinstated several<br>former members.                                      |
| Membership<br>Obligations | 12                       | Molders (1)<br>East Coast<br>sailors (1)<br>Railway<br>electrics (1)   | Improper local procedure. Hardship case. Inadequate evi-<br>dence in local proceedings. Reversed. Reinstated member.<br>apparent. Subsequent good behavior of appellant. Appellant<br>exonerated in court of law.<br>Local requested reinstatement of expelled member.   |  | Emotional health<br>of appellant<br>former staff member.<br>None apparent. |

|                                     |    |   |   |  |
|-------------------------------------|----|---|---|--|
| Disloyalty to<br>the Union          | 7  | UAW (1)<br>East Coast<br>sailors (4)<br>Railway<br>clerks (2)                         | Upheld executive board expulsion of opposition leaders.<br>Findings of new evidence. No punishable offense involved.<br>Improper procedure at local level.<br>Upon recommendation of general president.<br>None apparent. | Anti-employer<br>feeling.                            |
|                                     |    |   |   |  |
| Misbehavior of<br>Officers          | 5  | Letter<br>carriers (1)<br>East Coast<br>sailors (3)<br>Rubber<br>workers (1)          | Illegal to retain local office after job transfer.<br>Subsequent good behavior of appellant.<br>Communist frame-up. Improper procedure at local level.  | Delegates returned<br>ousted president.              |
|                                     |    |   |   |  |
| Conducting Union<br>Meetings        | 4  | Letter<br>carriers (2)<br>Marine<br>engineers (1)<br>RR Tele-<br>graphers (1)         | Improper branch meetings.<br>Convention acted unconstitutionally.<br>Upheld traditional voting rights of general chairman.  |  |
|                                     |    |   |   |  |
| Direct Control<br>over Locals       | 3  | Brewery<br>workers (1)<br>Laundry<br>workers (1)<br>Communications<br>workers (1)     | Trivial matter.<br>Local autonomy.  | None apparent.                                       |
|                                     |    |   |   |  |
| Officer and Staff<br>Grievances     | 3  | Rubber<br>workers (1)<br>PB Trainmen<br>(2)   | Reinstatement of suspended officer.   | Ratified salary<br>demands of board<br>of directors. |
|                                     |    |   |   |  |
| Political Dissension<br>and Slander | 3  | Ladies' gar-<br>ment workers<br>(1)<br>Ironworkers<br>(1)<br>Transport<br>workers (1) | Leniency in view of circumstances.<br>Trivial matter.<br>Reinstatement of suspended member.   |  |
|                                     |    |   |   |  |
| Mergers and<br>Affiliations         | 1  | State<br>employees (1)  | Local autonomy.   |  |
| Totals                              | 93 |   | 80  | 13   |

\*Number of sustentions in parentheses.



instances the administration played a more direct role, openly expressing approval of committee rulings. A former member of the railway clerks, expelled five years earlier for supporting the allegedly Communist-dominated Canadian Seamen's Union, was reinstated by action of the 1955 convention after the committee chairman read the delegates an exonerative memorandum from the national president who felt that the defendant "no longer adheres to the views he once held and voiced."<sup>32</sup> President Curran openly supported the reinstatement of at least two appellants. In answer to a question from the floor asking why one of them was being reinstated, he said:

Brother, the Appeal Committee had a very good reason for bringing in that case in that manner, I can assure you. I don't wish to discuss it here on the floor, but this was on the advice of counsel, to bring it in that manner.<sup>33</sup>

---

president Reuther, Proceedings, (1953), pp. 34-35; The vice president was appealing his removal from office following rubber workers' president Buckmaster's return to power in 1950. But the executive board may have acted contrary to the president's wishes by expelling the officer. In addition to confirming his removal from office, the convention, on the basis of a committee recommendation, reinstated the appellant. Proceedings, (1950), pp. 263-86. In fact, the following convention again ordered the recalcitrant local to abide by the reinstatement decision; International Mailers Union, The International Mailer, (October, 1961), pp. 70-74.

<sup>32</sup>Brotherhood of Railway and Steamship Clerks, Proceedings, (1955), p. 475.

<sup>33</sup>National Maritime Union of America, Proceedings, (1951), p. 410.

In a small number of sustained appeals the issue was trivial and for that reason encountered no opposition from administration sources. It is difficult to state precisely the number of appeals approved because of their inoffensive content, but at least seven work-related issues can be included in this category. Two appeals from local unions complaining of jurisdictional raiding by rival national unions were sympathetically received by the convention and the offending unions duly condemned.<sup>34</sup> Resolutions brought to consecutive ironworkers conventions, one calling for relief from government war-time wage regulations and the other protesting an AFL directive inimical to work practices established by the national union, were both unanimously approved.<sup>35</sup> Collective bargaining claims in the brewery workers' union were sustained without objection because they simply reaffirmed national union policy on certain issues.<sup>36</sup> In other, similar cases: (1) the request for a more expeditious return from the national office of ratified local by-laws was sustained with the assurance of more prompt action in the future,

---

<sup>34</sup>International Organization of Masters, Mates and Pilots, Proceedings, (1952), pp. 112-13, and International Association of Bridge, Structural and Ornamental Iron Workers, Bridgemen's Magazine, (November, 1960), p. 34.

<sup>35</sup>International Association of Bridge, Structural and Ornamental Iron Workers, Bridgemen's Magazine, (October, 1944), p. 255, and (October, 1948), p. 4.

<sup>36</sup>International Union of United Brewery Workers of America, Proceedings, (1946), pp. 275-77. These requests, all by local unions, pertained to standardized contracts and the reduction of wage differentials.

(2) a resolution calling for the replacement of old-style dues books was approved with minor changes in wording, and (3) a local request to delete from the preceding convention printed report a certain derogatory passage.<sup>37</sup>

Leniency because of unique or extenuating circumstances was common in the sustention of non-union, disciplinary appeals. In these cases, most of which involved work rule violations by maritime union members, the appeal committee rescinded the penalties on the basis of information made available since the initial decision or because of subsequent actions by the appellant. This was done, for example, when: (1) it was learned that fighting aboard ship with a dangerous weapon was done in self-defense, (2) circumstances justified ordinarily illegal behavior, (3) it was believed that the appellant had been victimized by a "Communist frame-up."<sup>38</sup> Or, when the appellant had (1) complied with certain

<sup>37</sup>(1) International Union of United Brewery Workers of America, Proceedings, (1948), p. 255. (2) *Ibid.*, p. 254. (3) The objectionable phrase was one identifying that local's delegate as "one of those Communist union men" taking photographs of the president in their campaign against him. International Association of Bridge, Structural and Ornamental Iron Workers, Bridgemen's Magazine, (October, 1948), p. 5.

<sup>38</sup>(1) National Maritime Union, Proceedings, (1951), pp. 357, 412-13, and (1955), p. 374. (2) Because the accused had "made an honest attempt" to report to the local business agent as instructed, a roofers' union convention exonerated him and rescinded the fine, Proceedings, (1954), pp. 39-40. An expelled maritime union port official was reinstated when the convention learned that certain duties assigned to him during time of war were impossible to perform, Proceedings, (1949), p. 558. Penalties imposed upon another member for leaving his ship short-handed were



conditions of reinstatement specified by the national union, e.g., engage in organization activities aboard non-union vessels, (2) demonstrated good behavior from the time of the original offense, (3) made repeated efforts to "clear his name" and rejoin the union.<sup>39</sup>

The only sustention in 28 appeals submitted to ladies' garment workers conventions was the case of a member suspended from the union for making certain statements and allegations concerning local elections and handling of funds. The appeal committee prefaced its request for leniency with the assurance that "the penalty imposed upon him was justified."<sup>40</sup> But, the report continued, because of his admirable union record--dating back to 1908--and demonstrated devotion to liberal politics, he should be allowed to work in the trade but preferably under the jurisdiction of another local. Because he had been out of the industry for a number of years prior to the offenses, the committee felt that he did not fully appreciate the changes in organization and membership. Moreover, he promised to do better in the future.

---

dismissed when it became known that he was hospitalized and unable to notify union authorities, Proceedings, (1953), p. 339. (3) National Maritime Union, Proceedings, (1951), p. 375.

<sup>39</sup>National Maritime Union of America, Proceedings: (1) (1947), p. 239, (2) (1953), pp. 329-30, (3) (1947), pp. 441-42.

<sup>40</sup>International Ladies' Garment Workers' Union, Proceedings, (1947), p. 550.



### Protecting the National Union

National union interests were regularly given priority in the disposition of convention appeals. This was done by referring the more troublesome disputes to other tribunals or, in a few cases, by taking whatever action was necessary to avoid possible litigation involving internal judicial procedures. Such decisions were made either upon committee recommendation or in response to requests from the convention chairman.

### Referring Internal Disputes to Other Appeal Bodies

The administration was able to remove most potentially disruptive (and consequently unpredictable) appeals from the convention to other and safer tribunals. Typical was the East Coast longshoremen's segregated locals case discussed earlier.<sup>41</sup> But four years before that, a similar dispute occurred in the lathers' union. This was a jurisdictional conflict between three New York City locals which together comprised about one-fifth of the union's total membership.<sup>42</sup> It dated back to the 1917 suspension of the city's largest

---

<sup>41</sup>International Longshoremen's Association, Proceedings, (1957), pp. 267-76.

<sup>42</sup>Metal Lathers International Union, Proceedings, (1952), pp. 115-54. Another longstanding jurisdictional dispute, between two Philadelphia locals, was submitted to the 1952, 1958 and 1961 conventions, each time being referred back to the executive council without any noticeable lessening of friction with each decision, Proceedings, (1952), pp. 114-15, (1958), p. 181, and (1961), pp. 192-93.

lathers local for repeated jurisdictional violations. The dispute, marked by mutual charges and denials, continued through the years, and included a state supreme court judgment against the offending local. During this time the aggrieved locals repeatedly brought the dispute to successive national conventions but in each instance the administration failed to produce an amicable and lasting settlement, instead referring the matter to the executive council for reconsideration. Thus at the 1952 convention a committee ruling to refer the matter once again back to the council brought an immediate reaction from representatives of the appealing locals. They accused the committee of "pigeon-holing" the dispute and passing it on to the executive council where the same "wishy-washy" decision was always handed down. The council, they charged, was indecisive and weak. It would reaffirm the original "political decision" rather than risk disciplining a large and powerful local. Nevertheless, although during the deliberations the accused local's guilt was never denied, delegate ratification of the committee ruling indicated that they were no more willing to make the difficult decision than was the administration.

A similar appeal was brought to one of the ironworkers conventions. The local spokesman in this case recounted the difficulty his group had encountered appealing a 30-year old jurisdictional dispute to "the 1928 convention, the 1932

convention and again to the 1940 convention."<sup>43</sup> On each occasion, he reported, the matter was temporarily settled not at the convention but "through other channels." This time the committee suggested a conference between the disputants and, in the possibility of an impasse, executive board arbitration.

Jurisdictional disputes of such long standing were not uncommon. A controversy over which local's members would work on a 28-mile stretch of railway track remained unsettled for more than 26 years.<sup>44</sup> Two locals of the roofers' union carried on a jurisdictional conflict, involving several convention appeals, for over ten years.<sup>45</sup> At a plasterers' convention the chairman admitted that past sessions had been unable to conclude a longstanding dispute but at the same time refused to permit debate on the matter.<sup>46</sup>

While the administration was able to have these and other similar disputes decided away from the national convention, by simply bringing an appeal to the convention a subordinate body might improve its bargaining position and gain some compromise concession from the leadership. The

---

<sup>43</sup>International Association of Bridge, Structural and Ornamental Iron Workers, Ironworker, (November, 1956), p. 21.

<sup>44</sup>Order of Railway Conductors and Brakemen, Proceedings, (1946), pp. 502-12.

<sup>45</sup>Slate, Tile and Composition Roofers, Damp and Waterproof Workers Association, Proceedings, (1951), p. 56 and (1963), pp. 113-17.

<sup>46</sup>Operative Plasterers' and Cement Masons' International Association, Proceedings, (1959), pp. 321-24.

national convention can, in this sense, be viewed as a kind of pluralistic clearing-house for judicial decisions, albeit a politically inspired one. Through demonstrating their potential to embarrass or discomfort the national union by forcing a formal airing of internal disputes, political groups can use the appeals procedure advantageously, though in a way not available to the politically powerless appellant.

The appeal committee frequently evaded decision-making responsibilities by claiming lack of jurisdiction and referring cases back to the national office. Four of the 17 appeals presented at mine workers conventions, for example, were referred back to the executive council in this way.<sup>47</sup> A bakers' union appeal committee similarly refused to judge reinstatement requests from three former members expelled some years earlier by a vice president who later broke with the organization to help form the rival AFL-CIO bakers' union. However, in view of the circumstances, the committee suggested the requests be reviewed by the executive board. Following this recommendation the national president said that at its next meeting the board would make these appeals the first order of business and, he assured the convention,

---

<sup>47</sup>One case had been referred to a special committee of executive board members, Proceedings, (1952), p. 449; two others involved an alleged employer violation of the National Bituminous Coal Wage Agreement and subsequent improper grievance handling by the union, Proceedings, (1956), pp. 529-30; the third was an appeal against the procedure used in electing national auditors, Ibid., p. 530.

would give the appellants "the full consideration and sympathetic ear" of the administration.<sup>48</sup> In another union the committee refused to rule on a case which would ultimately affect the proper local affiliation of a sizable minority of the total membership. "Leave the application of [this] resolution entirely in the hands of the International Executive Board," the committee chairman advised, "with their decision to be . . . final and binding."<sup>49</sup> The maritime union appeal committee, unable to reach unanimous agreement, remanded four cases back to the national officers for final disposition.<sup>50</sup> This was approved by the delegates despite some objections that it would deny appellants a final hearing before a "representative body" of the membership.<sup>51</sup>

Protecting the National Union  
from Lawsuit

Appeal decisions sometimes protected the national union by removing the threat of litigation over alleged denial of due process in the disciplining of individual members. For example, at the 1955 convention of the maritime union, Curran

---

<sup>48</sup>Bakery and Confectionery Workers' International Union of America (Ind), Proceedings, (1958), p. 28.

<sup>49</sup>Building Service Employees' International Union, Proceedings, (1945), p. 260.

<sup>50</sup>National Maritime Union of America, Proceedings, (1947), pp. 946-47, 1325-26.

<sup>51</sup>Ibid., p. 1318.

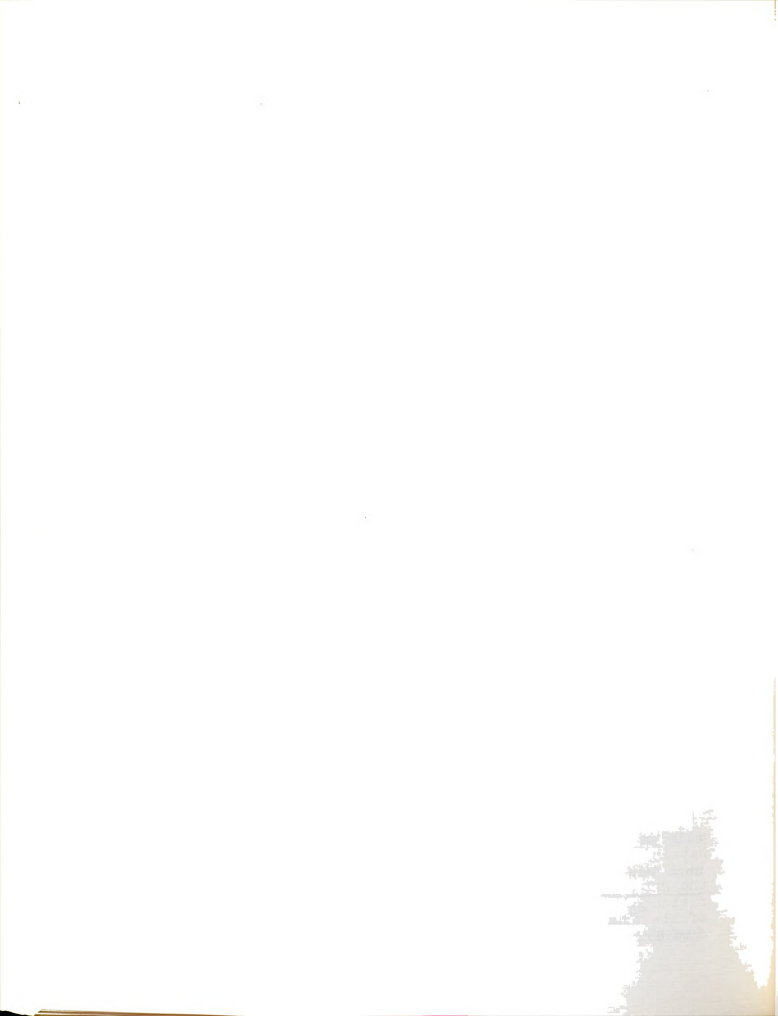
advised the delegates to ratify a number of appeal committee rulings of leniency (because of improper procedure at the local level), in order to avoid possible lawsuits against the union. But, he reminded them, there is no statute of limitations in the national constitution, so "if a guy wants to bring a fellow up on charges again, he can do it, but he must do it in a constitutional manner."<sup>52</sup> Nevertheless, the delegates, not fully understanding what was expected of them, reversed the first such ruling as too lenient. Again Curran explained the matter, this time suggesting that someone make a motion that the convention declare all of these rulings adopted without voting on them individually. The proposal was dutifully made and passed almost unanimously, thereby removing both the threat of legal action by disgruntled members and the possibility of adverse convention decisions.

An important appeal decided at a deck officers convention further illustrates the usefulness of appropriate convention decisions in the protection against litigation and, in this instance, in eliminating a potential source of internal dissent. The appeal involved the expulsion and fine of a local president for his initial opposition to and subsequent criticism of the national officer appointed trustee over the appellants' local union, which itself was eventually merged with the trustee's home local. The local president was formally charged with "conduct unbecoming" a member

---

<sup>52</sup>National Maritime Union of America, Proceedings, (1955), p. 340.





and intimidating other members who favored the merger. In spite of these offenses, the convention appeal committee recommended that he be reinstated to membership on a probationary status and that the fine be rescinded. This was advisable, argued the committee chairman, if the delegates wished to remove the appellant as a disruptive element but wanted to avoid his bringing suit against the union.

We are recommending that he be made a probationary member. You don't stop him from working, but you do stop him from a certain amount of speech and from a certain amount of voting. . . . If he doesn't [observe the conditions of reinstatement] you can bring him up on charges. In other words you put him in a strait-jacket . . . where he belongs.<sup>53</sup>

#### Protection of Members Against Actions by Their Local Union

Taft and others have pointed out that the internal union appeals mechanism provides a source of protection for members against arbitrary treatment in the local union.<sup>54</sup> This observation is supported by the large number of appeals sustained because of errors or unfairness in local procedure. In fact, the reasons most frequently given for upholding appellants were (1) improper procedure by the local union,

---

<sup>53</sup>International Organization of Masters, Mates and Pilots, Proceedings, (1958), p. 160.

<sup>54</sup>Taft, The Structure and Government of Trade Unions, p. 124. Cf. John P. Troxell, "Protecting Members' Rights Within the Union," American Economic Review, Supplement, XXXII (March, 1942), pp. 468-69. Ulman, in his Rise of the National Union, p. 163, concludes that the standardization of discipline and centralization of appeals is one of the principal reasons explaining the growth and eventual dominance of the national organization.

(2) inconclusive evidence produced at the local hearing, and (3) local union imposition of penalties considered excessive. Included in this category are ten job-related disputes and 16 union-related cases. But a single organization, the maritime union, accounted for more than half of them.

Local prejudice was the stated reason for three decisions at a UAW convention to reverse the local membership's refusal to pursue member work grievances.<sup>55</sup> Rubber workers' local officials were ordered to negotiate the reinstatement of an appellant's seniority status after allegedly refusing to do so because of hostile personal feeling toward the man.<sup>56</sup> A letter carriers convention upheld a national officer's appeal against the suspension and fine imposed upon him by his local union. The appeal committee--composed of fellow national officers--ruled that the local had exceeded its authority in suspending him for, in the committee's words, "political reasons."<sup>57</sup>

Yet by reversing these local decisions at the convention the national administration did not impugn or malign its own

<sup>55</sup>United Automobile Workers of America, Proceedings, (1949), pp. 162-65, 240-44.

<sup>56</sup>United Rubber Workers of America, Proceedings, (1952), pp. 259-60.

<sup>57</sup>When the nominations for national vice president became hopelessly deadlocked the appellant, a local delegate, withdrew his support from the designated candidate and accepted the nomination himself. He was subsequently elected to office. National Association of Letter Carriers of the United States of America, Proceedings, (1956), p. 146.

actions. Admonishing the locals in no way reflected badly upon the national union. If anything, the onus of an unpopular decision was in this way passed on to local unions or individual members, who were considered capable of taking advantage of the union if given the chance. A financial compensation claim against a UAW local, for example, was sustained upon the committee's findings that the appellant had received a disciplinary layoff for an offense inadvertently committed as a result of following erroneous work rule instructions issued by the local leadership.<sup>58</sup> In this way the national union stood as the final arbiter of internal local disputes, standing ready to correct disciplinary excesses and other injustices imposed upon members, provided such impositions were inconsistent with national policy.<sup>59</sup>

Appeals were sometimes sustained, upon committee recommendation, because of new or contrary evidence not presented earlier. Appellants in nine separate cases were upheld in the maritime union because of inadequate evidence presented

---

<sup>58</sup>United Automobile Workers of America, Proceedings, (1955), pp. 328-29.

<sup>59</sup>The international is also in a position to discipline its members or officials when the local refuses to take such action. This can be done by having another local, somehow involved, press charges. One UAW local, for example, charged the officers of another with accepting a bribe from the employer to negotiate a contract which adversely affected the charging local's members. The international had planted one of its staff representatives in the negotiations, but before they could bring charges the local officials learned of the plan, held a mock trial and were acquitted. Shortly after this the other local took action. United Automobile Workers of America, Proceedings, (1949), pp. 277-87.

at the port trial, new evidence made available to the convention appeal committee, or due to the presentation of significant evidence contrary to that used to convict the appellant. In each of these cases the committee ruled in favor of the appellant but such rulings were often consistent with current policies of the national union. Two of them, for example, coincided with the administration's anti-Communist activities during the late 1940's. A person expelled from membership for reportedly using a falsified shipping card was reinstated at the convention when it was learned that he was not a Communist after all (which had nothing to do with the original charge).<sup>60</sup> Another appellant, who was a delegate to the convention, won his appeal after telling how a "Communist-led clique" of local officials had convicted and penalized him in retaliation for his exposure of a Trotskyist member who was later forced to jump ship. Why Communists would punish a man responsible for the exposure of a Trotskyist--their enemy--was never explained.<sup>61</sup>

Cases of this kind were often referred back to the national officers. For instance, the appeals of two convicted plasterers' union members were referred back to the executive board for reconsideration because of new evidence

---

<sup>60</sup>National Maritime Union of America, Proceedings, (1949), pp. 570-72.

<sup>61</sup>National Maritime Union of America, Proceedings, (1951), pp. 408-409.

submitted to the committee. These decisions were sharply criticized by the delegates who claimed they would hamper the local's capacity to punish future offenders. Perhaps, the committee chairman agreed, but while the local trial procedure had violated the union's constitution and must be declared void, it was learned during the hearing that the appellants were themselves guilty of procedural offenses punishable by expulsion. "Now that is the reason we [ordered] the cases back to the Executive Board," he said, "and I am pretty sure that [the] local . . . will be satisfied after the case is heard again."<sup>62</sup>

#### Appeals Sustained in Opposition to the National Union

The appeal sustentions described so far are ones not observably contrary to the interests of the national leadership, and nearly all were upheld upon recommendation of the committee. Indeed, only a small number appeared to contradict the administration's stated position. Such rulings, usually delegate reversals of committee decisions to deny the appeal, were of two types: (1) a convention reaction against suspected administration failure to observe traditional trade union principles in performing judicial

---

<sup>62</sup>Operative Plasterers' and Cement Masons' International Association, Proceedings, (1946), p. 181. Cf., Order of Railway Conductors and Brakemen, Proceedings, (1954), p. 451, and United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Proceedings, (1961), p. 283.

decision-making functions, or (2) presumed national union infringement upon local autonomy.

Administration Failure to Observe  
Traditional Trade Union Principles

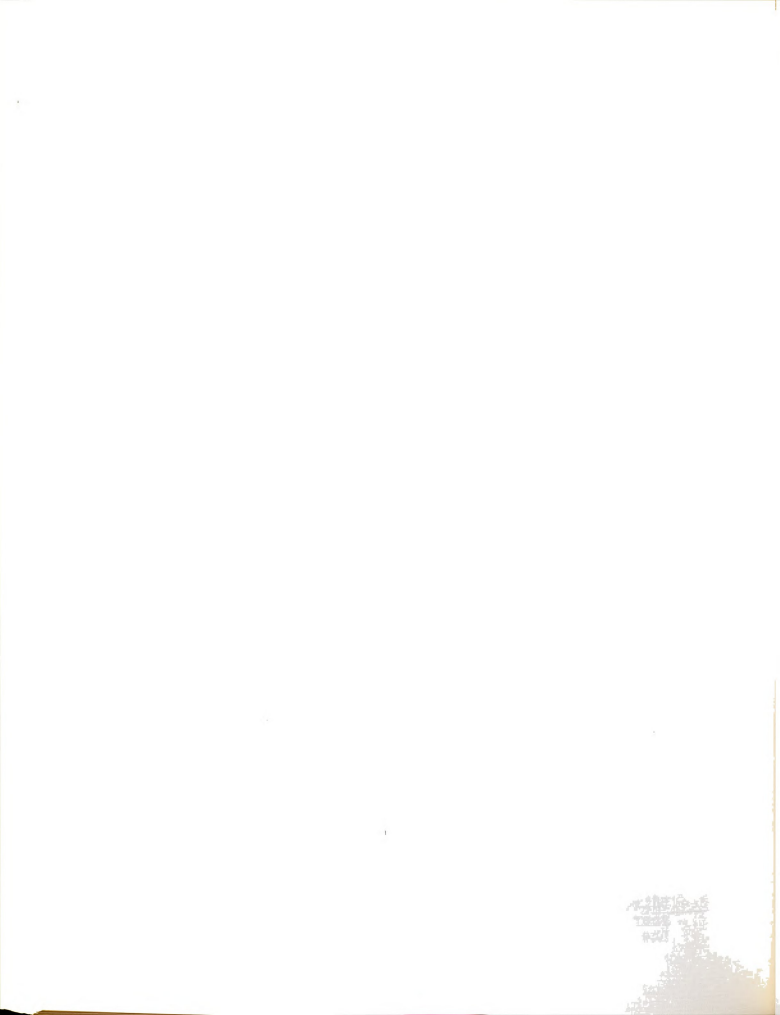
When the delegates felt that the previous judgment involved a compromise of trade union values they were inclined to react reflexively, often discounting the facts in the case and sometimes even jeopardizing the national union. For example, a typesetters convention reversed the appeal committee and reaffirmed the local fine imposed upon one of the foremen from a notoriously unpopular newspaper publisher. The fine admittedly was unwarranted by the evidence and both the committee and the convention chairman, though sympathetic with the local, cautioned against any rash judgment. But the delegates were insistent and despite the leadership, upheld the penalty.<sup>63</sup> An auto workers

---

<sup>63</sup>Because this case is an excellent illustration of the delegates' readiness to discount legal obstacles, I present here some of the deliberations preceding the final vote:

"CHAIRMAN: It is quite understandable why any of us would like to render judgment on the basis of what is morally right and wrong rather than on the facts and the legality of any situation. Much of what has been said about the San Mateo management and the foreman of the San Mateo Times composing room this morning is factually true because I know it of my own knowledge. I know that the management of the paper, and the foreman involved are people who can cause, and have caused, and maybe are still causing the union trouble. That has been the center of much of the plea this morning to overturn the report of the Committee on Appeals.

DELEGATE: I'd like to make an observation. Eighteen years ago I worked in San Mateo and it was going on then.





convention ordered a discharge grievance to impartial arbitration, disregarding the hopelessness of the union's case, because they were convinced the company's action was a deliberate attempt to intimidate shop stewards.<sup>64</sup> And in one of the railroad brotherhoods, the delegates rejected the administration's claim that a grievance should not be taken to arbitration because a particular adjustment board umpire would certainly rule in the company's favor.<sup>65</sup>

Appeal to the trade union loyalties of delegates was responsible for some of the reversals of committee rulings to deny appeals. A former staff organizer appealed to an

APPEAL COMMITTEE MEMBER: . . . I just want to explain that all of the committee were in favor of the thing and punishment that we could put on this foreman. None of us had any use for him but the evidence presented before us was the only thing we had. We are in full sympathy with the men.

INTERNATIONAL OFFICER AND EXECUTIVE COUNCIL MEMBER:  
The Council had no alternative on the basis of the evidence that was submitted to it [then] to render the decision that is before you.

I had occasion to be in San Mateo on assignment . . . and had an opportunity to observe first-hand what the situation was there. But we cannot base our decision on personal thinking or on emotion . . . We must confine our decision to the facts presented in the briefs . . ."

The debate continued until a vote was taken and the committee recommendation rejected. The administration did not pursue the matter further. International Typographical Union, Proceedings, (1959), p. 33s.

<sup>64</sup>United Automobile Workers of America, Proceedings, (1953), pp. 348-56.

<sup>65</sup>Brotherhood of Railway Carmen of America, Proceedings, (1954), pp. 467-68.

electricians convention to be placed on the union retirement list because of ill-health. Being a delegate to the convention, he could present his case directly to the assembly. After describing the serious nature of his illness, the manner in which staff members can be arbitrarily hired and fired and the general difficulties a convention appellant encounters, he concluded:

I don't expect much from this Convention. I know how conventions go. I don't expect too much, but I did want to appear before you and let you know that the [health] condition under which I applied for my pension still [exists], and I am not a liar.<sup>66</sup>

The delegates were persuaded: they voted to reverse the appeal committee and make him eligible for the benefits.

Another of this union's conventions modified the earlier decision because it felt that principles of trade union brotherhood were ignored. This was an appeal to restore original membership standing to persons dropped from the rolls more than a decade before for failure to pay dues during a long but unsuccessful strike against Southern utilities. The requests initially had been denied because of the sizable pension benefits readmittance would entail, according to the union's national secretary. But at the convention executive board member Harry Van Arsdale, president of the large New York City local, publicly supported the appeal. He recalled the sufferings endured by those who

---

<sup>66</sup>International Brotherhood of Electrical Workers, Proceedings, (1954), p. 570.

remained loyal to the union throughout the strike and how the bitter defeat had resulted in the suicide of the international vice president directing the walkout. These men were practically pioneering in an uphill fight against the public utilities," he said, adding that such sacrifices were far greater than the "trifling cost" to the membership upon reinstatement of the appellants.<sup>67</sup> Another board member joined VanArsdale as further discussion revealed increasing support for the appellants. Finally, the international secretary retreated from his earlier stand against the appellants and agreed that limiting the restoration of original membership dates to persons currently in good standing would not result in excessive benefit payments. The appeal was ratified as so amended.

These decisions reveal an impatience with cumbersome legalities and a consequent desire to waive legalistic, structural obstacles to the administration of justice based on tenets of good trade unionism. This was particularly true where the leadership expressed sympathy for appellants and the union was unable to remedy the situation. For example, at the communications workers convention the appeal committee declared its sympathy for a small local which had been unfairly excluded from representation on a joint bargaining committee, but, because no constitutional violation was

---

<sup>67</sup>International Brotherhood of Electrical Workers, Proceedings, (1946), pp. 384-85.

involved, it denied the appeal. Even though legal remedy was unavailable, the delegates voted to reverse the recommendation.<sup>68</sup>

### Local Autonomy

At least eleven sustensions represented delegate dissatisfaction with administration abridgement of local autonomy. Alleged national union infringement upon functions and prerogatives properly belonging to the subordinate body was at issue in most of these cases, so their sustention ordinarily meant direct reversal of the administration position. For example, the marine engineers' leadership was twice reversed by the appeal committee for unjustifiably interfering in local contract negotiations and, in a third case, for issuing a local charter in opposition to the wishes of district members.<sup>69</sup>

Executive board rulings in two work-related appeals were reversed in the interest of preserving local autonomy. In one, an electricians convention rescinded a board order forcing a local to accept the travel card of a journeyman from another district. Granted that the individual had worked in that local's jurisdiction before and was an experienced foreman, but the committee was "of a unanimous

---

<sup>68</sup>Communications Workers of America, Proceedings, 1963), pp. 339-46.

<sup>69</sup>National Marine Engineers' Beneficial Association, Proceedings, (1950), pp. 117, 175.

involved, it denied the appeal. Even though legal remedy was unavailable, the delegates voted to reverse the recommendation.<sup>68</sup>

### Local Autonomy

At least eleven sustensions represented delegate dissatisfaction with administration abridgement of local autonomy. Alleged national union infringement upon functions and prerogatives properly belonging to the subordinate body was at issue in most of these cases, so their sustention ordinarily meant direct reversal of the administration position. For example, the marine engineers' leadership was twice reversed by the appeal committee for unjustifiably interfering in local contract negotiations and, in a third case, for issuing a local charter in opposition to the wishes of district members.<sup>69</sup>

Executive board rulings in two work-related appeals were reversed in the interest of preserving local autonomy. In one, an electricians convention rescinded a board order forcing a local to accept the travel card of a journeyman from another district. Granted that the individual had worked in that local's jurisdiction before and was an experienced foreman, but the committee was "of a unanimous

---

<sup>68</sup> Communications Workers of America, Proceedings, (1963), pp. 339-46.

<sup>69</sup> National Marine Engineers' Beneficial Association, Proceedings, (1950), pp. 117, 175.



opinion that the autonomy of local unions, in matters of this kind, shall not be abridged."<sup>70</sup> For the same reason, penalties imposed upon the members of one plasterers' local by the officials of another were nullified, and in three other instances local fines assessed against their own members were restored after being rescinded by the national union.<sup>71</sup> Delegates to a bricklayers convention reversed a board reduction of the penalties imposed by one local upon a sister local's members who worked without permits in its jurisdiction during a period of high unemployment.<sup>72</sup>

Elsewhere, electricians conventions twice rejected committee rulings favoring executive board decisions which would restrict local autonomy. Once, requests of a railroad local for a greater voice in the selection of collective bargaining issues and increased participation in the negotiations were granted.<sup>73</sup> The preceding convention had extended the "follow the work" principle--in violation of existing contracts--in order to accommodate several hundred of these

<sup>70</sup>International Brotherhood of Electrical Workers, Proceedings, (1962), p. 718.

<sup>71</sup>Operative Plasterers' and Cement Masons' International Association, Proceedings, (1946), pp. 121-23, 181, 195; (1957), pp. 265-66.

<sup>72</sup>Bricklayers, Masons and Plasterers' International Union of America, Proceedings, (1962), pp. 111-17.

<sup>73</sup>After lengthy debate, the appeal was upheld in the interest of local self-government and standardized working conditions for the union's railway employees. International Brotherhood of Electrical Workers, Proceedings, (1962), pp. 719-22.





employees adversely affected by a consolidation of rail facilities.<sup>74</sup>

These cases comprise the only group of sustained appeals in which the delegates voted contrary to committee recommendations. It seems that the issue of local autonomy, in which local representatives were on hand to debate the issue, was the only one generally capable of gaining enough delegate support to overrule the national administration. By contrast, when appeals were upheld because the leadership had neglected traditional trade union practices and values, this was done usually at the initiative of the appeal committee.

#### Variation of Sustainments Between Appellant Parties

The more influential the convention appellant, the greater is his likelihood of success. The sustention rate, shown in Table V-6, progresses upward with the appellant's political position in the union. Non-members, employer-members and staff employees were unsuccessful in nearly every appeal endeavor but locals and intermediate bodies won 12 and 17 percent of their appeals respectively while national unions as appellants won four of their five cases, the other appeal being referred to a conference between the interested parties. National officers did not have a success

---

<sup>74</sup>International Brotherhood of Electrical Workers, Proceedings, (1958), pp. 569-72.



ratio commensurate with status because their disputes were always with the national union itself.

Members fared best in the work-related disputes, winning nearly 15 percent (most of these in the maritime union) of the work rule violation cases. Union-related appeals by members were usually decided adversely to them, particularly when sensitive matters were at issue: Communism, political dissension and slander, unauthorized strikes, and alleged misconduct of officers.

A greater ratio of appeals from local unions were upheld than from individual members chiefly because of the privileged convention status and greater bargaining power of the former. The success of local unions in work-related disputes ranged from roughly one-third of their appeals sustained in collective bargaining and work rule cases to only 4 percent in the jurisdictional disputes. (See Table V-6). Of the union related cases, they won about one in five election and membership status appeals and nearly 70 percent of the union benefit claims sponsored by them. As with member appeals, the more inconsequential cases were won with much greater frequency than those originating in the internal politics of the organization: trusteeships, organizational changes, jurisdiction problems and financial matters.

Intermediate bodies such as district councils or, on the railroads, system divisions, did not submit a large number of appeals to the convention. Their close relationship with the national union probably precludes resort to



TABLE V-6

## SUSTENTIONS BY RELATED ISSUE AND APPELLANT

| Issue  | Number of<br>Sustentions | Appellant   |                     |                   |                 |                |                      |                     |                   |
|--|--------------------------|-------------|---------------------|-------------------|-----------------|----------------|----------------------|---------------------|-------------------|
|  |                          | Non-members | Employer-<br>member | Staff<br>employee | Local<br>member | Local<br>union | Intermediate<br>body | National<br>officer | National<br>union |
| (number of appeals submitted indicated in parentheses) |                          |             |                     |                   |                 |                |                      |                     |                   |
| <u>Disciplinary</u>                                    |                          |             |                     |                   |                 |                |                      |                     |                   |
| Work rules   | 38<br>(235)              | (1)         | (6)                 |                   | 30<br>(204)     | 8<br>(24)      |                      |                     |                   |
| Membership<br>regulations                              | 12<br>(83)               |             |                     |                   | 12<br>(74)      | (9)            |                      |                     |                   |
| Disloyalty to the<br>union                             | 7<br>(78)                |             |                     |                   | 6<br>(66)       | (9)            | (1)                  | (1)                 | 1<br>(1)          |
| Misbehavior of<br>officers                             | 5<br>(124)               |             |                     |                   | 4<br>(105)      | (8)            |                      | 1<br>(11)           |                   |
| Dissension and<br>slander                              | 3<br>(116)               |             |                     |                   | 2<br>(110)      | 1<br>(6)       |                      |                     |                   |
| Direct control<br>over locals                          | 3<br>(43)                |             |                     |                   | (10)            | 3<br>(29)      | (3)                  | (1)                 |                   |
| Illegal<br>strikes                                     | (39)                     |             |                     |                   | (36)            | (3)            |                      |                     |                   |
| Communism  | (56)                     |             |                     |                   | (54)            | (1)            |                      | (1)                 |                   |
| Sub-total  | 68<br>(774)              | (1)         | (6)                 |                   | 54<br>(669)     | 12<br>(89)     | (4)                  | 1<br>(14)           | 1<br>(1)          |
| <u>Non-Disciplinary</u>                                |                          |             |                     |                   |                 |                |                      |                     |                   |
| <u>Administrative Decisions</u>                        |                          |             |                     |                   |                 |                |                      |                     |                   |
| Seniority and<br>Jobs                                  | 18<br>(193)              |             |                     |                   | 11<br>(150)     | 4<br>(36)      | 3<br>(7)             |                     |                   |
| Elections  | 16<br>(146)              |             |                     |                   | 13<br>(129)     | 3<br>(13)      | (3)                  | (1)                 |                   |
| Membership<br>status                                   | 14<br>(80)               | (2)         |                     | (1)               | 9<br>(49)       | 5<br>(26)      | (1)                  | (1)                 |                   |
| Union benefit<br>claims                                | 13<br>(49)               | (10)        | (1)                 |                   | 2<br>(19)       | 11<br>(19)     |                      |                     |                   |
| Grievance<br>handling                                  | 10<br>(92)               |             |                     |                   | 8<br>(81)       | 1<br>(10)      |                      |                     | (1)               |
| Collective<br>bargaining                               | 7<br>(36)                |             |                     |                   | (9)             | 6<br>(20)      | (5)                  |                     | 1<br>(1)          |
| Judicial<br>procedure                                  | 7<br>(62)                |             |                     |                   | 5<br>(45)       | 1<br>(15)      |                      | (1)                 | 1<br>(1)          |
| Financial<br>matters                                   | 5<br>(86)                |             |                     |                   | 1<br>(26)       | 3<br>(57)      | 1<br>(3)             |                     |                   |
| Jurisdictional<br>disputes                             | 5<br>(118)               |             |                     |                   | (3)             | 5<br>(112)     | (3)                  |                     |                   |
| Administrative<br>procedure                            | 4<br>(24)                |             |                     |                   | 2<br>(17)       | 1<br>(6)       | 1<br>(1)             |                     |                   |
| Officer and union<br>staff complaints                  | 3<br>(38)                |             |                     | 1<br>(17)         | (4)             | (6)            | (1)                  | 2<br>(10)           |                   |
| Mergers and<br>affiliations                            | 1<br>(27)                |             |                     |                   | (3)             | 1<br>(23)      | (1)                  |                     |                   |
| Sub-total  | 103<br>(951)             | (12)        | (1)                 | 1<br>(18)         | 51<br>(535)     | 41<br>(343)    | 5<br>(25)            | 2<br>(13)           | 3<br>(4)          |
| Totals   | 171<br>(1725)            | (13)        | (7)                 | 1<br>(18)         | 105<br>(1194)   | 53<br>(432)    | 5<br>(29)            | 3<br>(27)           | 4<br>(5)          |

that tribunal. Nevertheless, in terms of successful convention appeals they did considerably better than individual members or local unions--particularly in the railroad brotherhoods--but the significance of the disputes won by them is questionable. While some concessions were won by railroad telegraphers' system divisions, more consequential setbacks were suffered in important job transfer, collective bargaining and trusteeship cases.

With the exception of rubber workers' president Buckmaster, the successful national officers were from the railroad unions; they were appealing salary and expense money disputes between trustees and the national president. In the unsuccessful cases, officers challenged the national union's prerogatives in disputes ranging from alleged gross disloyalty to the organization by an international vice president to claims for expenses while serving the national union.<sup>75</sup>

The two major reasons for this variation in appellant success at the national convention were: (1) the advantages of attendance and speaking privileges discussed in the preceding chapter, and (2) the influence and status differentials among appellants.

---

<sup>75</sup>The first refers to the appeal of Frank Grasso which was described in the preceding chapter. Several financial claims were made by national officers. Cf.: International Union of Operating Engineers, Proceedings, (1964), pp. 54-55; Order of Railroad Telegraphers, Proceedings, (1960), pp. 22-23; United Textile Workers of America, Proceedings, (1944), pp. 112-19.

The last was dramatically illustrated in two separate appeals brought to conventions of the allied industrial workers union. At the 1951 session a local officer of that union unsuccessfully appealed his suspension from membership on financial misfeasance.<sup>76</sup> But the 1957 convention acceded to the payment of \$25,000 to former secretary-treasurer Anthony Doria as the price of his resignation following the closure of serious financial malpractices by him.<sup>77</sup> Alleged financial practices were at issue in another union's internal difficulties. When an appeal committee of the mine, 11 workers rationalized the union's refusal to punish the president for admitted financial irregularities, he reflected on the influence of the international officers' status on convention decisions. "The record of President Robinson," as president of the union during some of its most perilous times, would have outweighed an act of murder," he judged.<sup>78</sup>

### Summary

Voting on convention appeals was ordinarily by show of hands. As with debate, the vote often took place in an environment unsuited for calm, dispassionate deliberation.

---

<sup>76</sup> Allied Industrial Workers of America, Proceedings, 1951), p. 154.

<sup>77</sup> Allied Industrial Workers of America, Proceedings, 1957), pp. 17-21.

<sup>78</sup> International Union of Mine, Mill and Smelter Workers, Proceedings, (1946), p. 506.

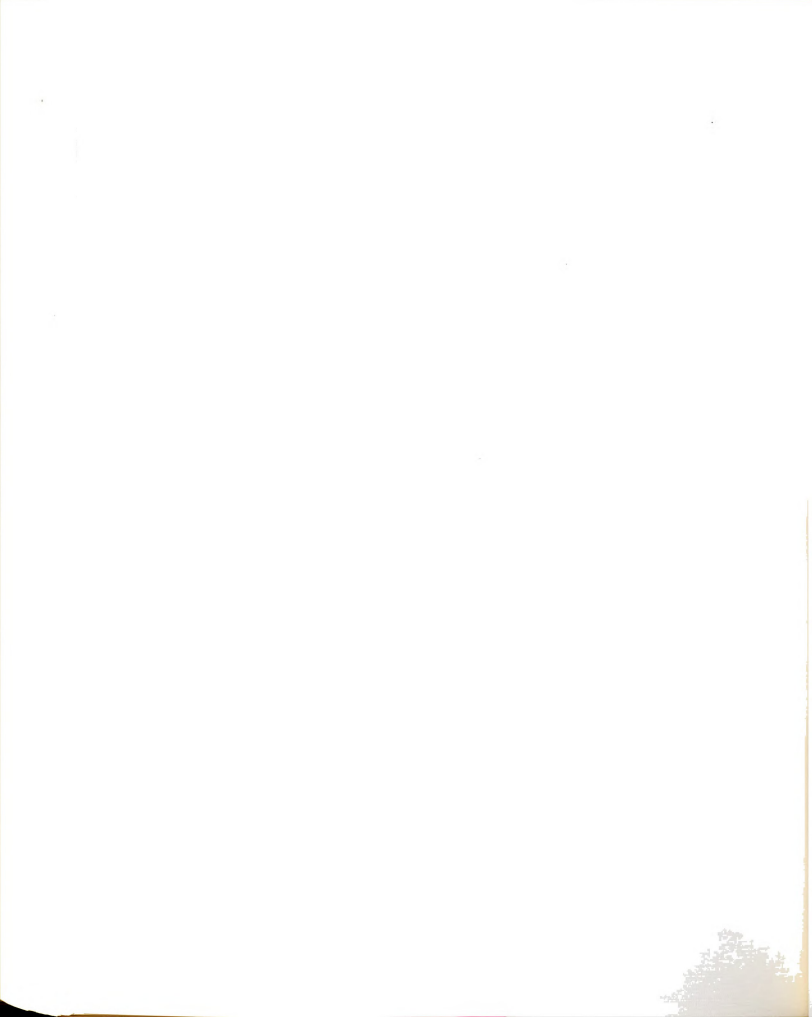
the large numbers of delegates, their indifference, and the prevalence of political considerations impaired the voting process in the same manner that discussion and debate attempts were enfeebled.

Convention appeals were usually denied. The small proportion which were sustained came with the backing of administration officials and, for this reason, had the support of the appeals committee. (The only observable exceptions were cases in which the delegates reversed both the national administration and the appeals committee to preserve local autonomy.) Delegates were asked to deny appeals for reasons usually divorced from the immediate issue. Often the very survival of the union was said to be at stake. Appellants used equally extraneous arguments. Political considerations appear to be paramount: the success of various appellant groups is directly related to their political standing within the union. The sizable number of disputes which could not be resolved at the convention, and so were demanded back to national union tribunals, reflected the administration's control over the review procedure and underscored the inadequacy of the convention as the final court of appeals. In some cases the original judgment was modified but the majority of these decisions simply ratified executive pardons.

Analysis of the final disposition of appeals confirms the contention that appeals review is one facet of national union dominance. Appeals are ordinarily decided in a way



which legitimates the decision-making supremacy of the national, protects its political position and secures it from external threat. Fair procedure becomes incidental and of secondary importance.



## CHAPTER VI

### CONCLUSIONS AND POLICY RECOMMENDATIONS

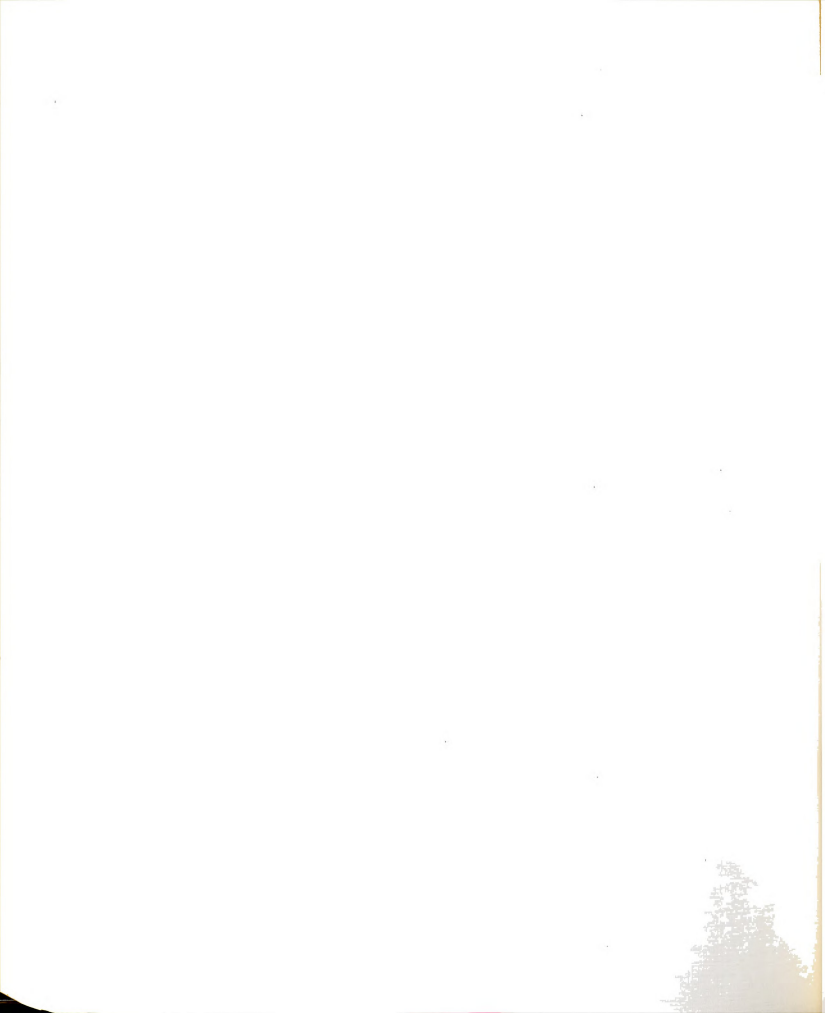
The hypotheses I advanced at the outset were these:

1) the national union's control over internal affairs includes the convention and convention appeals, and, if this is true, then (2) there can be no guarantee that fair procedures will be used in reviewing these appeals. Clearly, the first hypothesis has been verified. I have described the structural regulations and procedural practices--revealed in my own research and confirmed in that of others--which enable the national leadership to wield, in a style which affirms the Michelsian thesis, effective control over the review of convention appeals. In summary these are:

1. The national convention is infrequently held, thereby weakening its effectiveness as a remedy for judicial inequities. Justice delayed is, as the saying goes, justice denied. Moreover, this potential check upon the leaders has deteriorated in recent years with longer time intervals between conventions.
2. Those who would question or challenge decisions of their union's national administration have limited and unequal access to the convention.

Conventions are often held at great distances from where they live, and dissidents are not usually chosen to be delegates. To attend, they would have to pay their own way as well as the expenses incurred in staying at the convention until their appeal comes up. In practice, appealing in person to the convention is precluded by the cost.

3. The large size of most conventions explains, in part, their unresponsiveness to the overtures of appellants and minuscule groups; but at the same time it makes the delegates pliable to the demands of the governing officials.
4. Convention committees are appointed by the national leadership, subject to ratification by the convention, a pro forma ritual. Over half the appeals committees in my study were headed by executive officers of the union or by persons accountable to the president. Moreover, the other committee members are usually perennial convention delegates with established sympathies for the administration point of view.
5. A final consideration, but perhaps of greatest significance, is the president's position as convention chairman. This authorizes him to establish the order of business, to determine who may address the convention, to decide the length and



manner of discussion on the committee report, and to determine the manner of voting and then judge the result. His rulings are, to be sure, subject to challenge from the floor. But in practice, challenges of this sort are so rare as to be negligible.

Let me restate the questions asked in the introductory paper to test the validity of the second hypothesis, that national union control of the convention precludes the assurance of fair appeals procedures. Are factual information and material evidence available to the delegates as they consider committee recommendations? Are appellants or their representatives allowed to participate in the proceedings? Are the people responsible for the hearing and final disposition of appeals subject to outside influence which might cause them to be partial or biased? The following conclusions summarize my findings:

1. The facts, evidence and related materials in appeal cases are generally not provided in committee reports nor do convention chairmen ordinarily honor requests from the floor for additional information. As a result, the jury--the convention delegates called upon to make the final decision--has not heard the case. This is a significant departure from customary judicial procedures.

2. Most appellants do not have access to the convention floor nor to the rostrum.
3. The union's internal politics bear heavily upon the hearing and final disposition of appeals. Where politics and fair procedure are at odds the former prevails, and though convention delegates are not directly accountable to the leadership, there is a concurrence of interests so that the committee report is usually adopted without objection. Thus most disciplinary penalties and administrative decisions are not carefully reviewed at the national convention. (This response is not unique to union conventions. In a crisis, national legislative bodies and federal courts can be relied upon to support the executive. As with the unions, dissent is equated with disloyalty in times of crises.)

se procedures are clearly inconsistent with impartial review. Hence, instead of providing an effective judicial review the national convention serves to ratify pardons granted the chief executive, to justify his judicial expediences to confirm the dominance of the national union in all matters.

But what is objectionable about an appeal process which is not impartial? The danger of injustice in union review processes is ordinarily associated with discipline. Most critics who urge independent review emphasize the possibility

arbitrary disciplinary practices which injure affected individuals and groups. My study suggests that a further distinction should be made. Distinguishing job-related from union-related discipline, I find that the convention is frequently lenient with persons convicted of work-related offenses, and that a significant proportion of the penalties are reduced by the union's executive board even before the case reaches the convention. This is to be expected. For this is not ordinarily in the interest of the national union to insist upon severe penalties for work-related offenses or to permit abuses in the appeal procedure where such penalties are involved. Bricklayers' president Bates explained his support of an appeal committee recommendation to reduce from \$100 to \$50 several fines imposed by a local against members guilty of working behind its picket lines:

The fines placed upon members should be a reasonable amount [so that] whenever the time comes that you need these men back into the organization, or to organize a contractor, then the fine shouldn't stand in the way.<sup>1</sup>

Such leniency is not extended to those convicted of union-related offenses. Conventions seldom reverse or reduce penalties imposed for internal political dissent, Communist activities, dual unionism or disloyalty to the union, and

---

<sup>1</sup>Bricklayers, Masons and Plasterers' International Union of America, Proceedings, (1958), p. 111. Pulp workers' union president Burke is quoted as saying of disciplinary expulsions: "Our union is not interested in selling members. We are spending thousands of dollars every year in organizing new members." Summers, "Disciplinary Powers of Unions," p. 487.



en this does happen it is only with the approval of the  
tional officers. For this reason unsubstantiated charges  
Communism or disloyalty can be made by the leadership  
th the assurance that their claims will not be thoroughly  
viewed at the national convention. Discipline then be-  
mes an extension of internal politics and the leadership  
a purge opposition factions from the union. In doing so,  
can prevent the minority from becoming the majority.  
ch practices are often cited by observers of union affairs.  
idman, for example, called attention to the instances,  
ably in the operating engineers' union, "in which disci-  
inary action was used to punish factional opponents of  
ose in union power."<sup>2</sup>

Using disciplinary power to silence the opposition not  
ly violates a requirement of the democratic process but  
so constricts those channels of communication between  
nbers and officers which Taft and others insist are neces-  
ry for the maintenance of democracy in unions. An example  
the way dissent is sometimes stifled under charges that  
is inimical to the best interests of the union or that it  
Communist-inspired, was the expulsion from membership in  
machinists' union of two rebel local leaders, Irwin

---

<sup>2</sup>Joel Seidman, Regulating Union Government, Marten  
ey, Philip Taft, and Martin Wagner, eds. (New York:  
per & Row, Publishers, 1964), pp. 16-17. For a studied  
ount of how this was done in the Sailors' Union of the  
ific, see Donald H. Wollett and Robert J. Lampman, "The  
of Union Factionalism--The Case of the Sailors,"  
Harvard Law Review, 4 (February, 1952), p. 177.

Rappaport and Marion Ciepley.<sup>3</sup> Members of a Chicago lodge, they demanded an international auditing of local finances which they claimed were being mismanaged. A subsequent investigation uncovered considerable mishandling of local funds and resulted in the resignation of the six local officials, five of whom immediately took jobs with management. Then, before elections could be held, the local was placed under trusteeship. At first the reformers welcomed the action as easing the way for the reinstatement of membership control, but as elections were repeatedly postponed and membership meetings cancelled they realized that the continued supervision was directed at themselves. Administrator Roy Siemiller, who later succeeded president A. J. Hayes, confirmed this when he informed the members that unauthorized distribution of literature gotten out by the reform group must be stopped immediately because, in his words, "the integrity of officers and representatives has been questioned through irregular channels and publications." Because Rappaport and Ciepley refused to comply with Siemiller's new set of local by-laws--which included restrictions against the circulation of leaflets or petitions within the local--and when as elected delegates they submitted to the Illinois

---

<sup>3</sup>There are several accounts of this incident available, all of them favorable to Rappaport and Ciepley. See: Paul Jacobs, "Mr. Hayes Settles A Local Disturbance," The Reporter, 20 (April 2, 1959), Robert Repas, "A Tale of Two Expulsions," Ciepley-Rappaport Legal Fund, Fall 1961, and H. W. Benson, "Labor's Uncertain Trumpet," The Progressive, (June, 1959).

ate AFL-CIO Convention a resolution calling for increased surveillance over trusteeships imposed by international unions and then endorsed the impartial review principle, they were summarily expelled from the union. Although not so specified in the formal charges they were repeatedly labeled "reds" by the leadership and had this disparaging and obfuscating allusion to contend with during the dispute. Undoubtedly this allegation appeared plausible to many because both defendants' previous membership in the American Socialist Party. They appealed their expulsion to the union's national executive board and then to the national convention. The dispatch with which the convention considered and rejected their appeals, reflecting the obvious indifference of the delegates, attests to the failure of that body as the final arbiter of serious internal disputes. (See Appendix -1,) One of the ironies of the wretched handling of the Rappaport-Slaughter case was that A. J. Hayes, president of the union, was concurrently chairman of the AFL-CIO Ethical Practices Committee, the ostensible guardian of morality in union conduct.

The unhappy fate of dissidents is further dramatized by recent events in the marine engineers' union. Wright Slaughter was the president of an Alabama local which fought a reorganization proposal to dissolve and regroup all the union's locals into regional districts more closely associated with the national union. When a referendum was held to decide the matter, Slaughter, who had served as an observer during the vote, filed suit in federal court to set

aside the results claiming that improper procedures had been used in counting the ballots. In doing so he failed to exhaust his internal union remedies, however. A short time later, the national acquired control of the local's hiring halls with the result that dissident officials were kept from working. Nevertheless, Slaughter represented the local at the 1961 convention where he was the lone administration critic. At one point the convention went into executive session, at which time proceedings are off the record, when, according to his account, he was physically beaten by administration supporters. In any event, shortly after this he and another local officer were expelled from the union for alleged illegal shipping practices and conspiring with one of the unlicensed seamen's unions to undermine the marine engineers. Both the East Coast sailors' union and the seafarers' union (SIU) have actively recruited licensed officers but no evidence was produced at the convention to indicate that Slaughter had been working with either of these unions. They appealed to the 1962 convention where a three-man Special Committee headed by the national union president heard the case. However, neither Slaughter nor his fellow appellant appeared so the committee denied the appeals and the delegates unanimously concurred.<sup>4</sup>

---

<sup>4</sup>National Marine Engineers' Beneficial Association, Proceedings, (1961), pp. 174-78, and (1962), pp. 58, 143. Also see Benson, "Marine Officers," Union Democracy in Action, January, 1962.

It is evident from these illustrations that the opportunity provided for administration infringement upon democratic processes is a cost of inadequate convention review of disciplinary actions. Dissent is stifled and, it follows, potential inquiry and criticism is intimidated, all without threat to the leaders of meaningful review.<sup>5</sup>

Unchecked nondisciplinary decisions can have the same effect. Control over union elections gives the national leaders the power to prevent the minority from becoming the majority when it is unlikely that the national convention will question election results. At a woodworkers' union convention demands for a recount of the votes in an international election were ignored, just as similar complaints had been neglected at previous conventions. This was in spite of irregularities, admitted by the national leadership, in that and preceding national elections.<sup>6</sup> That such irregularities are common occurrences is confirmed by the 8 election procedure violations recorded by the government during the first six years of enforcing the member bill of rights provisions of the Landrum-Griffin Act.<sup>7</sup>

---

<sup>5</sup>An analysis of this process is found in Seymour Martin Lipset, Martin Trow, and James Coleman, Union Democracy: The Internal Politics of the International Geographical Union (Garden City, New York: Anchor Books, Doubleday & Company, Inc., 1962), pp. 293-95.

<sup>6</sup>International Woodworkers of America, Proceedings, (1950), pp. 49-80.

<sup>7</sup>U. S. Department of Labor. Labor Management Services Administration, Summary of Operations (Washington, C.: U. S. Government Printing Office, 1965), p. 10.



As we have seen, national conventions are often unable to conclude longstanding intraunion disputes. This failure can be detrimental not only to those directly affected but to the entire union, as the difficulty with jurisdictional disputes demonstrates. Segregated locals and the resultant need for work-allocation formulas have for some time plagued the East Coast longshoremen's union, but the leadership has successfully avoided a convention decision which might solve the problem. Such an opportunity presented itself when the question of work jurisdictions in New York port locals of the union was submitted to the 1957 convention. As I related in Chapter IV, the dispute was kicked off the floor and a temporary but ineffectual expedient contrived. The old pattern was promptly revived, however, and by 1964 the NLRB had to invalidate the discriminatory contracts negotiated in the Brownsville, Texas area. These contracts, involving the same locals which had been involved in the 1957 conflict, provided the Negro locals with only 25 percent of the available longshore work. The Board also rescinded the trusteeship imposed by the international union on one of the Negro locals for filing charges with the NLRB.<sup>8</sup>

By contrast, the leaders of the teachers' union purely made the segregationist practices of several locals the major item of business at the 1956 and 1957 conventions. This was not an easy thing for them to do. For the delegates

---

<sup>8</sup>New York Times, February 6, 1964, p. 58, and September 15, 1964, p. 74.



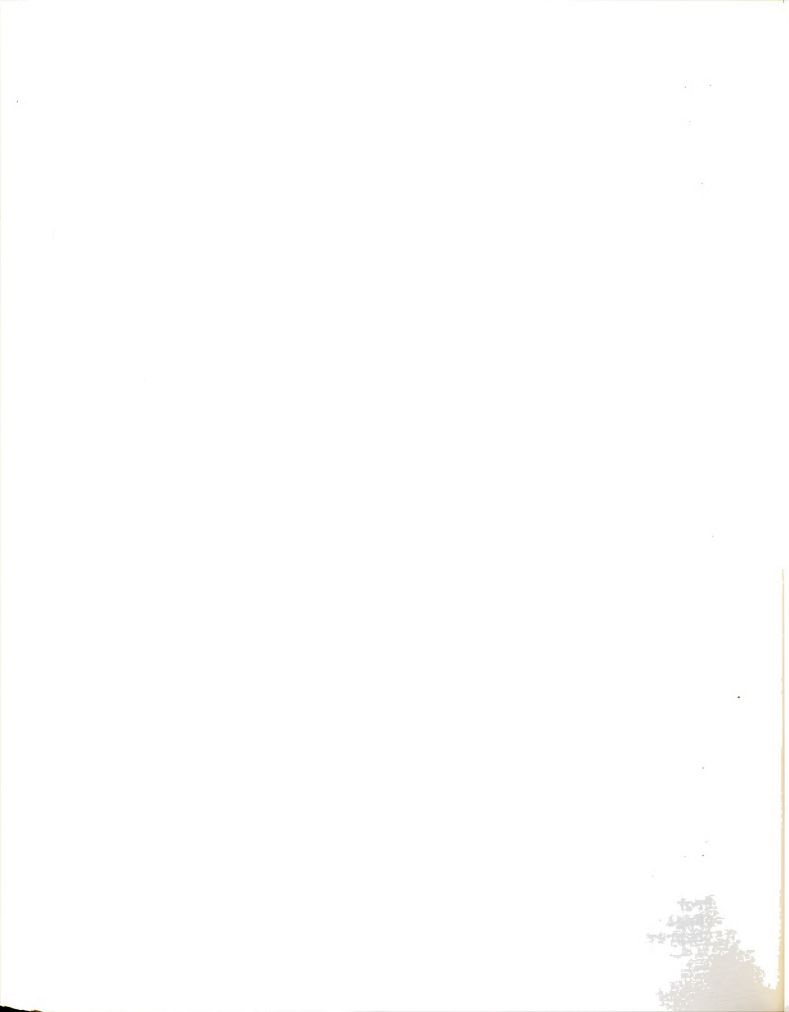


both conventions were split badly over the issue and as a result during the next three years the union lost a substantial share of its total membership. Still, the problem was resolved so that when the environment for organizing public school teachers improved, the union was able to organize effectively, particularly in the Northern urban areas, without being hindered by internal racial conflicts. Indeed, the union's strong anti-segregation stand seems to have helped in its recruiting drive.

One other matter needs to be explored. Are appeals in labor unions more or less effective than those in the larger society? It would be unreasonable to impose demands upon any one group which the society itself is incapable of meeting. Experience indicates that there is in our affairs a general adherence to majority rule, but there is also a neglect of minority rights. What has been the experience in the nation at large? Students of American government seem agreed that the principle of majority rule fails. In fact, the dominance of the majority view gives rise to continuing concern for the security of minority rights, which exist at the pleasure of the majority and are constantly threatened by pressures to conform.<sup>9</sup> American constitutional historians describe a legal tradition blemished by the denial of basic rights to those holding views

---

<sup>9</sup>See, for example, Marian D. Irish, and James W. Moore, The Politics of American Democracy, 3rd ed. (New York: New York: Prentice Hall, 1965), page 13, "Individual Rights and Liberties."



ceptable to the majority. But in recent years an almost revolutionary change in emphasis has taken place not, it could be noted, because of congressional action, but because of a series of decisions handed down by a liberal Supreme Court--and often bitterly received on Capitol Hill:

During the long period between 1798 and World War I, the First Amendment served as little more than a historical reminder of the lively concern for personal freedom expressed during the formative years of the nation. Since the Court revolution of 1937, however, the First Amendment has been the focal point of our constitutional jurisprudence.<sup>10</sup>

In addition to guarding First Amendment freedoms, the Supreme Court has moved to secure equal protection under the law for all citizens and to guarantee rights of judicial procedure regardless of personal means. At the same time, the court seeks to avoid overtaxing the public's capacity for change, and there remain what McCloskey, in The American Supreme Court, has called areas of "erratic response" (free expression versus national security), and "tempered" intervention (procedural rights versus police power).<sup>11</sup>

Unions, like most municipal and state governments, have, however, not kept pace with the courts. As one reviews the experience of convention appeals the conclusion is inescapable that individual protection under union law is

---

<sup>10</sup>Thomas Alpheus Mason, and Willaim M. Beaney, American Constitutional Law: Introductory Essays and Selected Cases, 2nd ed. (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1959), p. 574.

<sup>11</sup>Robert G. McCloskey, The American Supreme Court, 192-208.

n subordinated to political expediency, that fair processes in appeals review tend to occur only when they are to be coexistent with the interests of the national union, and that in union affairs the rights we associate with the First Amendment are almost entirely at the discretion of national officers. In a word, unions are majoritarian bodies, with all the potentiality for riding roughshod over minorities that majoritarianism implies. But are unions accountable to society for their treatment of dissenters and wrongdoers? Indeed, should they be? And if the answer is yes, does this warrant public surveillance and regulation? Both questions have been answered by laws (in the Landrum-Griffin Act), by the NLRB and by the courts in their consideration of unions as private governments in a pluralist society. Institutions which exist and function under legislative protection have been included within the regulatory purview of government as a consequence of their privileged status. As the California Supreme Court has said, speaking of a labor union which is a party to collective contracts having the force of law:

... such a union occupies a quasi-public position similar to that of a public service business and it has certain corresponding obligations. It may no longer claim the same freedom from legal restraint enjoyed by golf clubs or fraternal associations. Its asserted right to choose its own members does not merely relate to social relations; it affects the fundamental right to work for a living.<sup>12</sup>

---

<sup>12</sup>James v. Marinship Corp. 155 p. 2d 329, Supreme Court of California (1944), Quoted in Arthur S. Miller, "Private Governments and the Constitution," Center for

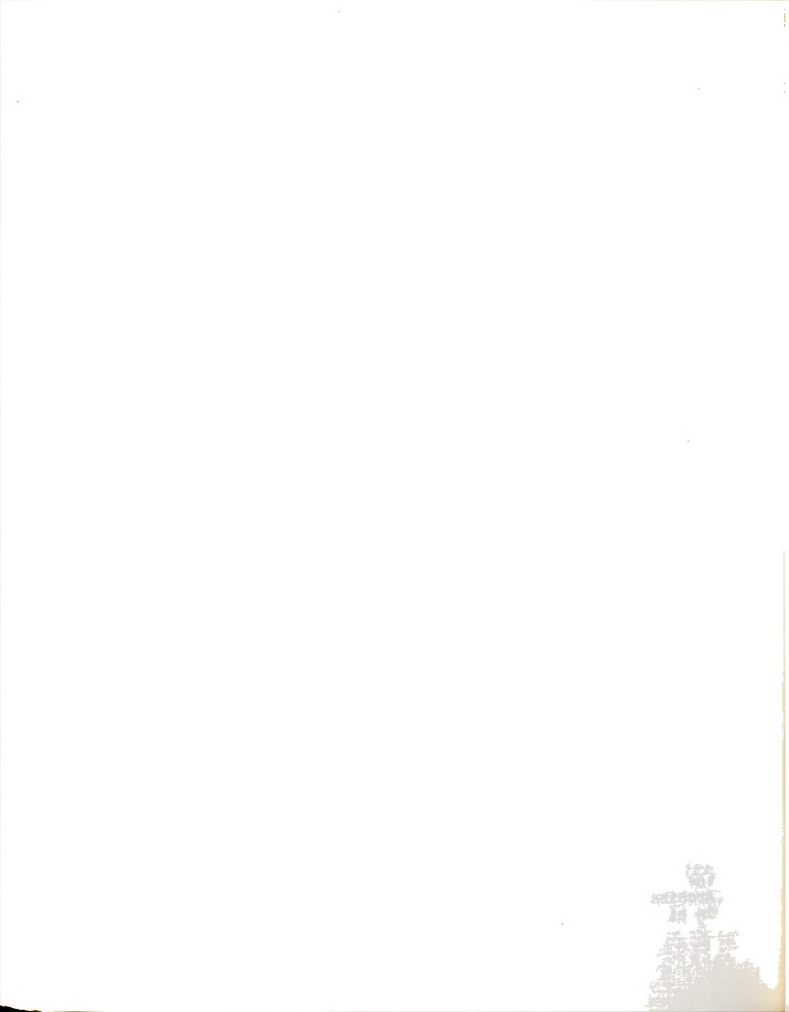
by this transformation of unions in the eyes of the court from voluntary to public institutions? When a union is certified by the NLRB as the exclusive bargaining agent, the union has, in effect, been franchised by the federal government as a monopoly for collective bargaining and contract administration purposes. Individual workers are not free to negotiate with the employer and must abide by the existing agreement, especially where the union has a closed shop, as it did in the James case. Thus unions have exchanged the autonomy enjoyed by voluntary organizations for the responsibility and accountability which accompanies government franchise.

#### Public Policy Recommendations

Two broad policy alternatives are open: one, which involves direct government regulation or, if we wish to minimize such intervention, a second, which encourages the voluntary establishment of independent review boards. Implied in my posing only these two alternatives are certain assumptions I have made. To reform convention procedures would be of little value, I believe, because the problem is more substantive than procedural--to make the necessary changes would also make the convention something other than it is and should be, a politically responsive gathering

---

See Study of Democratic Institutions, 1955, p. 13.  
 Archibald Cox considers the implications of this decision in his Cases on Labor Law, pp. 990-97.



h acts to resolve the various strengths and interests  
 cal of social organizations. But in view of my find-  
 s I cannot escape the conclusion that the alternative  
 doing nothing, that is, approving the present procedure,  
 unacceptable.

### Government Regulation

To what extent should appeal procedures be subject  
 government supervision? Most students of the problem  
 in general agreement with Sumner Slichter that govern-  
 has an obligation to regulate quasi-public institutions:

No government would be worthy of the name which gave  
 such tremendous power to private organizations with-  
 out taking steps to see that the power was exer-  
 cised in the public interest.<sup>13</sup>

re is much less agreement, however, when it comes to  
 ulation of internal appeals. Some, as we have seen,  
 lieve there is no reason for such intervention. On the  
 er hand, those who accept the legitimacy of government  
 trol, differ over the most propitious method of regulation.

Initially it was suggested that the NLRB be authorized  
 hear appeals. This possibility was most popular in the  
 rs following World War II. Both Slichter and Taft felt  
 the time that such an administrative tribunal offered  
 best solution. In 1947 the American Civil Liberties  
 on proposed to Congress that the NLRB be empowered to  
 udicate internal union disputes. Commenting on these

---

<sup>13</sup>Slichter, The Challenge of Industrial Relations,  
 123.





commendations, Aaron and Komaroff enumerated the inequacies they saw in this approach. They pointed to the working relationships which inevitably develop between administrative agencies and the regulated groups. These bonds between leaders of government and labor could result in politically tainted decisions, as the NLRB is often accused of. Secondly, a "uniformity of view" is likely to emerge, as it so often seems to in public utility regulation. This uniform approach, they claim, would disregard the particular problems of individual unions and would generally be "less desirable than a gradual development of sound rules based upon a variety of decisions," as the common law of the courts.<sup>14</sup> Nevertheless, a few years later Summers suggested that an administrative "court of intraunion relations" be created by the government to act as a "public defender office for the protection of union members and officers against unfair practices within the union's body politics, from whatever quarter it comes."<sup>15</sup> Legislation authorizing direct governmental intervention to protect certain member rights has also been recommended by B. S. Hardman.<sup>16</sup>

---

<sup>14</sup> Benjamin Aaron and Michael I. Komaroff, "Statutory Regulation of Internal Affairs-II," Illinois Law Review, (November-December, 1949), pp. 669-70.

<sup>15</sup> Clyde Summers, "Legal Limitations on Union Discipline," Harvard Law Review, 64, (May, 1951), p. 1083.

<sup>16</sup> J. B. S. Hardman, "Legislating Union Democracy," The New Leader, 40 (December 2, 1957), p. 7. Also see U. S. House of Representatives, Committee on Education

But historically the law has been only indirectly concerned with union judicial affairs. Before the Landrum-Griffin Act there was no federal legislation in this area, leaving the formulation of public policy to the courts.<sup>17</sup> Initially, the judges viewed unions as voluntary associations whose internal affairs were outside their jurisdiction. As the leaders strengthened their control over the union and its members, however, the courts began to intervene to protect member rights. Intervention was premised on two legal concepts: contract theory and property rights.<sup>18</sup> But these approaches restricted the nature of the intervention. For if the courts could justifiably move to enforce the union's constitution, the "contract" between union and member, then the range of enforcement must be confined to the provisions of that constitution. Moreover, because most constitutions require that an aggrieved member exhaust the union's internal remedies before appealing to outside tribunals, the courts, to be consistent, refused to review the bulk of the complaints submitted. Exceptions

---

Labor, Government Regulation of Internal Union Affairs  
Protecting the Rights of Members. Report prepared by Sarah  
Levitan. 85th Cong., 2d Sess., May 1, 1958.

<sup>17</sup> Benjamin Aaron and Michael K. Komaroff, "The Labor-Management Act, 1947," Illinois Law Review, 44 (September-October, 1949), p. 446.

<sup>18</sup> A brief but useful summary of court intervention in this area is Charles M. Tureen's, "Judicial Intervention in Intra-Union Affairs to Protect the Rights of Members," Michigan University Law Quarterly, (December, 1954).



occurred where the procedural requirements of the union constitution had been violated or, because the constitution is silent regarding procedures for disciplinary action, where the court ordered unions to afford appellants the usual safeguards against abuse of authority, such as presentation of formal charges and notice of hearing and trial.<sup>19</sup> Nevertheless, there is a defect in this approach which limits the court's effectiveness. As a note in the Stanford Law Review pointed out, "treating the union constitution as a contract has deterred the courts from delineating appropriate standards to be applied in disciplinary actions."<sup>20</sup> As a result the courts are left with the instant provisions of union constitutions for guidance in applying standards of fair procedure.

But Section 101 (a) (5) of the Landrum-Griffin Act has given the courts expanded jurisdiction in this area. The Act requires that certain safeguards must be observed in union tribunals in the disciplining of individual members. The accused must be charged with specific offenses, given reasonable time to prepare his defense and he must be afforded a "full and fair hearing." These are procedural safeguards and for this reason their effectiveness is limited. Prejudices and inequities in union judicial practices are

---

<sup>19</sup>Summers, "Legal Limitations on Union Discipline."

<sup>20</sup>"Public Review Boards: A Check on Union Disciplinary Power," Stanford Law Review, 11 (May, 1959), 501.

subtle forms of bias," Summers says, because "such bias is an inevitable product of the procedure itself."<sup>21</sup> Thus the law's ultimate effect is uncertain: it depends upon different interpretations, particularly the "full and fair hearing" requirement. As yet there is no comprehensive body of rulings. But the courts have established that public employees and union officers are not protected under the Act's Bill of Rights,<sup>22</sup> they have broadened the definition of "discipline" as covered under the Act,<sup>23</sup> and, more recently, they have moved decisively to protect the union member's rights of speech, press and assembly.<sup>24</sup> In

---

<sup>21</sup>Summers, "Legal Limitations on Union Discipline," 1983.

<sup>22</sup>The initial decision on this question was Strauss International Bhd. of Teamsters, 179 F. Supp. 297 (E. Pa., 1959). Cf., Jackson v. Martin Co., 180 F. Supp. 6 (D. Md., 1960), Kelly v. Strehno, 47 (L. R. R. M.) 9 (E. D. Mich., 1961). Also, see my discussion of the Esso case in Chapter IV.

<sup>23</sup>Gross v. Kennedy, 183 F. Supp. 750 (S.D.N.Y., 1960), where the court held that plaintiff's removal from his job at the union's request and was a form of union discipline; Parks v. Electrical Workers, IBEW, (52 L.R.R.M.) 1 (CA 4, 1963) where the employment rights of members were affected by revocation of local charter; Rekant v. Ochay-Gasos, Local 446, (53 L.R.R.M.) 2574 (CA 3, 1963), where rescission of resolution requiring other members to alter him work would constitute disciplinary action. But see, Beauchamp v. Weeks, (48 L. R. R. M.) 3048 (DC S Calif., 1961), Deluhery v. Marine Cooks & Stewards, (51 L.R.R.M.) 2 (DCNill, 1963), Chicago Federation of Musicians, Local 10 v. Musicians, (57 L.R.R.M.) 2227 (DCNill, 1964).

<sup>24</sup>The important decisions on this question are: Be v. Hall, (58 L.R.R.M.) 2125 (CA 2, 1965) in which the union was prohibited from disciplining a member for "deliberate vilification" of a union officer where the

the matter of "full and fair hearing" there has been a modest departure from the traditional reliance upon union constitutions and the conventional standards for determining fair procedure. Most of the decisions have pertained to the union's failure to make specific charges,<sup>25</sup> present adequate evidence of guilt,<sup>26</sup> or provide defendants a hearing or trial.<sup>27</sup> Very few get at the problem of biased trial or appeal tribunals, however. In one, the case of a member of the operating engineers' union who caused the publication

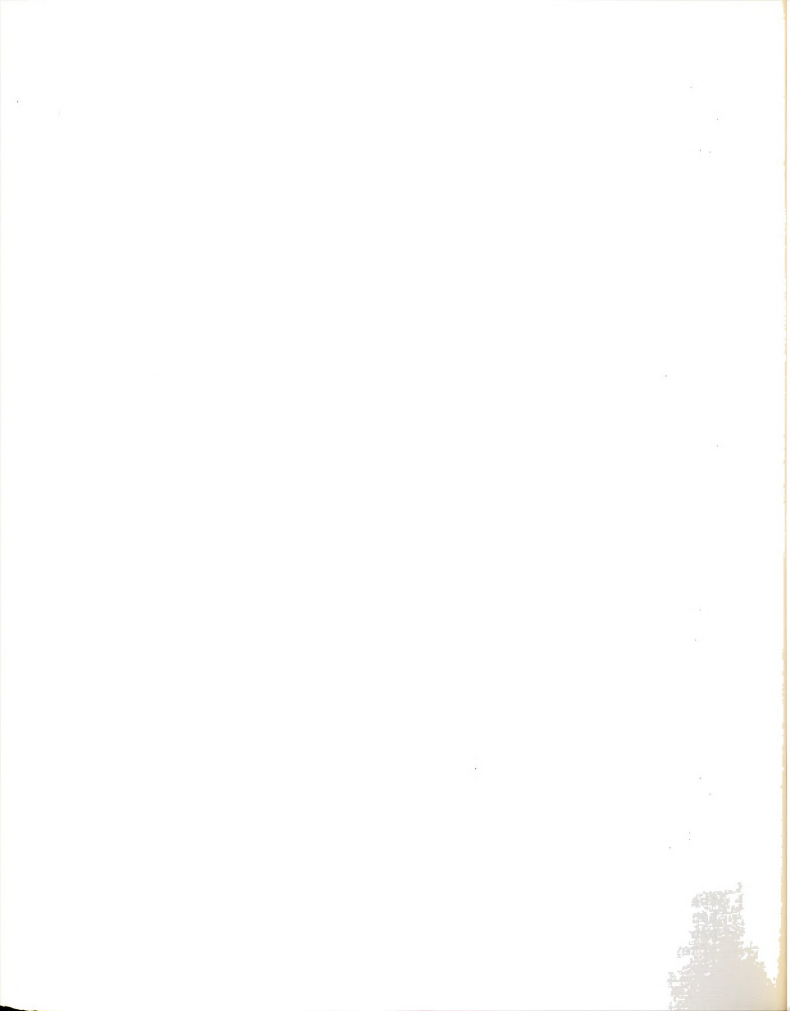
---

member had spoken with reference to a proposal submitted at a union meeting; Grand Lodge of Machinists v. King, (56 L.R.R.M.) 2369 (CA9, 1964), officer-members could not be suspended from office for supporting an unsuccessful candidate by meeting with other members and expressing views favorable to that candidate; Salzhandler v. Caputo, (52 L.R.R.M.) 2908 (CA2, 1963), where the court ruled that a member has the right "to speak his mind and spread his opinions regarding the union's officers, regardless of whether his statements were true or false."

<sup>25</sup>King v. Grand Lodge of Machinists, (53 L.R.R.M.) 1863 (DC N Calif, 1963), Leonard v. M. I. T. Employees, (55 L.R.R.M.) 2691 (DC Mass, 1964), Magelssen v. Local 148, Plasters & Cement Masons, (57 L.R.R.M.) 2444 (DC MO. 1964).

<sup>26</sup>Vars v. Boilermakers, Local 404, (53 L.R.R.M.) 1590 (CA 2, 1963), Air Line Stewards, Local 550 v. Transport Workers, (55 L.R.R.M.) 2711 (DC NILL, 1963).

<sup>27</sup>Detroy v. American Guild of Variety Artists, (47 L.R.R.M.) 2452 (CA 2, 1961), Allen v. Local 92, Iron Workers, (47 L.R.R.M.) 2214 (DC NAla, 1960), Jacques v. Local 1418, Longshoremen ILA, (60 L.R.R.M.) 2320 (DC La, 1965), Nelson v. Painters & Paperhangers Local 386, (47 L.R.R.M.) 2441 (DC Minn, 1961), Anderson v. Carpenters, (53 L.R.R.M.) 2793 (DC Minn, 1963), and Calabrese v. Plumbers & Pipefitters, (52 L.R.R.M.) 2780 (DC NJ, 1962).



of a newspaper article containing allegedly false and derogatory statements about the union, the court established certain procedural standards to be used in the union's hearing of the charges.<sup>28</sup> In another, the court held that local officers need not appeal to the national convention to exhaust internal remedies in their protest against suspension from office: the next convention was not scheduled to convene until two months after the expiration of their terms in office.<sup>29</sup> Apparently, the courts have adopted "the narrowest and most literal" interpretation of the Landrum-Griffin Act Bill of Rights, as Aaron anticipated in 1961.<sup>30</sup> They have not elected to go outside the conventional bounds regarding bias or impartiality in appeals review. As a result, it is still true that, as Harry Wellington concluded of the law and union democracy before passage of the Landrum-Griffin Act, the appellant too often "finds himself either unprotected by the courts, or protected, but too late to save a delicate growth of opposition within his union."<sup>31</sup>

---

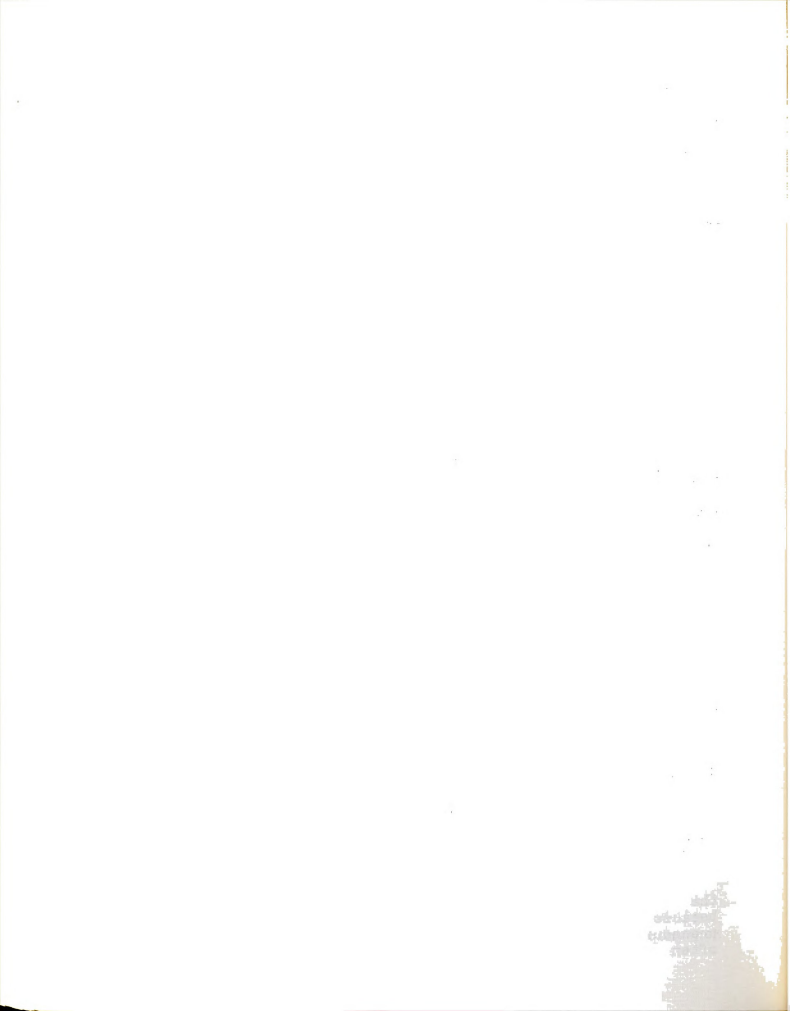
<sup>28</sup>Deacon v. Operating Engineers, Local 12, (59 L.R.R.M.) 2706 (DC SCalif, 1965).

<sup>29</sup>Flaherty v. McDonald, (52 L.R.R.M.) 2331 (Calif SuperCt, 1962).

<sup>30</sup>Benjamin Aaron, "The Union Member's 'Bill of Rights: First Two Years,'" Industrial Relations, 1 (February, 1962), p. 70.

<sup>31</sup>"Unfortunately, the legal protection afforded by the judiciary seems less than satisfactory: substantively, because of the institutional limitations of the courts: procedurally, because the union's disciplinary bodies are often not disinterested." Harry H. Wellington, "Union





Dissident union members and others have often been unfairly disciplined but "the political controls that inevitably asserted themselves made the convention poorly suited to the needs of an opposition group seeking justice; and the courts could do little beyond seeing that due process was observed and that the provisions of the [union] constitution were adhered to."<sup>32</sup> Similarly, Summers concludes that although the law can regulate "overt acts of oppression" with effectiveness, it cannot do so with the "institutionalized deviations from fair procedure."<sup>33</sup>

An important reason for the failure of the law to cope with this problem is the attitude of trade unionists toward government regulation of internal union affairs. Archibald Cox cites the impracticality of the threat of litigation to enforce fair procedures because union members "are reluctant to incur financial cost in order to vindicate intangible rights" and, more important, individuals who would "sue union officers run enormous risks, for there are many ways, legal as well as illegal, by which entrenched officials can 'take care of' recalcitrant members."<sup>34</sup>

---

Democracy and Fair Representation: Federal Responsibility in a Federal System," The Yale Law Review, 67 (July, 1958), pp. 1345, 1347.

<sup>32</sup>Joel Seidman and Arlyn J. Melcher, "The Dual Union Clause and Political Rights," Labor Law Journal, 11, (September, 1960), p. 798.

<sup>33</sup>Summers, "Legislating Union Democracy," p. 232.

<sup>34</sup>Archibald Cox, Law and the National Labor Policy, Monograph Series, Number 5 (Los Angeles: Institute of

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

Moreover, the rank and file readily support their leaders in these matters; they accept the hoary tradition that a member who takes his union to court is a traitor to the labor movement. In the appeal of a maritime union member, who had indicated he might ask for an NLRB investigation of the "misconduct" charges filed against him, a delegate said: "he has no place and deserves no [hearing within] this Convention or Union. He has no right [to be] in this Union."<sup>35</sup> Earlier, president Curran had reproached one of his political rivals who, appealing his expulsion from membership by Curran, had sought recourse in the law prior to his convention appeal:

Joe Stack then went to court; yes, he went to court. I hear a lot of people talking about the courts . . . being the enemy of the working class and all of that stuff; but he went to court. . . . I ask this convention, if it wants to have a disciplined working organization and not anarchy, that it support the report of the Appeals Committee [to deny the appeal].<sup>36</sup>

It is understandable that unionists should be skeptical of court intervention in their union's internal affairs. They recall the anti-union posture the courts originally

---

Industrial Relations, University of California, 1960), p. 106. For a similar analysis, see Clyde Summers, "The Usefulness of Law in Achieving Union Democracy," American Economic Review, XLVIII (May, 1958).

<sup>35</sup>National Maritime Union of America, Proceedings, (1949), p. 539. These sentiments were heard often. Cf., Brotherhood of Railway and Steamship Clerks, Proceedings, (1947), pp. 271-72, and Transport Workers Union of America, Proceedings, (1966), p. 240.

<sup>36</sup>Ibid., pp. 552-53.

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

assumed in industrial relations. As Lieberman notes, it is only recently that the judiciary, which for years even lagged behind public opinion regarding the rights of labor, "recognized the social need of labor unions in our economy and favorably responded to the [New Deal] public policy toward labor unions."<sup>37</sup> Before that time unions had experienced successive periods of open suppression, reluctant tolerance, and judicial prejudice.<sup>38</sup>

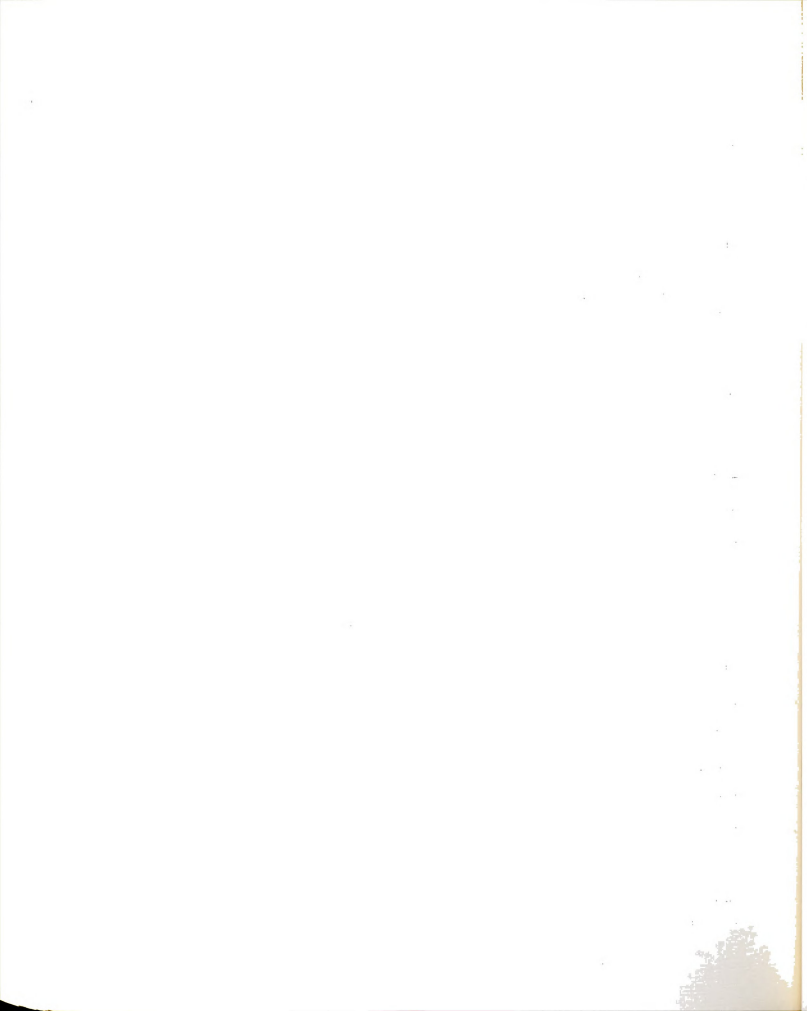
This distrust by unionists of the law and the people who resort to the law, in addition to the courts' reluctance to construct standards of fair procedure to protect certain, specified rights of members, are reasons to believe that the law is best suited to serve in a supplementary capacity rather than as the principal instrument of public policy. The majority of those who have analyzed this problem prefer to rely upon voluntary independent review boards. Aaron, for example, believes that although the Landrum-Griffin Act allows an appellant to seek judicial review after he has exhausted his union's internal remedies, this is not sufficient. The Congress should have incorporated the independent review principle in the law:

While the particular make-up of the [independent review] tribunal is unimportant, the principle is

---

<sup>37</sup>Elias Lieberman, Unions Before the Bar: Historic Trials Showing the Evolution of Labor Rights in the United States, rev. ed. (New York: Oxford Book Company, 1960), p. 347.

<sup>38</sup>These are Lieberman's terms. Ibid., pp. 344-51.



vital; in failing to embody it in the new law, Congress left unregulated one of the major deficiencies in the administration of union government.<sup>39</sup>

And Grodin, in the most comprehensive work on the subject of current law and internal union affairs, feels "that the voluntary establishment of independent tribunals such as [the UAW Public Review Board and the upholsterers' Appeals Board] provides by far the best answer, not only to the problem of intraunion bias, but to many other problems relating to intraunion affairs as well."<sup>40</sup>

#### Voluntary Impartial Review

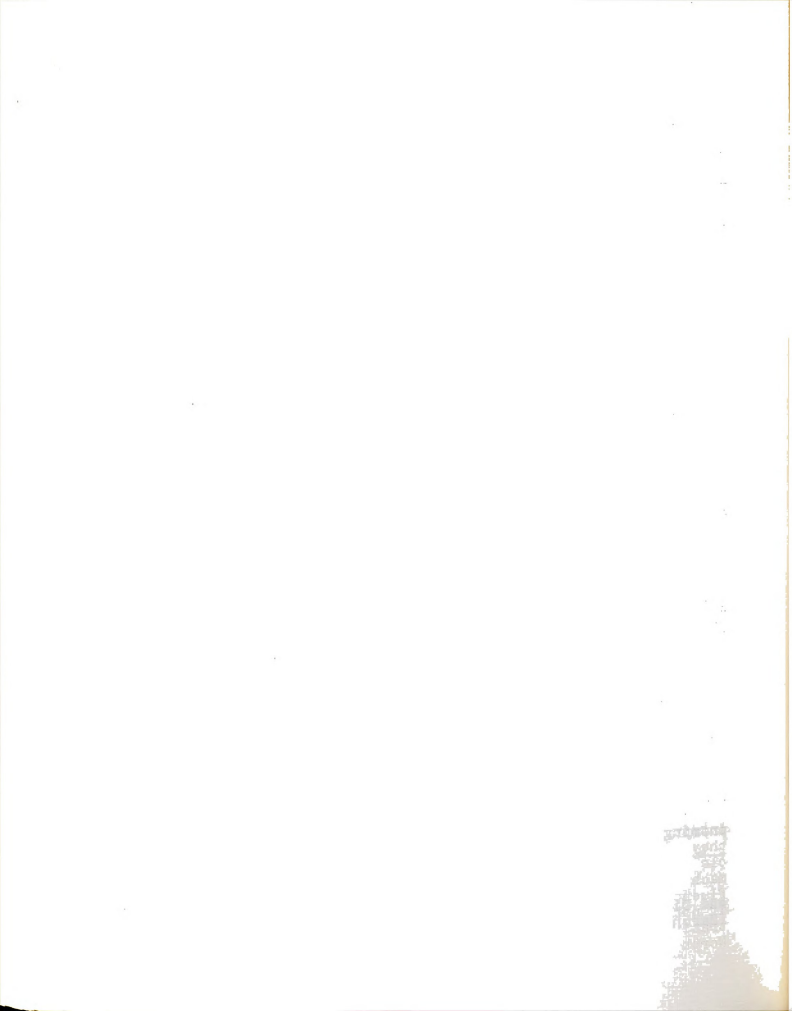
The problems I have been concerned with in this thesis are not peculiar to labor unions. As we construct a more highly bureaucratized society and as individual livelihood and development depend increasingly upon the decisions of persons in public and quasi-public institutions, the need grows, perhaps at a geometric rate, for protection against arbitrary judgments. Accordingly, we see demands for civilian boards to review police activities in several of our larger urban areas, and at the national level, serious consideration given to the possible adoption of an American counterpart to the Swedish ombudsman, a public official empowered to investigate and act upon charges of government infringement upon personal liberties.

---

<sup>39</sup>Benjamin Aaron, "The Labor-Management Reporting and Disclosure Act of 1959," Harvard Law Review, 73 (March, 1960), p. 874.

<sup>40</sup>Grodin, Union Government and the Law, p. 115.





In the debate on internal affairs in unions the voluntary adoption of independent review boards has been frequently commented upon but seldom considered in depth.<sup>41</sup> It is not my purpose here to trace the historical experience with the existing review boards. That has been done quite adequately by Stieber, Oberer and others.<sup>42</sup> Instead I will consider the possible advantages of such review boards as alternate final appeal tribunals to the national union convention.

How is the review board superior to the national convention as an appeal body? The unions which already have review boards established them in order to achieve certain ends: to resolve the problems inherent in the commingling of legislative, executive and judicial functions in unions,<sup>43</sup>

---

<sup>41</sup>Walter E. Oberer, "Union Democracy and the Rule of Law," Democracy and Public Review: An Analysis of the UAW Public Review Board, ed. Jack Stieber, Walter E. Oberer, and Michael Harrington, (Santa Barbara, Calif.: Center for the Study of Democratic Institutions, 1960), p. 33.

<sup>42</sup>Ibid.; "Public Review Boards: A Check on Union Disciplinary Power," Stanford Law Review, 11 (May, 1959); Harry R. Blaine and Frederick A. Zeller, "Who Uses the UAW Public Review Board," Industrial Relations, (May, 1965).

<sup>43</sup>In proposing the establishment of the Appeals Board to the upholsterers' union convention, the national officers said such a tribunal would ensure "the right to prompt, unbiased appeal." Outside review is necessary, they insisted, because "the judicial machinery is so closely interlocked with the political administrative machinery . . . that discipline at least may be influenced by political forces and considerations, even if not made a deliberate weapon of political and administrative power." Upholsterers' International Union of North America, Proceedings, (1953), p. 91.



"to preserve the integrity of the organization"<sup>44</sup> and, at least in part, to forestall government intervention in this area.<sup>45</sup> But there are at least five general features of impartial review boards which justify their adoption. The structure and the experiences of the UAW Public Review Board since its inception in 1957 indicate that this approach provides advantages in (1) composition, (2) procedure, (3) capacity to hear complaints and provide counsel, (4) greater prudence in judicial practices by union tribunals, and (5) in the membership's confidence in the appeal procedure.

The members of convention appeals committees are directly involved in the internal politics of the union and are often executive officers who have participated in the decision under protest. Indeed, Supreme Court Justices disqualify themselves from participating in cases in which they have much less personal interest. Board members, on the other hand, are in no way associated with the organization and, while receiving modest fees for their services, they are financially independent. Nevertheless, they are either

---

<sup>44</sup> Oberer attributes this description of impartial review to UAW president Walter Reuther, "Voluntary Impartial Review of Labor: Some Reflections," Michigan Law Review, 58 (November, 1959), p. 55.

<sup>45</sup> At the 1957 UAW convention Reuther closed the discussion on the resolution to adopt the Public Review Board with this reminder: ". . . you [delegates] ought to recognize that this gets into an area that we are either going to have to deal with voluntarily or the government will deal with it for us." Quoted in "A More Perfect Union: The UAW Public Review Board: Why, What, How," p. 4.

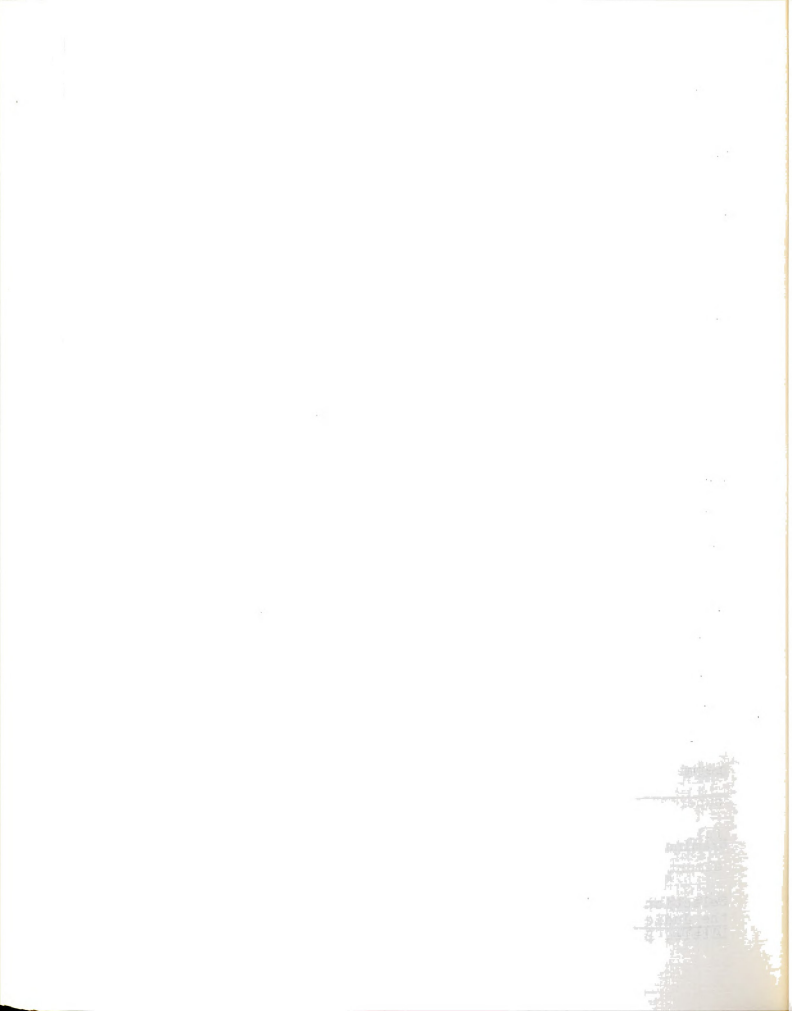
already familiar with the union's structure and internal situation or they quickly become knowledgeable of them. The original UAW Board included three clergymen, a Negro judge, a Canadian magistrate, a university chancellor, and a professor of economics.<sup>46</sup> Board members are appointed by the union president subject to convention approval. This method of selection might give rise to suspicions regarding the disinterest of the Board in intraunion affairs, but it seems that the appointment of interested parties would be well publicized from within and from outside the union, and could not be defended the way similar appointments at the national convention might be. It might be added that Supreme Court Justices are also appointive but, as Evans has concluded, man's desire to gain the confidence and respect of others while at the same time satisfying the demands of his own conscience, have kept the Supreme Court remarkably free from the influence of party politics.<sup>47</sup>

Experience since 1957 has demonstrated that the procedure used by the UAW Review Board to hear appeals is vastly superior to the convention practices which it superseded. Parties to the dispute get a hearing before the Board in which personal testimony is taken, witnesses are

---

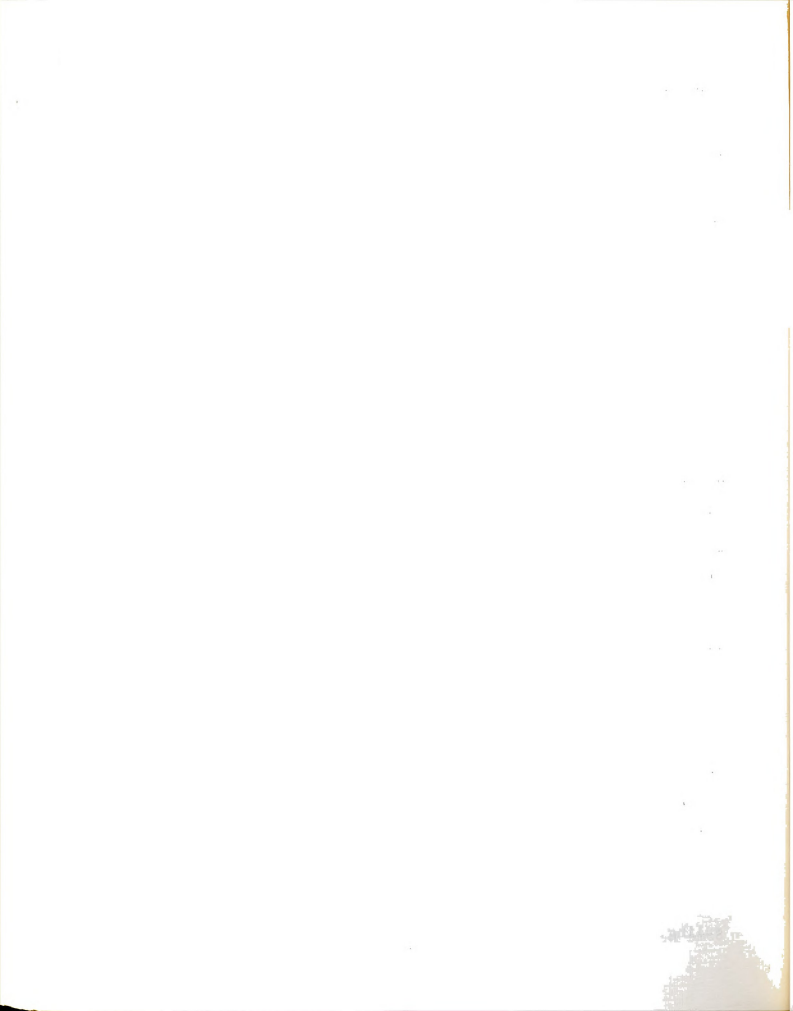
<sup>46</sup>Stieber, "The UAW Public Review Board: An Examination and Evaluation," p. 11.

<sup>47</sup>Evan A. Evans, "Political Influences in the Selection of Federal Judges," The Courts: A Reader in the Judicial Process, Robert Scigliano, ed. (Boston: Little, Brown and Company, 1962), pp. 65-69.



cross-examined, and Board members have before them the complete record in the case. All expenses including those of the appellant, who may even be represented in the hearing by an attorney on the staff of the Board, are paid by the international. The Board then convenes privately and renders a decision which is included in its annual report. This report is made public and is carried in full in the union's official newspaper. The structure of the UAW Public Review Board is such that it avoids one of the defects of the national convention, the geographic inaccessibility of the convention to member appellants. The Board splits up to make possible hearings in the areas where appellants live. Board members reside in various geographic regions, thus facilitating hearings in widely separated parts of the country.

In my opinion, this procedure is the major advantage of impartial review over convention review. At the convention, a committee is used which is not impartial, which operates under pressures of time, which doesn't keep a transcript of its hearings, which doesn't bring witnesses to testify for and against the appellant and which doesn't permit cross-examination. This committee reports, in a superficial manner, its findings and recommendations to the full convention which then ratifies the committee. They are almost totally ignorant of the background and evidence in the case and can do little else but uphold the committee's ruling. For this reason the national convention as a





judicial forum violates the legal maxim referred to by UAW Public Review Board member Judge Wade McCree when speaking of proxy-voting on that union's tribunals: "It is fundamental that one who decides a case must hear it, and, conversely, that one who does not hear the case should not be permitted to decide it."<sup>48</sup>

One important, though perhaps unanticipated function of the UAW Board, has been its capacity to hear complaints from and provide counsel to union members. Former executive director of the Board Walter Oberer feels that "Some of the most gratifying accomplishments . . . have come in matters never maturing to 'cases' before [the Board] because of early resolution through informal handling."<sup>49</sup> Some 100 separate complaints were registered with the Board during its first two-and-a-half years in operation. If the complainant has fulfilled without relief his obligations under the union's internal appeal procedure, the Board has followed the practice of investigating the matter and referring it to someone in the union president's office. A number of minor problems, the kind which are either ignored or summarily dealt with at the convention, have been resolved in this way without recourse to outside parties or unapproved activities within the union. Those

---

<sup>48</sup>Stieber, "The UAW Public Review Board: An Examination and Evaluation," p. 17.

<sup>49</sup>Oberer, "Voluntary Impartial Review of Labor: Some Reflections," p. 83.

who have commented on this practice feel that the complainant is satisfied with the Board's action and that this is an adequate solution to problems of this sort.<sup>50</sup>

Convention appeals committees sometimes offer advice to aggrieved members and presumably hear complaints, but this does not appear to be a regular practice and the results of such informal procedures are unknown. In any event, my findings show that union members alleging discrimination, political reprisals, election frauds or denial of rights--among the claims made to the Public Review Board--do not receive a great deal of sympathy from convention appeals committees.

As a direct result of previous Public Review Board decisions and in the knowledge that present procedures may someday be reviewed by the Board, the UAW executive board exercises a "healthful restraint" in its administrative and disciplinary proceedings.<sup>51</sup> Harrington calls this the "informal impact of review" which encourages judging officers "to pay scrupulous attention to the requirements of

---

<sup>50</sup>See Stieber, "The UAW Public Review Board: An Examination and Evaluation," pp. 19-22. He reports the case of two members who complained that they were not permitted to speak at local meetings and were being generally discriminated against by local officials. After a meeting arranged by the Board between them and one of Reuther's assistants, the complainants were heard at the next meeting and were able to persuade the membership to uphold them in a policy dispute within the local.

<sup>51</sup>Oberer, "Voluntary Impartial Review of Labor: Some Reflections," pp. 80-81.

procedure in a given situation."<sup>52</sup> The effect, at least in the UAW, has been a more faithful adherence to its constitution and its procedural regulations, a greater likelihood of executive board reversal of lower tribunal decisions, and a number of voluntary changes in the union's constitution.<sup>53</sup>

Related to the impact upon the leaders is the manner in which the Public Review Board has influenced UAW members. It is the local dissident (and union activist) who seeks recourse in impartial review. Blaine and Zeller found that the UAW Review Board "has been used more frequently by factional leaders."<sup>54</sup> Outside observers have been impressed that, despite earlier scepticism, the rank and file who are familiar with the Board's operations have gained substantial confidence in the union's appeal procedure.<sup>55</sup> This confidence is beneficial not only to the spirit of the organization but also to a reduction of the bitterness which invariably accompanies internal factionalism. With a fair review of disputes readily available

---

<sup>52</sup>Harrington, "What Union Members Think of Public Review," p. 59.

<sup>53</sup>Stieber, "The UAW Public Review Board: An Examination and Evaluation," pp. 28, 30-32.

<sup>54</sup>Blaine and Zeller, "Who Uses the UAW Public Review Board?", p. 104.

<sup>55</sup>Harrington, "What Union Members Think of Public Review," pp. 57, 60.

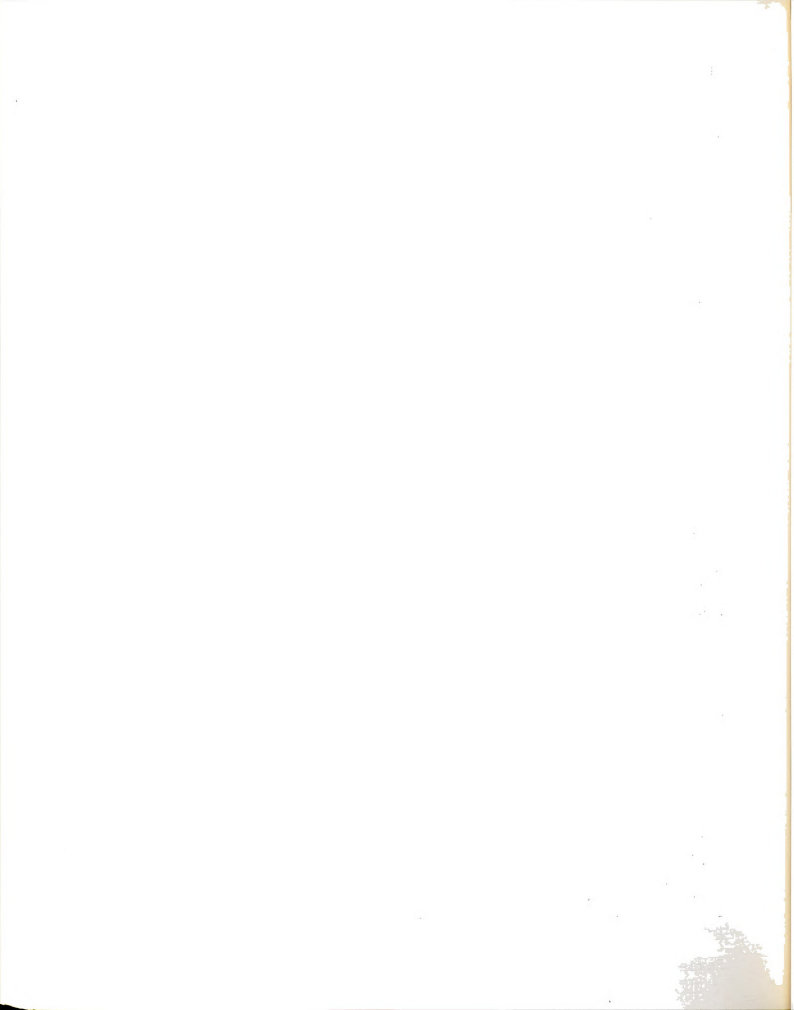
compromise is possible and any internal opposition is likely to be more responsible. Frank Schonfeld, leader of a New York reform movement in the painters' union, proposed in 1961 the establishment of impartial review in order to end in that union the continuous litigation, the claims of rigged elections and the politically-motivated disciplinary actions against members. Reasoned debate, he argued, would replace these practices if impartial review were adopted:

If every opposition group was confident that it would have recourse before a truly impartial tribunal, it would also be under a certain responsible restraint. It would not fly immediately to court over every complaint; it would not feel impelled to prepare for a life and death battle over every dissatisfaction. It would be constrained to prove to the Review Board that it itself remained within the bounds of democracy and union loyalty.<sup>56</sup>

No action was taken by the administration at that time. This is unfortunate because today the painters' union is embroiled in a vitiating internal struggle which extends across the country and has resulted in the exposure of corruption in the administration of union pension funds and of collusion between union officials and contractors in San Francisco and New York. Two reform leaders in San Francisco were recently slain in connection with pension frauds and one union administrator of the fund has committed suicide. (The men currently under indictment for

---

<sup>56</sup>Schonfeld, "Why I Propose the Public Review Principle for Painters District Council 9," p. 2.



the murders are local contractors.) But the next national convention to elect officers does not meet until 1969, so it is uncertain what form the conflict will take next.<sup>56</sup>

By contrast, the hostility directed at anti-administration factions in a UAW local has been reduced, in part, by a Review Board decision favoring the dissidents in an important and well-publicized case. As a result of the decision, additional and pending charges against them were dropped, the outstanding issues were resolved through compromise and a more propitious attitude was taken toward the rebels. "Bitter feeling still remains on both sides, but there is a tendency to build a working relationship which has already had considerable effect."<sup>57</sup>

---

<sup>56</sup> A poignant story is contained in these events. Dow Wilson, one of the murdered district officials, was a classic local union rebel. Ejected from the 1949 maritime union convention where, as an elected delegate, he vigorously protested the procedure being used to review the appeals of several anti-administration local officers who had been expelled from membership by Curran, he moved to the West Coast, became a housepainter, and joined the painters' union. In recent years, Wilson, who had been elected district secretary, led the reform movement against the national union administration. As in the maritime union, he was brought before the executive board on charges of dissension and slander. But this time the leadership was deterred from acting to remove Wilson by a recent court ruling which enjoined the painters' union from prosecuting a New York reform leader on charges of slandering union officers (Salzhandler v. Caputo CA2, 1963).

As yet there is no comprehensive account of these events, but see H. W. Benson, Union Democracy in Action, Nos. 11, 16, 18 and 19. Also useful is a series of articles by Frank C. Porter, Washington Post staff writer which appeared in that paper from April 24 to April 27, 1966. For a description of the New York reform group's activities see, Schonfeld's pamphlet, cited above.

<sup>57</sup> Harrington, "What Union Members Think of Public Review," p. 61.



The impartial review approach is not free from problem areas, however. Political relationships between the board and the national union (whose cooperation with the Board is essential), the proper jurisdiction the board should claim, and even the availability of qualified persons to serve on such boards, are recognized issues which must be resolved if this approach is to be successful. But the success of the UAW Public Review Board demonstrates that these can be overcome.

At this point one might understandably point to the record of the UAW as a clean and reasonably democratic union which perhaps is least in need of outside review of its internal affairs. But would unions with less satisfactory records and those most in need of impartial review ever voluntarily establish such boards? The answer is that they probably would not. For this reason, Summers and Levitan have proposed federal legislation which would supervise more closely trial and appeal procedures in unions but would exempt those unions voluntarily adopting independent review boards. Archibald Cox is also in sympathy with this view.<sup>58</sup> In this way, public law would push unions "to the point of inconvenience," as Barbash suggests,<sup>59</sup>

---

<sup>58</sup>Michael Harrington and Paul Jacobs (eds.), "The Role of Law in Union Democracy," Labor in a Free Society (Berkeley, Calif.: University of California Press, 1960), pp. 62-63.

<sup>59</sup>"Union Democracy," Bureau of National Affairs, Daily Labor Report, November 25, 1957. Barbash is of the opinion that labor should be encouraged to do the things





thereby making voluntary impartial review a more attractive alternative. More attractive in that labor leaders are familiar with the reversal in NLRB policy which usually accompanies changes in the national administration. They remember the decisions handed down by the Eisenhower Board which were adverse to the interests of organized labor.<sup>60</sup> Because policy fluctuations of this sort are inevitable when administrative agencies perform judicial functions, it is expected that the establishment of voluntary independent boards will be, from the union officer's view, the less distasteful form of outside control.

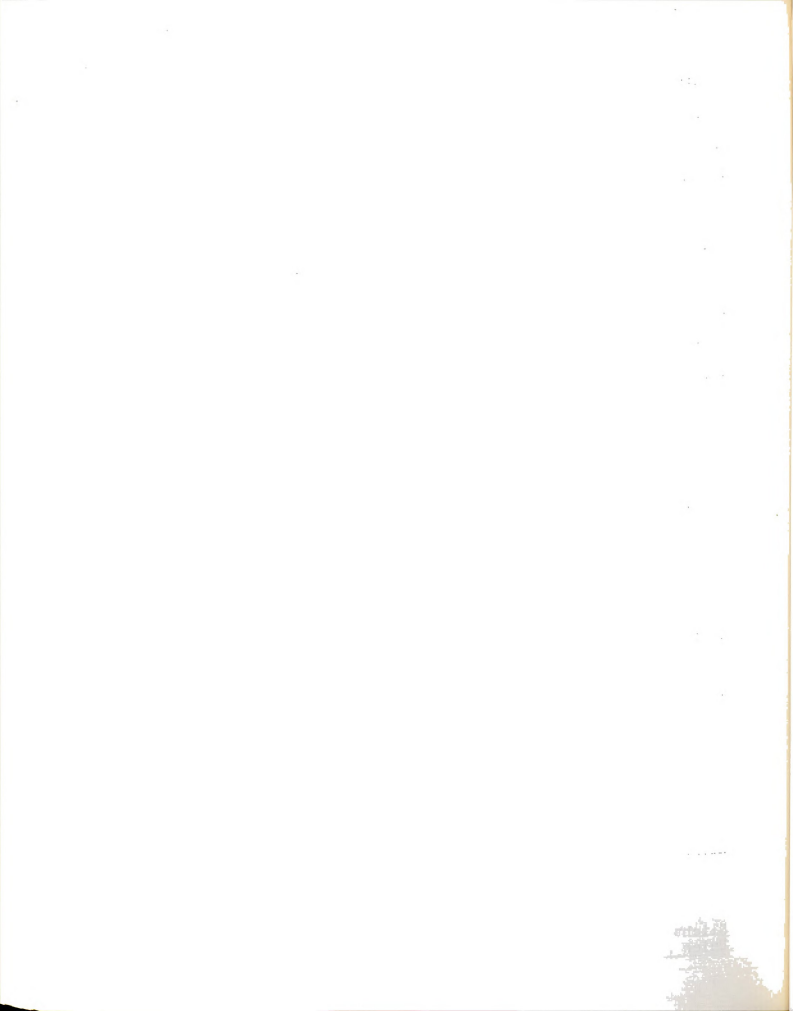
We have seen how the establishment of independent review boards can safeguard the rights of union members. But I would further argue that the unions themselves stand to benefit from such boards. The function of organized labor in a democratic society is to participate in formulating a body of industrial jurisprudence which replaces unilateral decision-making in the determination of wages and working conditions.<sup>61</sup> In other words, as the Webbs

---

necessary to maintain internal democracy rather than trying to force this through additional legislation. The public review approach should be considered by union leaders, he believes.

<sup>60</sup>For a discussion of the differences in policy between the Eisenhower and Kennedy boards, see Kenneth C. McGuiness, The New Frontier NLRB (Washington, D. C.: Labor Policy Association, Inc., 1963), Chs. 1 and 2. The author is sympathetic to management's view of the differences in approach.

<sup>61</sup>For an expression of this view see Sumner Slichter's introduction to Leiserson's, American Trade Union Democracy, especially pp. x-xii.



pointed out years ago, unions extend democracy to the work place. They exist for the workers, the rank and file members, and their goals are to facilitate the achievement of the members' goals. But union leaders, like their counterparts in other bureaucratic structures, often confuse the goals of the organization with their own. "The beaucrat identifies himself completely with the organization," says Michels, "confounding his own interests with its interests."<sup>62</sup> As an illustration of such confounding of interests, we have the response of the East Coast longshoremen's union leadership to the casual labor market in that industry. They could control the labor market through a hiring hall arrangement or they could control the workers. By choosing the latter, which served their own interests, they diverted the efforts of the union away from the betterment of wages and working conditions of the members.<sup>63</sup> Nevertheless, unions do not exist for the welfare of union administrators and the union's judicial system should not be made to preserve their peace of mind. There should be effective safeguards against the deflection of union efforts from the goals of the membership to those of the leaders. As I have shown, the national convention provides no such check. In my opinion independent review would.

---

<sup>62</sup>Michels, Political Parties, p. 221.

<sup>63</sup>Larrowe, Shape-Up and Hiring Hall, p. 74.

Union leaders and many outside observers will not readily accept the assertion that independent review facilitates the achievement of organized labor's original goals. But neither have the Congress and Chief Executive expressed approval when the Supreme Court declares their actions unconstitutional or hands down decisions not to their liking--the current reaction in Congress against the "one man-one vote" ruling, for example. Yet the independent judiciary system is not seriously challenged. Furthermore, it cannot be assumed that the membership will always see the efficacy of impartial tribunals. Large segments of the citizenry are opposed to recent Supreme Court decisions concerning religious freedom, and the rights of convicted felons and Communists. The same response may be expected in some of the rulings made by outside union tribunals. But one of the advantages of the independent judiciary has been its instructive effect, to administrators, lawmakers and citizens alike.

Thus, in this difficult area of internal union affairs, the best alternative, in my mind, is voluntary independent review. "It is not," Harrington reminds us, "a miraculous solution for all of the problems of bureaucracy in the labor movement, but it is a major step forward."<sup>64</sup>

---

<sup>64</sup>Harrington, "What Union Members Think of Public Review," p. 64.

APPENDICES

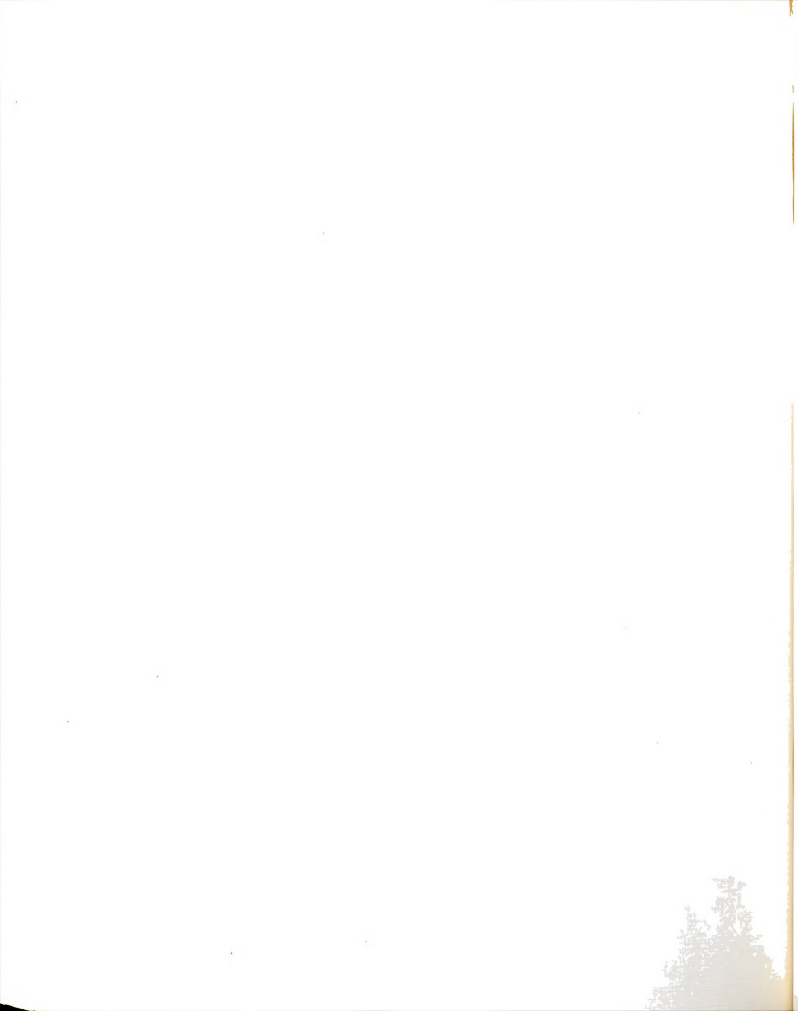


APPENDIX A

UNIONS AND CONVENTION PROCEEDINGS

USED IN THE ANALYSIS







| National Union<br>(Intermediate Title)  | Conventions Examined     |                              |                              |
|---|--------------------------|------------------------------|------------------------------|
|   | Number of<br>Conventions | Years Between<br>Conventions | Years Covered<br>(Inclusive) |
| 1. Aluminum Workers International Union   | 6                        | 2                            | 1953-63 <sup>a</sup>         |
| 2. United Automobile Workers of America   | 10                       | 2                            | 1946-64                      |
| 3. American Bakery and Confectionery<br>Workers' International Union (AFL-CIO)      | 3                        | 4                            | 1958-62 <sup>a</sup>         |
| 4. Bakery and Confectionery Workers'<br>International Union of America (Ind)        | 5                        | 4                            | 1946-62                      |
| 5. International Brotherhood of Bookbinders   | 9                        | 2                            | 1946-62                      |
| 6. International Brotherhood of Bookbinders   | 9                        | 2                            | 1946-62                      |
| 7. United Brewery Workers of America  | 10                       | 2                            | 1942-63                      |
| 8. Bricklayers, Masons and Plasterers'<br>International Union of America            | 11                       | 2                            | 1942-62                      |
| 9. Building Service Employees' Inter-<br>national Union                             | 4                        | 4                            | 1945-60                      |
| 10. United Brotherhood of Carpenters and<br>Joiners                                 | 5                        | 4                            | 1946-60                      |
| 11. United Cement, Lime and Gypsum Workers  | 10                       | 2                            | 1946-60                      |
| 12. International Chemical Workers Union  | 17                       | 1, 2                         | 1945-62                      |
| 13. Amalgamated Clothing Workers of America   | 10                       | 2                            | 1946-64                      |
| 14. Communications Workers of America   | 17                       | 1                            | 1947-63                      |
| 15. International Union of Electrical<br>Workers (IUE)                              | 10                       | 2                            | 1949-62 <sup>a</sup>         |
| 16. United Electrical Workers of America (UE)                                       | 26                       | 1                            | 1936-62 <sup>a</sup>         |
| 17. International Brotherhood of Electrical<br>Workers (IBEW)                       | 6                        | 4                            | 1946-62                      |
| 18. American Federation of Technical<br>Engineers                                   | 7                        | 2                            | 1949-62                      |
| 19. International Union of Operating<br>Engineers                                   | 5                        | 4                            | 1948-64                      |
| 20. National Federation of Federal Employees  | 9                        | 2                            | 1944-62 <sup>a</sup>         |
| 21. International Association of Fire<br>Fighters                                   | 6                        | 2                            | 1950-60                      |
| 22. International Brotherhood of Firemen<br>and Oilers                              | 4                        | 5                            | 1946-61                      |
| 23. United Furniture Workers of America   | 12                       | 2                            | 1939-62 <sup>a</sup>         |
| 24. United Garment Workers of America   | 5                        | 5                            | 1942-62                      |
| 25. International Ladies' Garment Workers'<br>Union                                 | 6                        | 3                            | 1944-59                      |
| 26. Glass Bottle Blowers Association  | 6                        | 2, 4                         | 1944-57                      |
| 27. United Glass and Ceramic Workers of<br>North America                            | 8                        | 2                            | 1944-58                      |
| 28. American Flint Glass Workers' Union   | 16                       | 1, 2                         | 1946-61                      |
| 29. United Hatters, Cap and Millinery<br>Workers                                    | 11                       | 3                            | 1934-62 <sup>a</sup>         |
| 30. International Hod Carriers' Union of<br>America                                 | 4                        | 5                            | 1946-61                      |
| 31. Hotel & Restaurant Employees and<br>Bartenders International Union              | 6                        | 4, 5                         | 1941-61                      |
| 32. Allied Industrial Workers of America  | 8                        | 2                            | 1945-63 <sup>a</sup>         |
| 33. Insurance Workers International Union<br>(AFL-CIO)                              | 4                        | 2                            | 1953-59 <sup>a</sup>         |
| 34. International Association of Iron Workers                                       | 5                        | 4                            | 1948-60                      |
| 35. The Metal Lathers International Union   | 6                        | 3                            | 1946-61                      |
| 36. Laundry, Dry Cleaning and Dye House<br>Workers International Union <sup>a</sup> | 5                        | 4                            | 1945-61                      |
| 37. Leather Workers International Union<br>of America                               | 3                        | 3                            | 1957-62                      |
| 38. National Association of Letter Carriers   | 9                        | 2                            | 1946-62                      |
| 39. National Rural Letter Carriers'<br>Association                                  | 18                       | 1                            | 1946-63                      |
| 40. Amalgamated Lithographers of America  | 10                       | 2                            | 1947-63                      |
| 41. Brotherhood of Locomotive Firemen<br>and Enginemen (AFL-CIO)                    | 4                        | 5                            | 1947-63                      |
| 42. International Longshoremen's Association  | 6                        | 4                            | 1947-63                      |
| 43. International Longshoremen's and<br>Warehousemen's Union                        | 9                        | 2                            | 1945-61                      |
| 44. International Association of Machinists   | 5                        | 4                            | 1948-60                      |
| 45. International Mailers Union   | 9                        | 1                            | 1956-64                      |
| 46. Brotherhood of Maintenance of Way<br>Employees                                  | 5                        | 3, 4                         | 1949-62                      |
| 47. International Association of Marble,<br>Slate and Stone Polishers               | 8                        | 2                            | 1947-61                      |
| 48. National Marine Engineers' Beneficial<br>Association                            | 18                       | 1                            | 1945-63                      |
| 49. Industrial Union of Marine and<br>Shipbuilding Workers                          | 10                       | 2                            | 1946-62                      |
| 50. National Maritime Union of America  | 8                        | 3                            | 1945-60                      |
| 51. International Organisation of Masters,<br>Mates and Pilots                      | 6                        | 2                            | 1948-58                      |
| 52. Amalgamated Meat Cutters and Butcher<br>Workmen                                 | 4                        | 4                            | 1948-60                      |
| 53. International Union of Mine, Mill and<br>Smelter Workers                        | 16                       | 1, 2                         | 1946-62                      |
| 54. United Mine Workers of America  | 9                        | 4                            | 1940-60                      |
| 55. International Molders' and Allied<br>Workers' Union                             | 4                        | 5                            | 1946-61                      |
| 56. American Federation of Musicians  | 18                       | 1                            | 1948-63 <sup>a</sup>         |
| 57. American Newspaper Guild  | 18                       | 1                            | 1946-63                      |
| 58. Office Employees International Union  | 9                        | 2, 3                         | 1945-62                      |
| 59. Oil, Chemical and Atomic Workers<br>International Union                         | 7                        | 1, 2                         | 1955-63 <sup>a</sup>         |
| 60. United Packinghouse Workers (AFL-CIO)   | 10                       | 2                            | 1946-60                      |

|      | National Union<br>(Intermediate Title)   | Conventions Examined     |                              |                              |
|------|--|--------------------------|------------------------------|------------------------------|
|      |  | Number of<br>Conventions | Years Between<br>Conventions | Years Covered<br>(Inclusive) |
| 61.  | Brotherhood of Painters, Decorators and Paperhangers                                       | 4                        | 4,5                          | 1946-60 <sup>a</sup>         |
| 62.  | United Papermachers and Paperworkers   | 3                        | 1                            | 1957-63 <sup>a</sup>         |
| 63.  | International Photo-Engravers' Union   | 8                        | 1                            | 1954-63                      |
| 64.  | Operative Plasterers' and Cement Masons' International Association                         | 8                        | 3                            | 1946-61                      |
| 65.  | United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry | 4                        | 5                            | 1946-61                      |
| 66.  | National Federation of Post Office Clerks (AFL-CIO) <sup>8</sup>                           | 7                        | 2                            | 1944-58                      |
| 67.  | National Association of Postal Supervisors   | 5                        | 2                            | 1954-62                      |
| 68.  | International Brotherhood of Operative Potters   | 16                       | 1                            | 1946-53                      |
| 69.  | International Printing Pressmen and Assistants' Union                                      | 4                        | 4                            | 1948-60                      |
| 70.  | International Brotherhood of Pulp, Sulphite and Paper Mill Workers                         | 8                        | 3                            | 1941-62                      |
| 71.  | The Order of Railroad Telegraphers   | 5                        | 3,4                          | 1946-60                      |
| 72.  | Brotherhood of Railroad Trainmen   | 4                        | 4                            | 1946-60                      |
| 73.  | Brotherhood of Railway Carmen of America   | 6                        | 5                            | 1941-63                      |
| 74.  | Order of Railway Conductors and Brakemen   | 5                        | 4                            | 1946-62                      |
| 75.  | Brotherhood of Railway and Steamship Clerks  | 5                        | 4                            | 1943-59                      |
| 76.  | Retail Clerks International Association  | 5                        | 4                            | 1947-63                      |
| 77.  | Retail, Wholesale and Department Store Union   | 4                        | 4                            | 1946-62 <sup>b</sup>         |
| 78.  | United Slate, Tile and Composition Roofers Association                                     | 7                        | 3                            | 1946-63                      |
| 79.  | United Rubber Workers of America   | 14                       | 1,2                          | 1945-62                      |
| 80.  | Seafarers' International Union   | 9                        | 2                            | 1942-59 <sup>a</sup>         |
| 81.  | Sheet Metal Workers' International Association   | 3                        | 4                            | 1946-62 <sup>c</sup>         |
| 82.  | Brotherhood of Shoe and Allied Craftsmen (Ind)   | 4                        | J                            | 1951-61                      |
| 83.  | United Shoe Workers of America   | 9                        | 3                            | 1946-64                      |
| 84.  | International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators  | 8                        | 2                            | 1946-60                      |
| 85.  | American Federation of State, County and Municipal Employees                               | 9                        | 2                            | 1946-62                      |
| 86.  | United Steelworkers of America   | 10                       | 2                            | 1942-62 <sup>a</sup>         |
| 87.  | Amalgamated Association of Street, Electric Railway and Motor Coach Employees <sup>d</sup> | 7                        | 2                            | 1949-61                      |
| 88.  | Switchmen's Union of North America   | 4                        | 4                            | 1947-59                      |
| 89.  | American Federation of Teachers  | 18                       | 1                            | 1946-63                      |
| 90.  | International Brotherhood of Teamsters   | 4                        | 5                            | 1947-61                      |
| 91.  | The Commercial Telegraphers' Union   | 7                        | 2                            | 1949-61                      |
| 92.  | United Textile Workers of America  | 7                        | 2,4                          | 1944-60                      |
| 93.  | Textile Workers Union of America   | 9                        | 2                            | 1946-62                      |
| 94.  | Tobacco Workers International Union  | 9                        | 4                            | 1944-60                      |
| 95.  | International Union of Doll and Toy Workers  | 3                        | 4                            | 1953-58                      |
| 96.  | Transport Workers Union of America   | 7                        | 4                            | 1946-61                      |
| 97.  | International Typographical Union  | 17                       | 1                            | 1947-63                      |
| 98.  | Upsholders International Union   | 7                        | 2,3                          | 1944-59                      |
| 99.  | Utility Workers Union of America   | 12                       | 1,2                          | 1946-62                      |
| 100. | International Woodworkers of America   | 12                       | 1,2                          | 1945-61                      |

<sup>a</sup>Includes all national conventions between the time of the union's organization and 1961.

<sup>b</sup>Denotes lengthening of time interval between conventions.

<sup>c</sup>Excluding the 1960 convention.

<sup>d</sup>Excluding the 1949 and 1953 conventions.

<sup>e</sup>Merged with the Teamsters' Union in March, 1962.

<sup>f</sup>Excluding 1959 convention.

<sup>g</sup>Since merged into United Federation of Postal Clerks.

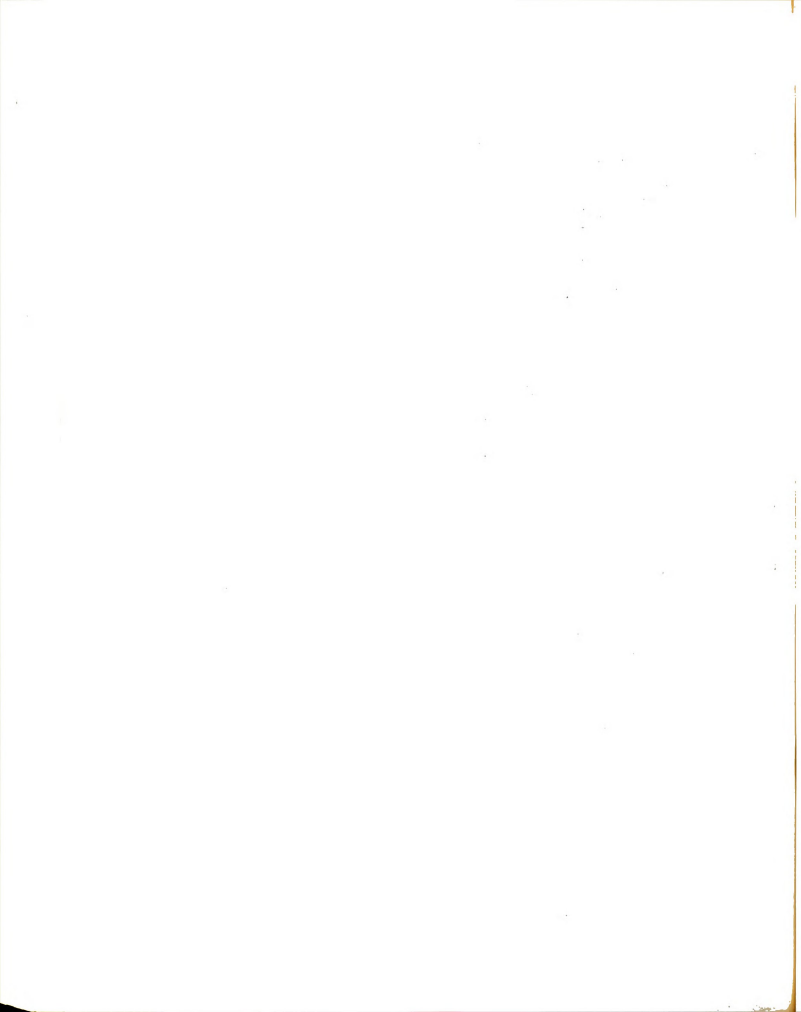
<sup>h</sup>Excluding the 5th and 6th national conventions.

<sup>i</sup>Excluding 29th and 30th conventions.

<sup>j</sup>At discretion of union's governing bodies.

<sup>k</sup>Now called the Amalgamated Transit Union.

<sup>l</sup>Excluding the 1948 convention.



APPENDIX B

APPEAL ISSUES BY UNION, APPEALS FREQUENCY RATIOS,  
AND TOTAL NUMBER OF APPEALS BY UNION



| Issue                        | Aluminum workers | Bakers (AFL-CIO) | Bakers (Ind.) | Bottlemakers | Bookbinders | Brewery workers | Bricklayers | Building employees | Carpenters | Cement workers | Chemical workers | Clothing workers | Communications workers | Electrical workers (IUE) | Electrical workers (UE) | Electricians | Engineers | Operating engineers | Federal employees | Fire fighters | Plumbers and oilers | Furniture workers | Garment workers | Ladies' garment workers |
|------------------------------|------------------|------------------|---------------|--------------|-------------|-----------------|-------------|--------------------|------------|----------------|------------------|------------------|------------------------|--------------------------|-------------------------|--------------|-----------|---------------------|-------------------|---------------|---------------------|-------------------|-----------------|-------------------------|
| Appeals frequency ratio      | 0                | 5.77             | 0             | .69          | .59         | .13             | .81         | 4.70               | 1.47       | 3.70           | .21              | .59              | .06                    | 1.81                     | .08                     | .12          | 9.50      | 0                   | 1.26              | 0             | .20                 | 0                 | 0               | 1.87                    |
| Total number of appeals      | 0                | 104              | 0             | 11           | 10          | 2               | 17          | 94                 | 22         | 52             | 3                | 10               | 1                      | 29                       | 1                       | 3            | 150       | 0                   | 24                | 0             | 3                   | 0                 | 0               | 28                      |
| Unidentifiable issue         | 3                | 1                |               |              |             |                 | 44          | 3                  | 3          |                |                  |                  |                        | 2                        | 1                       |              | 4         |                     | 3                 |               |                     |                   |                 |                         |
| Work rule violation          | 30               |                  |               |              |             |                 | 1           | 6                  | 1          | 2              |                  |                  |                        |                          |                         | 14           | 4         |                     | 1                 |               | 1                   |                   |                 | 3                       |
| Seniority and job disputes   | 39               |                  |               |              |             |                 | 1           | 12                 | 4          |                |                  |                  |                        | 6                        |                         | 20           | 22        |                     | 4                 |               | 2                   |                   |                 | 1                       |
| Grievance handling           | 5                |                  |               |              |             |                 | 0           | 1                  |            |                |                  |                  |                        | 1                        |                         | 4            |           |                     |                   |               |                     |                   |                 |                         |
| Collective bargaining        |                  |                  |               |              |             |                 |             |                    |            |                |                  |                  |                        |                          |                         |              |           |                     |                   |               |                     |                   |                 |                         |
| Union elections              | 3                |                  |               |              | 3           |                 | 2           | 2                  | 1          | 1              | 1                | 1                |                        |                          |                         | 6            |           | 5                   |                   |               |                     |                   |                 | 7                       |
| Misconduct of officers       | 3                |                  |               |              |             |                 | 1           | 1                  |            |                |                  |                  |                        |                          |                         | 22           | 3         | 2                   |                   |               |                     |                   |                 | 6                       |
| Discrimination and slander   | 10               |                  |               |              | 1           |                 | 2           | 8                  | 1          | 1              | 1                | 1                | 3                      |                          |                         | 22           | 2         | 2                   |                   |               |                     |                   |                 | 1                       |
| Financial matters            | 2                |                  |               |              |             |                 |             |                    |            |                |                  |                  |                        |                          |                         | 4            | 3         |                     |                   |               |                     |                   |                 | 9                       |
| Membership regulations       | 4                |                  |               |              | 1           |                 |             | 5                  | 2          | 2              | 1                | 1                | 5                      | 1                        | 2                       | 4            | 4         | 1                   |                   |               |                     |                   |                 | 1                       |
| Membership status            | 4                |                  |               |              |             |                 |             | 5                  | 2          | 2              |                  |                  |                        |                          |                         | 4            | 6         | 3                   |                   |               |                     |                   |                 | 1                       |
| Disloyalty to the union      | 1                |                  |               |              |             |                 |             | 2                  | 2          |                |                  | 4                |                        | 1                        |                         | 6            | 4         | 3                   |                   |               |                     |                   |                 | 2                       |
| Judicial procedures          |                  |                  |               |              |             |                 |             |                    |            |                |                  |                  |                        |                          |                         |              |           |                     |                   |               |                     |                   |                 | 1                       |
| Union benefit claims         |                  |                  |               |              | 1           |                 |             | 1                  | 2          | 3              |                  |                  |                        |                          |                         | 7            | 1         |                     |                   |               |                     |                   |                 | 7                       |
| Union control over locals    |                  |                  |               |              |             |                 | 1           | 1                  | 2          |                |                  |                  |                        |                          |                         | 2            |           |                     |                   |               |                     |                   |                 | 6                       |
| Illness benefits             |                  |                  |               |              |             |                 |             |                    |            |                |                  |                  |                        |                          |                         |              |           |                     |                   |               |                     |                   |                 | 1                       |
| Officer and staff complaints |                  |                  |               |              |             |                 | 3           |                    |            |                | 1                | 1                | 6                      |                          |                         |              | 2         |                     |                   |               |                     |                   |                 | 1                       |
| Mergers and affiliations     | 1                |                  |               |              |             |                 |             |                    |            |                |                  |                  |                        |                          |                         |              |           |                     |                   |               |                     |                   |                 |                         |
| Conduct of union meetings    | 2                |                  |               |              |             |                 | 1           | 1                  |            |                |                  |                  |                        |                          |                         | 3            |           |                     |                   |               |                     |                   |                 |                         |





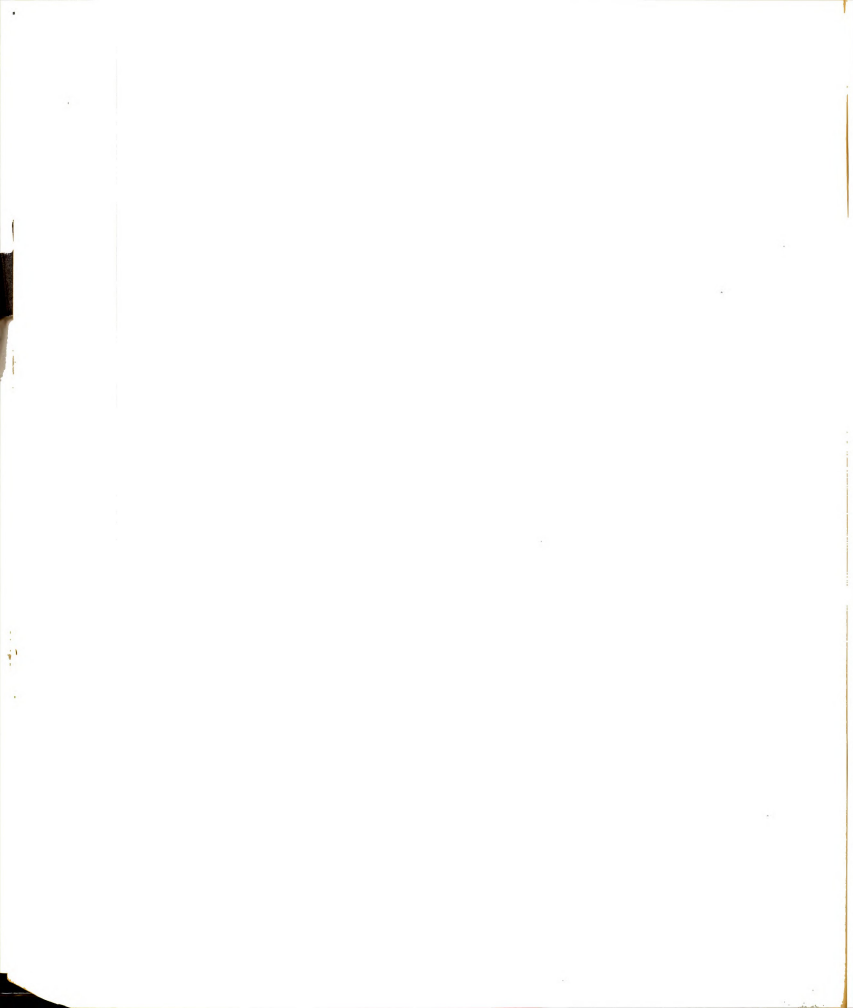












APPENDIX C

APPELLANTS AND DISPOSITION OF  
APPEALS BY UNION





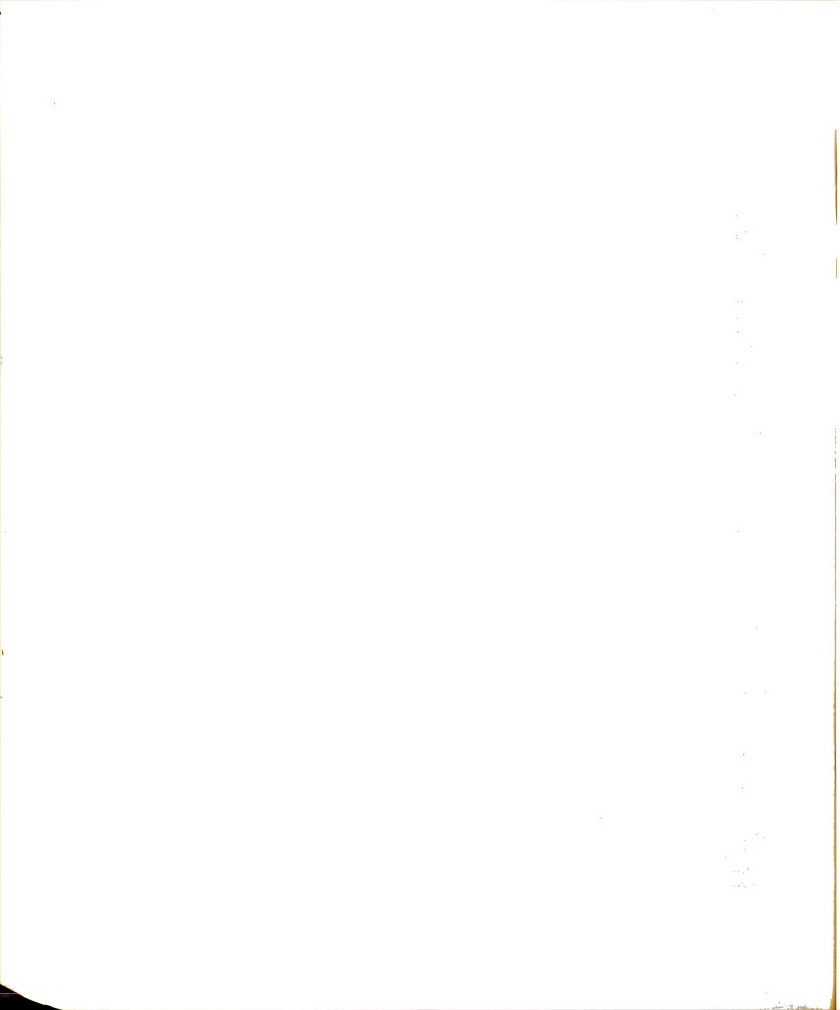
| Union                         | Total Number of Identifiable Appellants | Appellant |       |                   |              |                        | Disposition                |        |           |                    |                         |       |
|-------------------------------|---|-----------|-------|-------------------|--------------|------------------------|----------------------------|--------|-----------|--------------------|-------------------------|-------|
|                               |   | Member    | Local | Intermediate body | Staff member | National union/officer | Non-member/employer-member | Denied | Sustained | Referred elsewhere | Appellant decided prior | Other |
| (1) Aluminum workers          | 0                                       |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (2) UAW                       | 101                                     | 69        | 27    | 1                 | 1            | 4                      |                            | 79     | 15        | 2                  | 4                       | 1     |
| (3) Bakers (AFL-CIO)          | 10                                      | 8         | 2     |                   |              |                        |                            | 8      |           |                    |                         |       |
| (4) Bakers (Ind.)             | 10                                      | 5         | 5     |                   |              |                        |                            | 5      | 5         | 1                  | 1                       | 2     |
| (5) Boilermakers              | 17                                      | 11        | 1     | 1                 |              |                        |                            | 11     | 7         |                    |                         | 2     |
| (6) Brewery workers           | 50                                      | 8         | 4     |                   |              |                        |                            | 4      | 7         | 2                  |                         |       |
| (7) Bricklayers               | 19                                      | 8         | 1     |                   |              |                        |                            | 8      | 1         |                    |                         |       |
| (8) Building employees        | 49                                      | 30        | 18    |                   |              |                        |                            | 46     | 4         |                    |                         |       |
| (9) Building employees        | 10                                      | 6         | 3     |                   |              |                        |                            | 6      | 1         |                    |                         |       |
| (10) Cement workers           | 12                                      | 1         | 1     |                   | 1            |                        |                            | 1      |           |                    |                         |       |
| (11) Chemical workers         | 10                                      | 6         | 3     |                   |              |                        |                            | 6      | 1         |                    |                         |       |
| (12) Chemical workers         | 10                                      | 6         | 3     |                   |              |                        |                            | 6      | 1         |                    |                         |       |
| (13) Communications workers   | 21                                      | 1         | 18    |                   | 1            |                        |                            | 21     | 3         | 1                  | 1                       | 1     |
| (14) Communications workers   | 21                                      | 1         | 18    |                   | 1            |                        |                            | 21     | 3         | 1                  | 1                       | 1     |
| (15) Electrical workers (IUE) | 15                                      | 1         | 1     |                   |              |                        |                            | 1      |           |                    |                         |       |
| (16) Electrical workers (IUE) | 15                                      | 1         | 1     |                   |              |                        |                            | 1      |           |                    |                         |       |
| (17) Electricians             | 146                                     | 110       | 31    | 1                 | 1            | 2                      | 3                          | 137    | 4         | 2                  | 2                       | 1     |
| (18) Engineers                | 21                                      | 18        | 1     |                   |              |                        |                            | 20     | 1         |                    |                         |       |
| (19) Operating engineers      | 21                                      | 18        | 1     |                   |              |                        |                            | 20     | 1         |                    |                         |       |
| (20) Federal employees        | 0                                       |           |       |                   |              |                        |                            |        |           | 2                  |                         | 1     |
| (21) Fire fighters            | 0                                       |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (22) Fire fighters            | 0                                       |           | 3     |                   |              |                        |                            |        |           |                    |                         |       |
| (23) Furniture workers        | 0                                       |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (24) Garment workers          | 0                                       |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (25) Ladies' garment workers  | 26                                      |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (26) Ladies' garment workers  | 26                                      |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (27) Glass bottle blowers     | 0                                       |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (28) Glass workers            | 0                                       |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (29) Hatters                  | 1                                       | 1         | 1     |                   |              |                        |                            | 1      |           |                    |                         |       |
| (30) Hod carriers             | 4                                       | 3         | 1     |                   |              |                        |                            | 4      |           |                    |                         |       |
| (31) Hotel employees          | 20                                      | 13        | 7     |                   |              |                        |                            | 17     | 1         | 3                  |                         |       |
| (32) Allied workers           | 16                                      | 5         | 1     |                   |              |                        |                            | 5      | 1         | 1                  |                         |       |
| (33) Insurance workers        | 0                                       | 0         | 0     |                   |              |                        |                            | 0      |           |                    |                         |       |
| (34) Ironworkers              | 11                                      | 11        |       |                   |              |                        |                            | 11     | 5         | 1                  | 1                       | 1     |
| (35) Lathers                  | 15                                      | 3         | 12    |                   |              |                        |                            | 15     | 3         | 2                  |                         |       |
| (36) Laundry workers          | 3                                       | 2         | 2     |                   |              |                        |                            | 2      | 1         | 1                  |                         |       |
| (37) Leather workers          | 3                                       | 3         | 2     | 1                 |              |                        |                            | 3      | 1         | 2                  |                         |       |
| (38) Letter carriers          | 35                                      | 32        | 2     |                   |              |                        |                            | 32     | 11        |                    |                         | 1     |
| (39) Longshoremen (ILA)       | 0                                       | 1         |       |                   |              |                        |                            | 1      |           |                    |                         |       |
| (40) Lithographers            | 0                                       |           |       |                   |              |                        |                            |        |           |                    |                         |       |
| (41) Locomotive firemen       | 1                                       | 1         | 1     |                   |              |                        |                            | 1      |           |                    |                         |       |
| (42) Longshoremen (ILA)       | 1                                       | 1         | 1     |                   |              |                        |                            | 1      |           |                    |                         |       |
| (43) Longshoremen (ILMU)      | 2                                       | 2         |       |                   |              |                        |                            | 2      |           |                    |                         |       |
| (44) Longshoremen (ILMU)      | 2                                       | 2         |       |                   |              |                        |                            | 2      |           |                    |                         |       |
| (45) Mailers                  | 46                                      | 46        | 2     |                   |              | 10                     |                            | 46     | 3         | 1                  |                         |       |
| (46) Maintenance of way       | 1                                       | 1         |       |                   |              |                        |                            | 1      |           |                    |                         |       |
| (47) Window polishers         | 2                                       | 2         |       |                   |              |                        |                            | 2      |           |                    |                         |       |
| (48) Shipbuilders             | 21                                      | 19        | 2     | 1                 |              | 1                      |                            | 21     | 8         | 5                  | 5                       | 1     |
| (49) Shipbuilders             | 21                                      | 19        | 2     | 1                 |              | 1                      |                            | 21     | 43        | 24                 | 10                      | 1     |
| (50) Maritime union?          | 240                                     | 240       |       |                   |              |                        |                            | 112    |           |                    |                         |       |





APPENDIX D

SELECTED APPEALS COMMITTEE REPORTS



APPENDIX D-1

(International Association of Machinists, Proceedings, 1960, p. 329.)

"CASE NO. 8

"APPEALS OF MARION CIEPLEY, CARD NO. F68521 AND IRWIN RAPPAPORT, CARD NO. FF15715, OF LODGE 113, ON EXCLUSION FROM MEMBERSHIP IN THE IAM.

"They are appealing the decision of the Executive Council which upheld the decision of the International President in finding both individuals guilty of conduct unbecoming a member in that the defendants, inter alia, 'circulated a false and malicious statement which reflected upon the conduct and falsely attacked the character and impugned the motives and questioned the integrity of members and officers of the IAM...therby violating Section 3 of Article K of the Constitution,' and the penalty of expulsion.

"Propositions No. 4523 and No. 4524, dated May 5, 1959, to the Executive Council members.

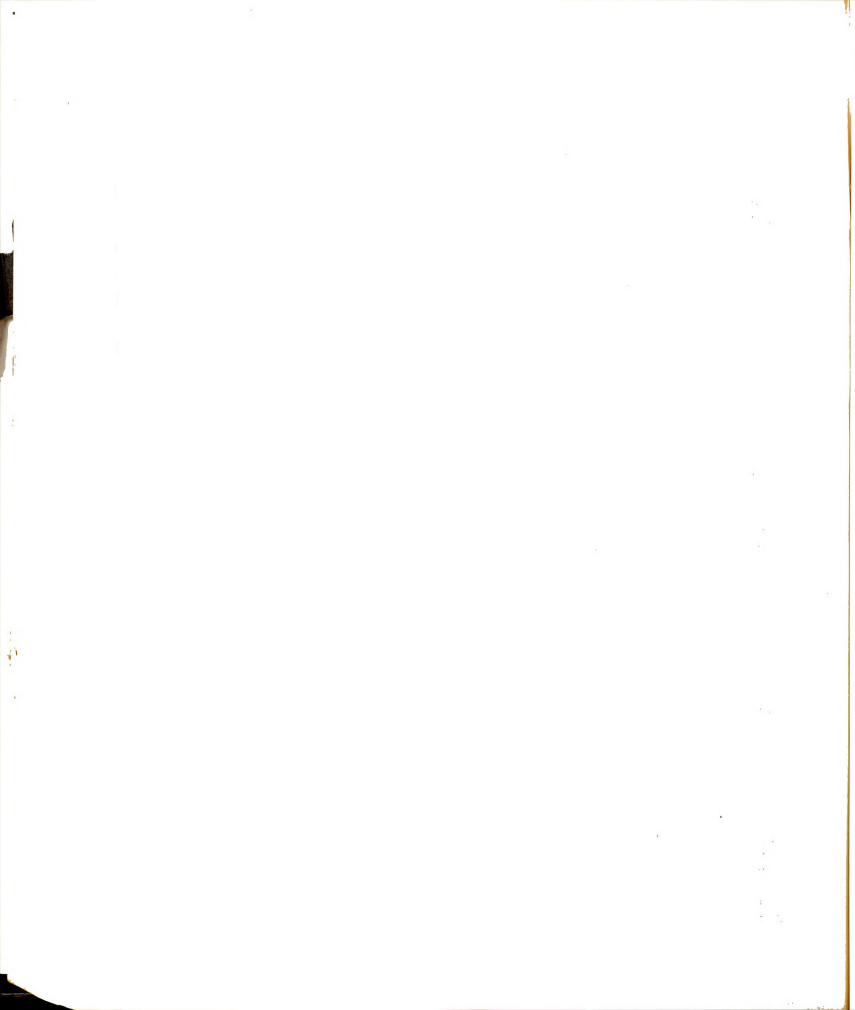
"Interested parties--Executive Council, Marion Ciepley, Irwin Rappaport, defendants, and Lester Anderson, George Christensen and Harold Steger, plaintiffs."

(This is the printed report given to the delegates.)

"DELEGATE BAUER [Appeals Committee Chairman]: Marion Ciepley and Irwin Rappaport appealed the decision of the Executive Council, finding them 'guilty' of conduct unbecoming a member. They were then expelled from membership as a penalty for this misconduct. A separate trial was held in each instance, and separate findings were made by the Trial Committee and the International President.

"On September 7, 1960, both defendants were notified that their appeal to this convention would be considered on September 10, 1960. Neither defendant appeared nor requested to be heard.

"We have carefully reviewed the record in this case, including the appeals, the transcript and the exhibits and the subsequent findings and decision of the International President and the Executive Council, and find no basis for reversing or amending the decision of the Executive Council.





"No useful purpose would be served in restating all of the evidence here except to say that the record supports the conclusion that the defendants did circulate a false and malicious statement which reflected upon the conduct of and falsely attacked the character, impugned the motives and questioned the integrity of members and officers of this union in violation of Section 3 of Article K of the Constitution. Accordingly, we recommend that the decision of the Executive Council be sustained.

"I so move.

"PRESIDENT HAYES: The motion is to sustain the action of the Executive Council. Is there any discussion?

"All those in favor signify by saying 'aye'; opposed 'no.' Carried and so ordered."

\* \* \* \* \*

(National Maritime Union of America, Proceedings, 1949, pp. 533-34).

"SHERMAN D. GEORGE [Appeals Committee Chairman]: Case of BERNARD F. COLLINS, BOOK NO. 60356. Charges: Collected money while in Norfolk from December, 1947, through April 1, 1948, from members of the NMU, giving receipts to these members stating the cause for which these members were giving Collins money, and Collins did not transmit that money to the source for which that money was contributed by members of the NMU.

"Trial Committee Decision: Expelled.

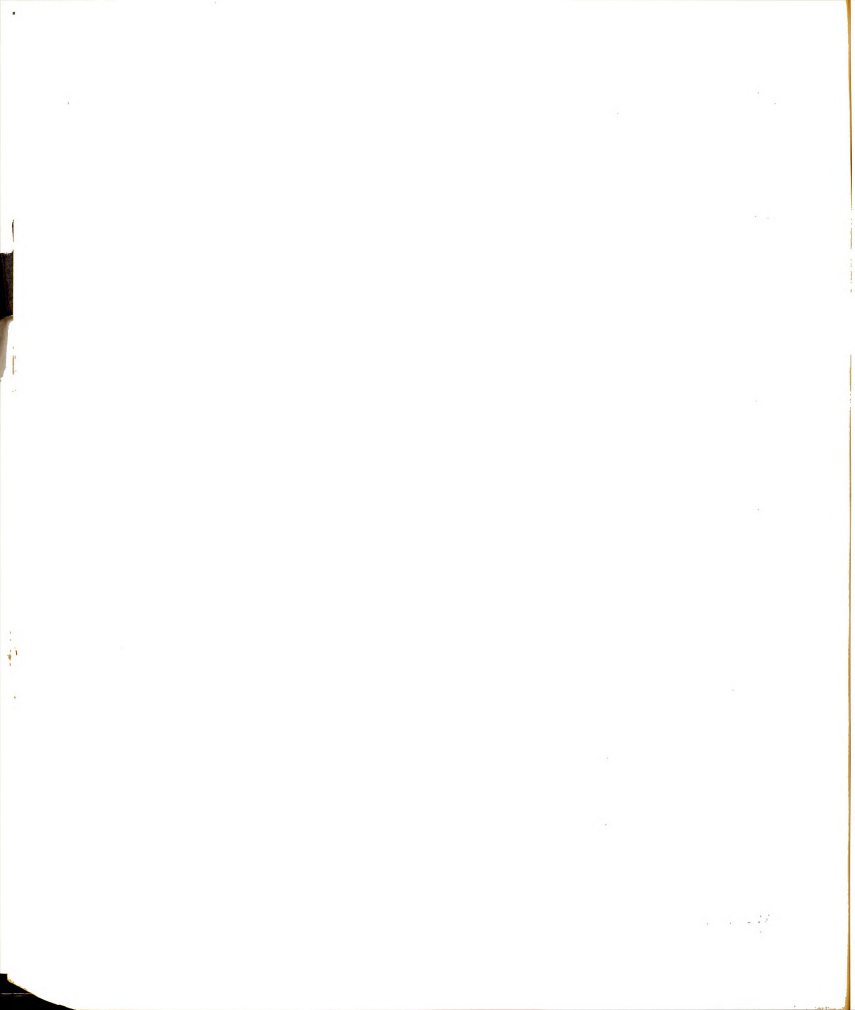
"Port Membership Action: Accepted recommendation of Trial Committee.

"Appeals Committee Recommendation: Uphold decision of Trial Committee.

"DELEGATE FROM THE FLOOR: I so move.

"(Motion seconded)

"CHARLES KEITH (Port of New York): I speak in favor of upholding the recommendation of the Appeals Committee on this case. This brother, Collins, was one of the guys of the Rank and File Caucus in the Port of Norfolk, who collected money from members of the union and didn't turn it in to the Caucus and did not use it for the purpose for which it was intended by the members. Instead of that, he used it for his own purposes. He stole money, in effect,



from members of the Union, and on this basis I believe the recommendation of the Appeals Committee should be upheld.

"(Question called, vote taken by show of hands)

"THE CHAIR: Motion carried and so ordered.

"JORGE M. ACOSTA (SS Atlanticus): I have a point of order. The [earlier] decision of the Chair was that one would speak in favor and one opposed. I want to speak against the recommendation.

"THE HCAIR: Your point is not well taken. You did not have your hand up at the time.

"JORGE M. ACOSTA: Yes, sir, I did.

"THE CHAIR: Just one minute. I looked around and I was ready to take the vote before any hands went up and then Keith's hand was the only hand up.

"SHERMAN D. GEORGE: Case of ANNE CONROY, BOOK NO. 27183. Charges: Making false and libelous statements against Sister Mary Drumgoole; conduct unbecoming a Union member; bringing the Union into ill-repute; violation of Article 16, Section 13, Sub-section (e); refused to answer questions propounded by Trial Committee; participating in an illegal Trial Committee; using disruptive tactics at a membership meeting.

"Trial Committee Decision: Expelled.

"Port Membership Action: Concurred with Trial Committee.

"Appeals Committee Recommendation: Uphold decision of Trial Committee.

"DELEGATE FROM THE FLOOR: I so move.

"(Motion seconded, vote taken by show of hands)

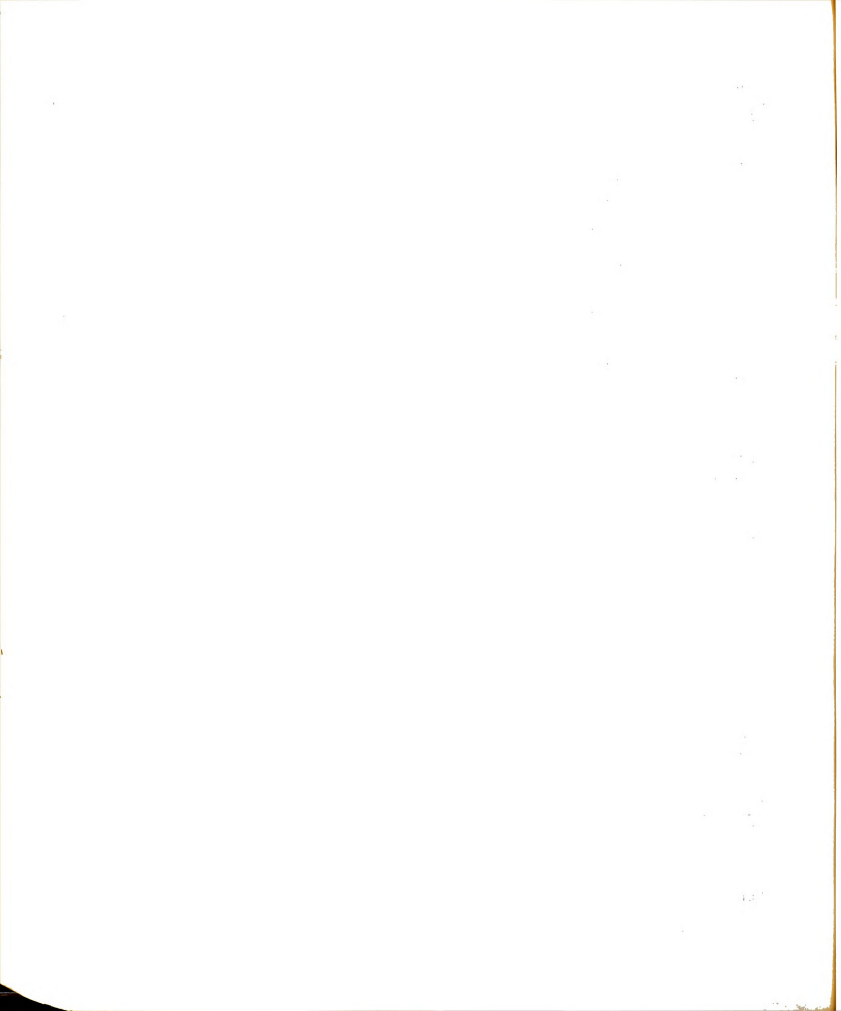
"THE CHAIR: Motion carried and so ordered."

\* \* \* \* \*

(United Brotherhood of Carpenters and Joiners of America, Proceedings, 1954, p. 363.)

"CLAUDE I. GREY vs. MIAMI VALLEY DISTRICT COUNCIL

"This is a case wherein Claude I. Grey, charged with violating Section 55, Paragraph 'B' of the General Constitution, was found guilty and by action of the District



Council expelled from the United Brotherhood. Upon appealing to the General President the sentence of expulsion was reduced to membership under certain conditions.

"Your committee having examined the records in this case concur in the action of the General President and General Executive Board and recommend to this convention that the appeal be denied.

"COMMITTEE SECRETARY WELCH: I move concurrence in the report of the Committee.

"...The motion was seconded and carried unanimously.

"HAROLD J. BAZINET AND GEORGE R. ROTOLO vs.  
ROCHESTER and VICINITY DISTRICT COUNCIL

"This is a case wherein Harold J. Bazinet and George R. Rotolo were tried and convicted of violating five sections of the by-laws of the District Council, and the General Constitution of the United Brotherhood, but the evidence presented did not warrant conviction under certain sections and were corrected by the General President. This was concurred in, in the appeal to the General Executive Board.

"Your committee has gone over the records in this case quite carefully and concur in the action of the General President and General Executive Board, and now recommends that the appeal to this convention be dismissed.

"COMMITTEE SECRETARY WELCH: I move adoption of the Committee's report.

"...The motion was seconded and carried.

"PAUL D. FORD WIFE CLAIM

"This is a case wherein Paul D. Ford appeals the decision of the General Treasurer in denying claim for wife funeral donation due to the fact that he was not in benefit standing at the time of his wife's demise.

"After careful consideration of all documents and transcript of ledger account we concur in the decision of the General Treasurer and General Executive Board in denying this claim, and recommend that the appeal to the convention be dismissed.

"COMMITTEE SECRETARY WELCH: I move concurrence in the report of the committee.

"...The motion was seconded and carried.



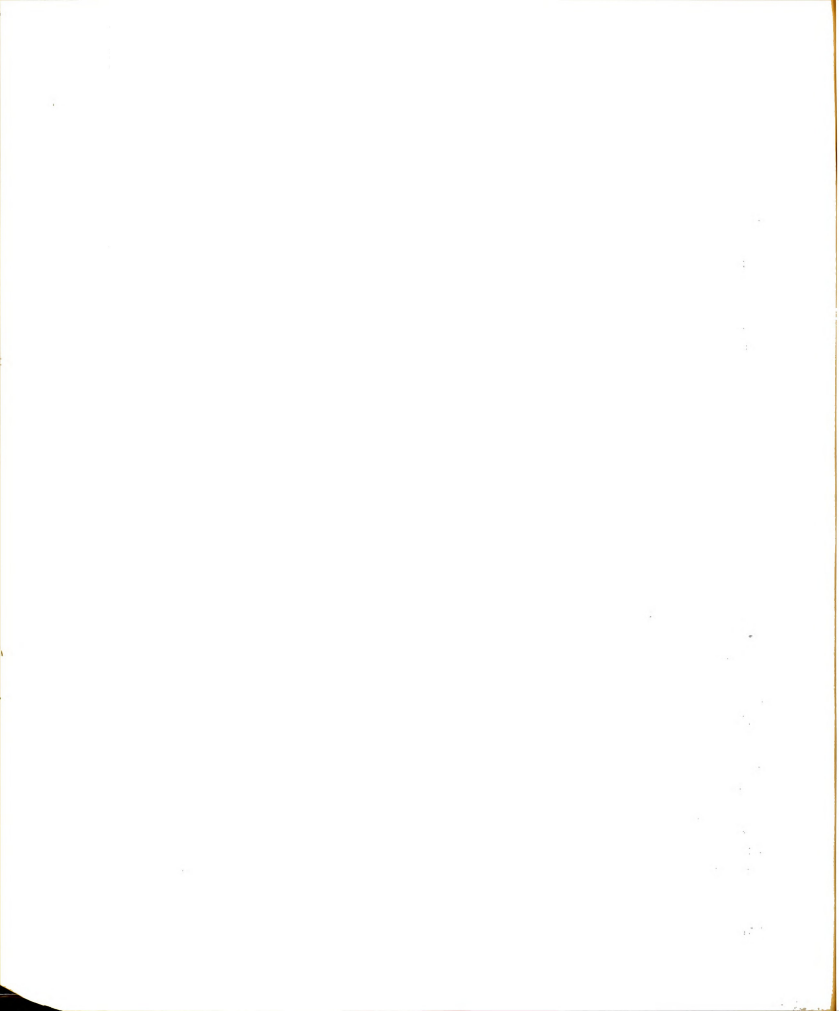
"ALEX KRIGSMAN vs. NEW YORK DISTRICT COUNCIL

"This is a case where Alex Krigsmann appeals against the action of the New York District Council in finding him guilty of alleged violation of the provisions of Section 44 of the District Council by-laws, also Section 55, Paragraphs 'a', 'B', 'C', and 'L' of the General Constitution. The General President and General Executive Board sustained the action of the District Council.

"After careful consideration of all documents and transcript of trial committee we concur in the action of the General President and General Executive Board, and recommend that the appeal to the Convention be dismissed.

"COMMITTEE SECRETARY WELCH: I move concurrence in the report of the committee.

"...The motion was seconded and carried."





## APPENDIX D-2

(International Brotherhood of Electrical Workers, Proceedings, 1958, pp. 575-77.)

## "CASE NO. 21

"This case involves the appeal of William Woeller from a decision of his Local Union Executive Board.

"This case is quite complicated and so that all the details may be properly presented to this Convention, your Committee presents the Executive Council's report verbatim.

"Woeller is a member of Inside Local Union 363 of Spring Valley, New York. Its by-laws provide the following:

'Article VI, Section 4: The Business Manager shall issue all working cards.'

'Article XIV, Section 5: The handling of jobs for unemployed members shall be under the full supervision and direction of the Business Manager's office. He shall devise such means as he considers practical and fair in distributing available jobs to members--if they are qualified to do the work. Members violating any rule or plan established shall be penalized by the Executive Board.'

"The bylaws were adopted by majority vote of the Local Union and were approved by the International President.

"Woeller was charged with violating both of the above quoted provisions.

"After appearing before the Local's Executive Board (August 9, September 13 and October 11, 1955) he was found guilty and assessed \$135.00.

"October 2, 1955 Woeller appealed to International Vice President Liggett who had an investigation made of the entire case.

"December 14, 1955 the Vice President denied the appeal. Woeller then appealed to International President Freeman January 12, 1956. President Freeman denied the appeal January 24, 1956.

"Woeller next appealed to this Executive Council February 21, 1956. In reviewing the entire record we find some confusion. Woeller first appeared before the Executive

Board August 9, 1955---again September 13, 1955---and was finally found guilty of violations which occurred in the weeks ending September 25, October 2 and October 9, 1955.

"It would appear from this that Woeller was charged with violations before they allegedly occurred. The investigation shows, however, that the Executive Board called Woeller before it to consider his earlier actions which the Board thought were violations of these same provisions of the bylaws. During their considerations the events occurred which finally led to finding Woeller guilty.

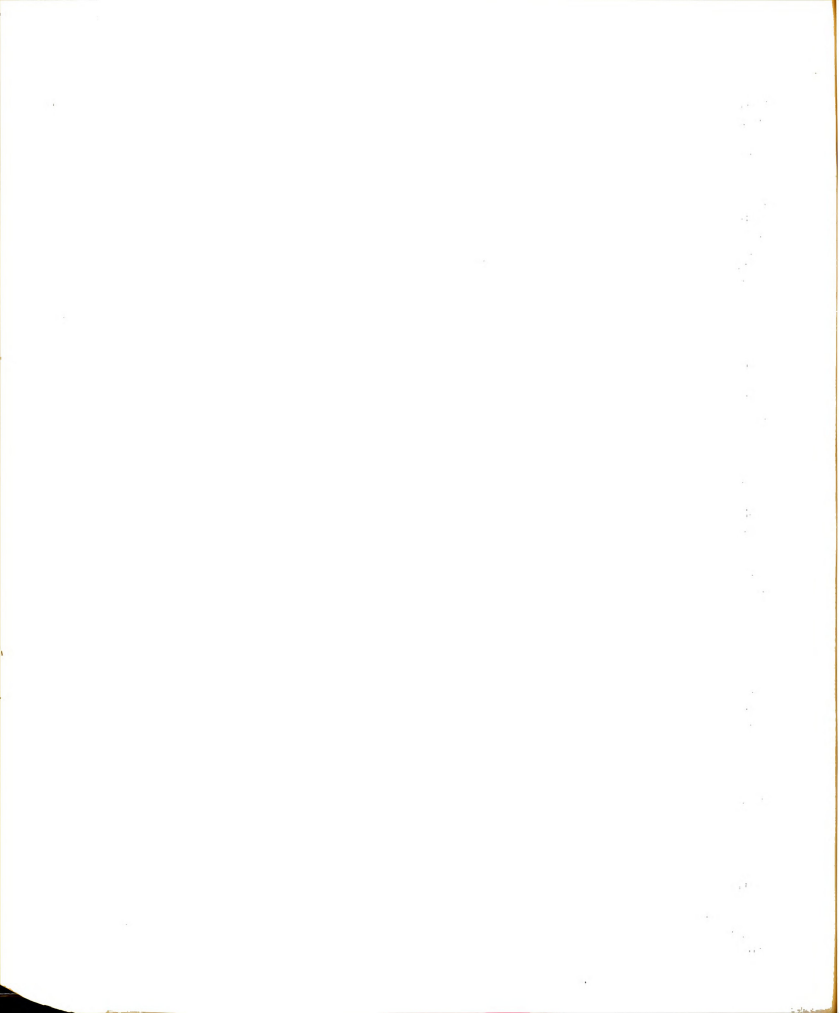
"Since the IBEW Constitution does not require written charges when a violation of Local Union bylaws is charged, the procedure of the Executive Board was proper, though unusual.

"Woeller was specifically charged with being unemployed and returning to work without clearing through the Business Manager's office as is required by the Local's bylaws. The record indicates that there is a uniform application of this rule in the Local Union.

"Each inside member of the Local Union working in its jurisdiction submits a weekly report to the Business Manager of the hours worked. Woeller's own reports show him to be on vacation the weeks of September 4, September 11 and September 18, 1955. His reports for the weeks of September 25, October 2 and October 9, 1955 show a total of 32 hours worked in three weeks. The record shows that on October 11, 1955, Woeller, when questioned about these reports, told the Executive Board he was unemployed during the time not accounted for in the reports.

"The record also shows that Woeller was asked to go to work on a bridge job by the Business Manager but refused by saying that he 'wanted to stay home and was not looking for any job as yet.' The Business Manager then stated that the next thing he knew was that Woeller had gone to work at the Lederle Laboratories for the Watson-Flagg Company without clearing through the Business Manager's office.

"Woeller, in his appeal to Vice President Liggett, submitted a letter from the payroll department of the Watson-Flagg Company which states that he has been steadily employed by this firm since 1947. The letter is dated November 22, 1955--over a month after his hearing before the Executive Board. (The investigation disclosed that Woeller's brother-in-law is in charge of operations for this firm in the area.)



"Woeller claimed that one of the Executive Board members--who stated that he (Woeller) admitted to being employed--was, in fact, not a member of the Board at the time. This has been since proven to be untrue.

"In our consideration of this case we recognize that some members feel they should have the right to move from job to job without notification of any kind to their Local Union. We find this attitude is particularly wrong when an out-of-town contractor, having no agreement with the Local Union, is involved. Any transfer or periods of unemployment should be reported. This practice is general throughout the IBEW jurisdiction where such out-of-town contractors are concerned.

"However, some members insist on every 'democratic right,' regardless of the welfare of other members, and threaten civil court action at the drop of a hat. The Local Union, by democratic action, established rules governing unemployed members. These rules are simple.

"The record indicates that the Business Manager has applied these rules uniformly. There is nothing to show that any individual has been denied 'the right of work' nor that he has been denied the right to work for a specific employer. We find that the Local Union has asked only that the rules, adopted by the membership, be lived up to.

"Dispute the confusion in parts of this case, the Executive Council is convinced that Woeller acted wrongly. We do not agree with his contentions and, therefore, we deny his appeal.

"Your Committee concurs.

"PRESIDENT FREEMAN: You have heard the report of the Committee on Case No. 21. Is there any discussion? Hearing none, all those in favor of adopting the report will kindly raise your right hands; opposed.

"The motion is so carried and so ordered."

(Another appeal submitted to that convention was not described as thoroughly.)

#### "CASE NO. 12

"Case No. 12 refers to the appeal of Woodrow Kinder, a member of Local Union 309 of East St. Louis, Illinois.

"Brother Kinder was found guilty of violating the Local Union Bylaws and assessed the sum of \$50.00, which assessment was suspended.

"Kinder appealed from Local Union 309's action all the way up to the International Executive Council and his appeal was denied at all three levels.

"By an examination of the record, the reason for these denials becomes apparent. Kinder at no time denies that he committed the violations; his only defense being that other members of the Local Union had committed the same violations, and had not been assessed.

"There could be many reasons why this could happen but certainly this is no defense upon which Kinder could logically base his appeal.

"We concur in the decision rendered by the International Executive Council.

"Brother Chairman, I move the adoption of the Committee's report.

"PRESIDENT FREEMAN: You have heard the Committee's report on Case No. 12. Is there any discussion? If not, all those in favor will raise their right hands; those opposed. The motion is carried and so ordered."

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

## APPENDIX D-3

(International Association of Bridge, Structural and Ornamental Iron Workers, Ironworker, November, 1952, pp. 59-60.)

## "RESOLUTION NO. 110

## "SUBMITTED BY LOCAL UNION NO. 348

"Appeal: Pursuant to Article XVIII, Section 16 of the Constitution.

"Dispute: Between Local #348, Erie, Pennsylvania and Local #17, Cleveland, Ohio.

"This appeal involves the enforcement of Article XVIII-A, Section 2 of the Constitution and General Working Rules of the International Association of Bridge, Structural and Ornamental Iron Workers each of which reads as follows:

"The jurisdiction of this local union shall extend half-way to the nearest outside local union of the International Association of Bridge, Structural and Ornamental Iron Workers.

"Local #348 is a duly constituted and chartered local of the International Association of Bridge, Structural and Ornamental Iron Workers, located in Erie, Pennsylvania.

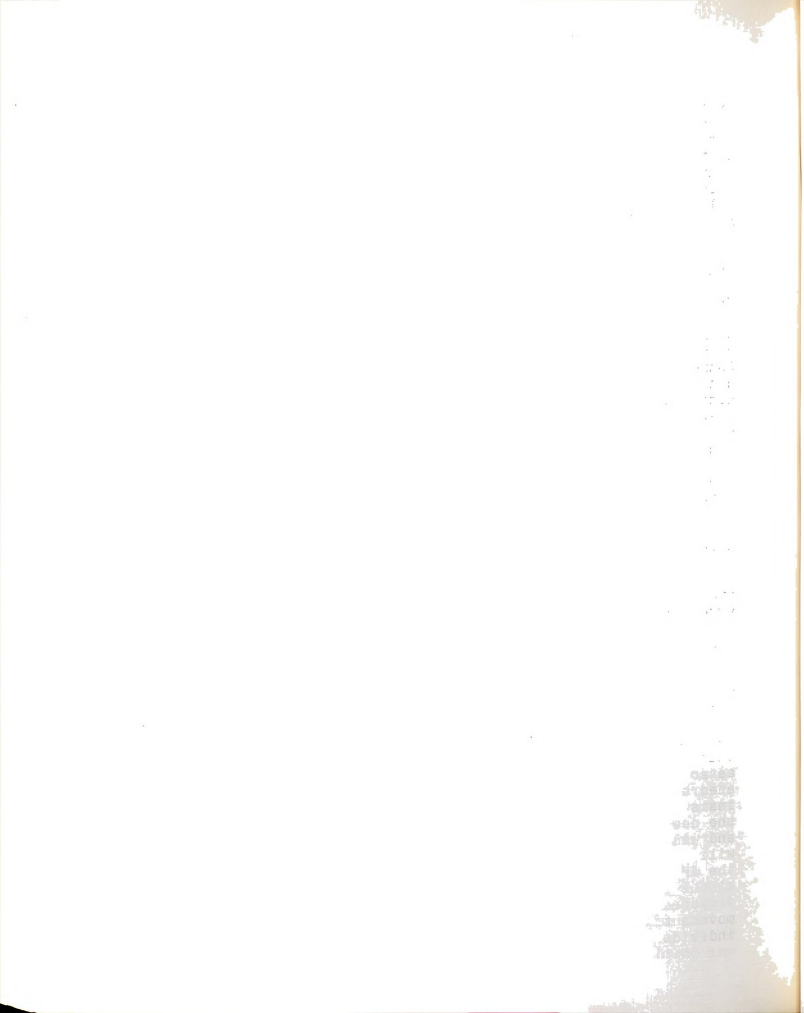
"Local #17 is a duly constituted and chartered local of the International Association of Bridge, Structural and Ornamental Iron Workers, located in Cleveland, Ohio.

"The distance between Erie, Pennsylvania and Cleveland, Ohio is ninety (90) miles (air miles). The half-way point is located at Saybrook, Ohio.

"This dispute involves the territory east of or on the Erie side of the half-way point.

"The seeds of the dispute have been in existence for approximately thirty (30) years. During said period many efforts have been made to settle it in accordance with the terms and provisions of the Constitution. Said dispute is not now settled and there appears to be no way of its being settled without appealing directly to the convention.

"No useful purpose can be served by detailing all the minute facts that have occurred during the history of this dispute. Suffice it to say that the local territorial points of dispute include, but are not limited to, Ashtabula which is east of Saybrook and on the Erie side of the half-way point.





"Erie Local #348 takes the position that Article XVIII-A, Section 2 of the Constitution and the General Working Rules mean exactly what is stated and, therefore, all territory east or on the Erie side of Saybrook is exclusively the jurisdiction of Local #348. Cleveland Local #17 takes the position that because of sympathy and tradition regarding some ancient trouble they are excused from the operative effect of Article XVIII-A, Section 2 of the Constitution and the General Working Rules.

"Although many sincere efforts have been made to settle this matter amicably, no agreement has been reached. In 1920 the charter of the Erie Local #348 was installed and Erie was directed to handle the territory half-way to Cleveland. Several jobs in Ashtabula and Conneaut were handled by Erie and manned by Erie members. Then in March of 1924 on what is known as the Wellman, Seaver, Morgan Co. job in Conneaut, seventy-two (72) miles from Cleveland and twenty-nine (29) miles from Erie (road miles), Cleveland Local #17 demanded jurisdiction. Erie Local #348 sent committees to meet with the Cleveland Local. Meetings were refused. The general office appointed an arbitrator, but he did not function properly. Efforts were made to bring the matter before the 1928 convention, the 1932 convention and again the 1940 convention. On each occasion the matter was shifted through other channels.

"During this period and down to the present time Erie Local #348 has continued to try to abide by the Constitution. It has affiliated with the Ashtabula Construction Council. It has straightened up jobs for the iron workers in and around Ashtabula and Conneaut. It has signed negotiated agreements with many contractors covering the area half-way to Cleveland. It has initiated members into its Local who are residents of Ashtabula and Conneaut.

"During all this time it has tried to reach an agreement through committees. It has tried to get the Constitution enforced by the General Executive Board and the General Executive Council. It tried to bring the matter before the 1944 convention. As late as 1950 it requested that an International Representative be directed to account as arbitrator. All efforts and pleas have fallen on deafened ears and inactive hands. The Cleveland Local #17 has insisted through its committee that it will not recognize the decisions of the highest authority of our Association and will not abide by the Constitution, but on the contrary will continue to harass contractors and pirate jobs in the area on the east or Erie side of the half-way point.

"The effect of the foregoing on the moral of the labor movement generally in the area and on the contractors, individual workers and construction counsels specifically



has been and continues to be devastating. Individual contractors have written to the local, to construction councils and to International officers seeking relief and advice as to who they may deal with effectively. Construction councils have written to the local seeking similar advice. Individual workers have sought an answer for the protection of their jobs.

"RESOLVE, In view of the history and facts pertaining to the dispute between Erie Local #348 and Cleveland Local #17 and the many efforts to settle the dispute it is resolved that the President and Recording Secretary be directed to file an appeal to the 1952 Regular Convention under Article XVIII, Section 16 of the Constitution requesting a directive that the International officers advise Cleveland Local #17 of the content and spirit of Article XVIII-A, Section 2 of the Constitution and the same provisions in the General Working Rules and require said local and its officers and agents to abide by the same.

"C. V. Myers, Sr.,  
President  
"Earl W. Wickwire, Jr.,  
Recording Secretary."

\* \* \* \*

(Operative Plasterers' and Cement Masons' International Association, Proceedings, 1961, p. 104.)  
(Note the difference in content.)

#### "RESOLUTION NO. 300

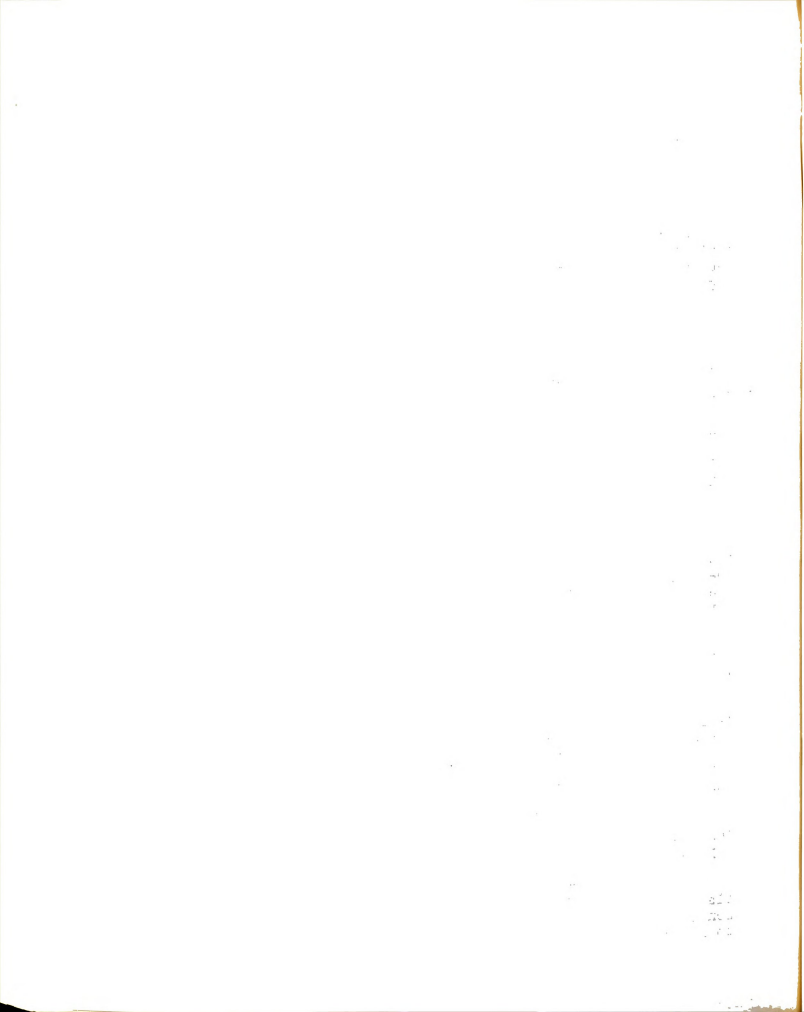
"Appeal of John Vaccaro, No. 8731, a journeyman plasterer member of Local No. 30, Brooklyn, New York, against decision of the General Executive Board made on August 5th, 1959, denying his request that his membership date from November 8th, 1928 instead of from May 23rd, 1938.

"REFERRED TO GRIEVANCE COMMITTEE

#### RESOLUTION NO. 301

"Appeal of M. H. Freeman, No. 133659, a journeyman plasterer member of Local No. 489, Santa Ana, California, against decision of the General Executive Board made on June 17th, 1960 denying his protest against fine of \$305.00 (reduced by General Executive Board to \$285.80) imposed upon him by Local No. 2 of Los Angeles, California.

"REFERRED TO GRIEVANCE COMMITTEE"



## APPENDIX D-4

(United Automobile Workers of America, Proceedings, 1951, pp. 335-36.)

## "CASE NUMBER 7

## "LOCAL 276 vs. INTERNATIONAL UNION

"Local 276 is appealing the decision of the International Executive Board relative to the seniority dispute between Local 276 and Local 434, both Local Unions in the Saginaw Steering Gear Plants.

## "APPEARING BEFORE THE COMMITTEE:

"On behalf of Local 276--Allan Seelman, president, Russel Tyrell and John Johnson. On behalf of Local 434--John Davis, Chairman of Bargaining Committee, Adolph F. Martin and Joseph H. Martin. Appearing on behalf of the International Union were C. A. Johnstone, Director, General Motors Department, E. S. Patterson, Assistant Director, General Motors Department, John Livingston, Vice-President and Leonard Woodcock, Regional Director, Region No. 1-B.

## "FACTS

"In December of 1940 the Saginaw Steering Gear Company, a division of General Motors, opened up a new plant which they had intended to use for the production of steering gears, but which they turned into a gun plant during the war. The plant is now producing steering gears.

"This plant is known as Plant No. 2 in respect to the old Plant No. 1, which has been established since around 1903.

"The workers in Plant No. 1 are under the jurisdiction of Local 434. In January, 1941 a charter was issued to Local 276 representing the workers in Plant No. 2. During the war period, workers were transferred back and forth between Plant No. 1 and Plant No. 2, and no local seniority agreement was in effect at that time.

"In September, 1944, local seniority agreements were negotiated which are identical, covering each Plant as a separate unit.

"Over a period of time from 1944 until the present, a dispute has existed between the two locals regarding the seniority status of members transferring from Plant No. 1 to Plant No. 2, the contention of Local 434 being that

200

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

the seniority list of both plants should be combined into one seniority list by the method of dove-tailing the two lists. This list to be used only for the purpose of lay-off and rehire.

"Local 276 did not agree with this arrangement, contending that seniority of employees transferring to Plant No. 2 from Plant No. 1 should date only from the date of transfer into Plant No. 2.

"Efforts were made on several occasions to resolve the issues without success.

"The immediate issue concerns the fact that 16 employees of the experimental tool room were transferred from Plant No. 1 to Plant No. 2, and the machinery and equipment of their Department was also moved at the same time.

"Because of the major transfer of operations, Local 434 requested full seniority rights for these 16 employees under terms of Articles 95 and 96 of the General Motors Agreement as interpreted.

"This request for seniority rights was recommended by the International Executive Board, and was so negotiated with the Corporation.

"The seniority has been granted to the 16 employees, but Local 276 is appealing the decision of the Executive Board's recommendation.

"The seniority dates of some of these employees date back as far as 1912, and failure to grant them seniority from their original hiring date at Plant No. 1 would deprive them of vacation pay rights, as well as other contractual benefits.

"From the evidence submitted by the General Motors Department of the International Union, it is apparent that other similar cases have been worked out under the intent of Paragraphs 95 and 96 of the General Motors Agreement.

"It was also pointed out at the hearing that at the conclusion of the meeting of representatives of both locals with a special committee of the International Executive Board in Chicago in November, 1950, that representatives of both Local Unions came to an understanding that the seniority status of these 16 employees would be agreed to under the terms of the Memorandum of Understanding agreed to by the General Motors Corporation and the International Union on November 17, 1951.

"CONCLUSIONS:

"The Grievance Committee is of the opinion that the shifting of the work and the machines of the 16 employees in the Plant No. 1 Experimental Tool Room to Plant No. 2, is a transfer of a major operation under the terms of Article 96 of the General Motors Agreement as practiced.

"The Committee is also of the opinion that to deny these 16 transferred employees their seniority rights in Plant No. 2 would hamper any future agreements with the General Motors Corporation especially during this new era of war production, when many old operations will be shifted to new emergency war plants.

"Committee believes a memorandum of understanding agreed to by the General Motors Corporation and the International Union on November 17, 1951, as it relates to Locals 276 and 434 was proper and it is in keeping with the spirit of good unionism to broaden workers' job security.

"RECOMMENDATIONS:

"In view of the facts and conclusions in this matter the Committee recommends that the appeal of Local 276 be denied.

"Opposing the recommendation:

"John Wilse.

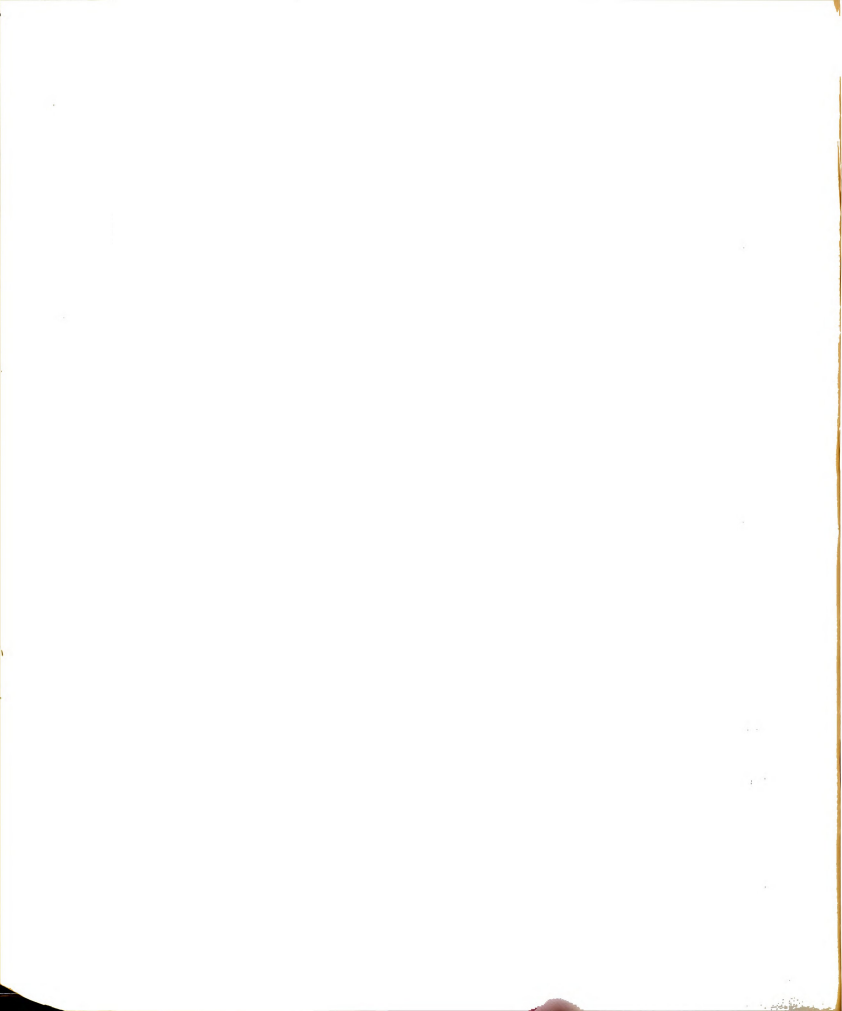
"Signed by:

Donald Rand, Chairman  
James O'Rourke, Secretary  
Edward Wilms  
Ernie Love  
Harold Johnson  
Neil Moorlag  
Robert Slater  
Edward Burroughs."

(Debate followed.)



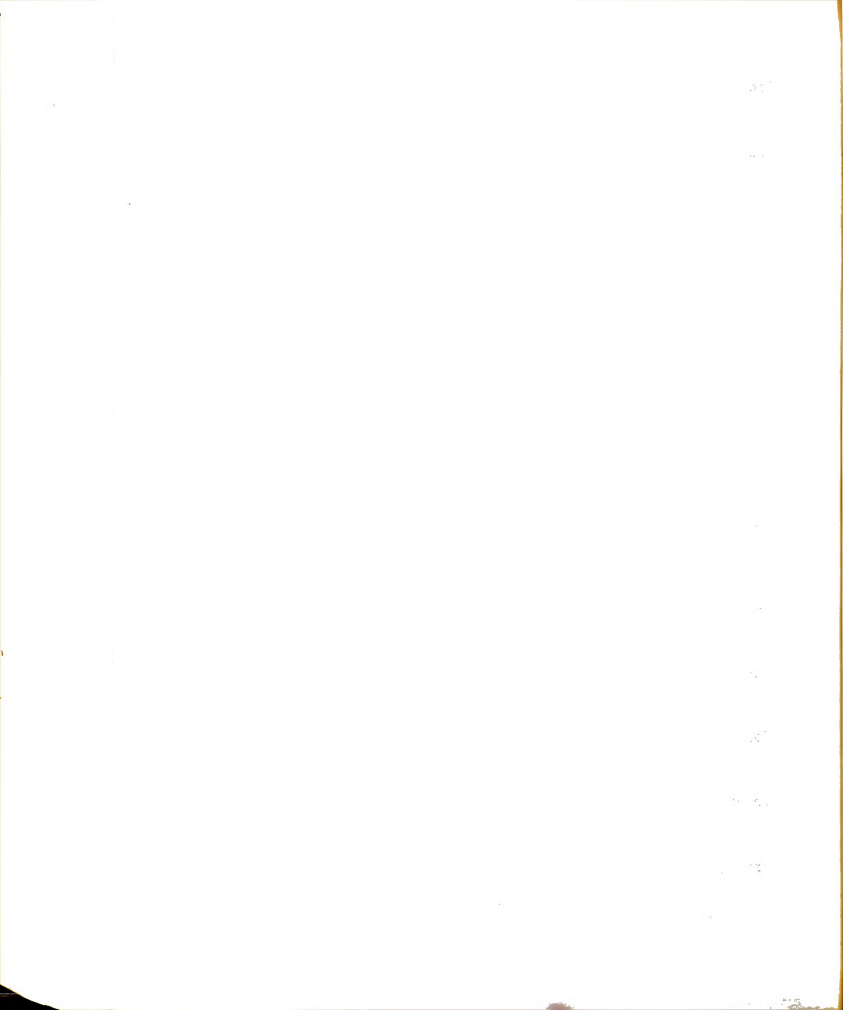
SELECTED BIBLIOGRAPHY



## SELECTED BIBLIOGRAPHY

### Public Documents

- U. S. Bureau of Labor Statistics. Directory of National and International Labor Unions in the United States, 1961. Bulletin No. 1320. March, 1962.
- U. S. Bureau of Labor Statistics. Directory of National and International Labor Unions in the United States, 1963. Bulletin No. 1395. May, 1964.
- U. S. Bureau of Labor Statistics. Disciplinary Powers and Procedures in Union Constitutions. Bulletin No. 1350. May, 1963.
- U. S. Department of Labor, Labor-Management Services Administration. Summary of Operations, 1965. Washington, D. C.: U. S. Government Printing Office.
- U. S. House of Representatives, Committee on Education and Labor. Government Regulation of Internal Union Affairs Affecting the Rights of Members. Report prepared by Sar A. Levitan. 85th Cong., 2d Sess., May 1, 1958.
- U. S. Senate, Committee on Labor and Public Welfare. Government Regulation of Internal Union Affairs Affecting the Rights of Members. Washington, D. C.: Government Printing Office, 1958.
- Books
- Barbash, Jack. The Practice of Unionism. New York: Harper and Brothers, Publishers, 1956.
- Bromwich, Leo. Union Constitutions. New York: The Fund for the Republic, 1959.
- Christie, Robert. Empire in Wood: A History of the Carpenters' Union. Ithaca, New York: Cornell University Press, 1956.



- Cook, Alice H. Union Democracy: Practice and Ideal: An Analysis of Four Large Local Unions. Ithaca, New York: Cornell University Press, 1963.
- Cox, Archibald. Cases on Labor Law. 4th ed. Brooklyn: The Foundation Press, Inc., 1958.
- \_\_\_\_\_. Law and the National Labor Policy. Monograph Series, Number 5. Los Angeles: Institute of Industrial Relations, University of California, 1960.
- Cushing, Luther S. Cushing's Manual of Parliamentary Practice: Rules of Procedure and Debate in Deliberative Assemblies. ed. and enl. by Albert S. Boiles. Philadelphia: J. C. Winston Co., 1947.
- Evans, Evan A. The Courts: A Reader in the Judicial Process. ed. Robert Scigliano. Boston: Little, Brown and Company, 1962.
- Glocker, Theodore. The Government of American Trade Unions. "Johns Hopkins University Studies in Historical and Political Science," XXXI. Baltimore: Johns Hopkins Press, 1913.
- Grodin, Joseph R. Union Government and the Law: British and American Experiences. Los Angeles: Institute of Industrial Relations, University of California, 1961.
- Harrington, Michael. The Retail Clerks. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1962.
- Harrington, Michael and Jacobs, Paul. (ed.) Labor in a Free Society. Berkeley, Calif.: University of California Press, 1960.
- Horowitz, Morris A. The Structure and Government of the Carpenters' Union. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1962.
- Irish, Marian D., and Prothro, James W. The Politics of American Democracy. 3rd ed. Englewood Cliffs, N. J.: Prentice Hall, 1965.
- Kramer, Leo. Labor's Paradox: The American Federation of State, County and Municipal Employees AFL-CIO. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1962.

Larrowe, Charles P. Maritime Labor and Industrial Relations on the Great Lakes. East Lansing, Michigan: Labor and Industrial Relations Center, Michigan State University, 1959.

. Shape-Up and Hiring Hall: A Comparison of Hiring Methods and Labor Relations on the New York and Seattle Waterfronts. Berkeley, Calif.: University of California Press, 1955.

Leiserson, William M. American Trade Union Democracy. New York: Columbia University Press, 1959.

Lester, Richard A. As Unions Mature. Princeton, N. J.: Princeton University Press, 1958.

Lieberman, Elias. Unions Before the Bar: Historic Trials Showing the Evolution of Labor Rights in the United States. rev. ed. New York: Oxford Book Company, 1960.

Lipset, Seymour Martin, Trow, Martin, and Coleman, James. Union Democracy: The Internal Politics of the International Typographical Union. Garden City, New York: Anchor Books, Doubleday & Company, Inc., 1962.

Mangum, Garth. The Operating Engineers: The Economic History of a Trade Union. Cambridge: Harvard University Press, 1964.

Mason, Alpheus Thomas, and Beaney, William M. American Constitutional Law: Introductory Essays and Selected Cases. 2d ed. Englewood Cliffs, N. J.: Prentice Hall, Inc., 1959.

Mayers, Lewis. The American Legal System: The Administration of Justice in the United States by Judicial, Administrative, Military, and Arbitral Tribunals. red. ed. New York: Harper & Row, Publishers, 1964.

McCloskey, Robert G. The American Supreme Court. "The Chicago History of American Civilization." Chicago: University of Chicago Press, 1960.

McGuinness, Kenneth C. The New Frontier NLRB. Washington, D. C.: Labor Policy Association, Inc., 1963.

Michels, Robert. Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy. New York: Crowell-Collier Publishing Company, Collier Books, 1962 ed.

Oberer, Walter E. Democracy and Public Review: An Analysis of the UAW Public Review Board. "Union Democracy and the Rule of Law." eds. Jack Stieber, Walter E. Oberer, and Michael Harrington. Santa Barbara, Calif.: Center for the Study of Democratic Institutions, 1960.

Perlman, Mark. The Machinists: A New Study in American Trade Unionism. Cambridge: Harvard University Press, 1961.

\_\_\_\_\_. Democracy in the International Association of Machinists. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1962.

Pound, Roscoe. "Judicial Justice," in The Courts: A Reader in the Judicial Process. ed. Robert Scigliano. Boston: Little, Brown and Company, 1962.

Romer, Sam. The International Brotherhood of Teamsters: Its Government and Structure. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1962.

Rothbaum, Melvin. The Government of the Oil, Chemical, and Atomic Workers Union. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1962.

Seidman, Joel. Regulating Union Government. ed. Marten S. Estey, Philip Taft, and Martin Wagner. New York: Harper & Row, Publishers, 1964.

\_\_\_\_\_. Union Rights and Union Duties. New York: Harcourt, Brace and Company, 1943.

\_\_\_\_\_. Democracy in the Labor Movement. Ithaca, New York: New York State School of Industrial and Labor Relations, Cornell University, 1958.

\_\_\_\_\_. The Brotherhood of Railroad Trainmen: The Internal Political Life of a National Union. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1961.

Slichter, Sumner. The Challenge of Industrial Relations: Trade Unions, Management, and the Public Interest. Ithaca, New York: Cornell University Press, 1947.

Stieber, Jack. Governing the UAW. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1962.

Taft, Philip. The Structure and Government of Labor Unions. Cambridge: Harvard University Press, 1956.

10

11

12

13

14

15

16

17

18

19

20



United Automobile Workers. A More Perfect Union: The UAW Public Review Board: Why, What, How. Detroit: UAW Publications Department, 1957.

Ulman, Lloyd. The Rise of the National Trade Union: The Development and Significance of Its Structure, Governing Institutions, and Economic Policies. Cambridge: Harvard University Press, 1955.

\_\_\_\_\_. The Government of the Steel Workers' Union. Trade Unions Monograph Series. New York: John Wiley and Sons, Inc., 1962.

Webb, Sydney, and Webb, Beatrice. Industrial Democracy. 1920 ed. London: Longman's Green and Co., 1926.

#### Articles and Periodicals

Aaron, Benjamin. "Unions and Civil Liberties: Claims vs. Performance," Northwestern University Law Review, 53 (March-April, 1958).

\_\_\_\_\_. "Protecting Civil Liberties of Members Within Trade Unions," Proceedings of the Second Annual Meeting of the Industrial Relations Association. Champaign, Illinois, 1950.

\_\_\_\_\_. "The Labor-Management Reporting and Disclosure Act of 1959," Harvard Law Review, 73 (March, 1960).

\_\_\_\_\_. "The Union Member's 'Bill of Rights:' First Two Years," Industrial Relations, 1 (February, 1962).

Aaron, Benjamin, and Komaroff, Michael I. "The Labor-Management Act, 1947," Illinois Law Review, 44 (September-October, 1949).

\_\_\_\_\_. "Statutory Regulation of Internal Union Affairs--II," Illinois Law Review, 44 (November-December, 1949).

Benson, H. W. Union Democracy in Action. Nos. 1-19, (July, 1959-April, 1966).

\_\_\_\_\_. "Labor's Uncertain Trumpet," The Progressive (June, 1959).

Blaine, Harry R., and Zeller, Frederick A. "Who Uses the UAW Public Review Board?," Industrial Relations: A Journal of Economy and Society. Berkeley, Calif.: Institute of Industrial Relations, University of California, 4 (May, 1965).

1904

1905

1906

1907

1908

1909

1910

1911

1912

1913

1914

1915

1916

1917

1918

- Edelstein, J. David. "Democracy in a National Union: The British AWU," Industrial Relations: A Journal of Economy and Society. Berkeley, Calif.: Institute of Industrial Relations, University of California, 4 (May, 1965).
- Faunce, William. "Delegate Attitudes Toward the Convention in the UAW," Industrial and Labor Relations Review, 15 (July, 1962).
- Hardman, J. B. S. "Legislating Union Democracy," The New Leader, 40 (December 2, 1957).
- Hickey, Edward J., Jr. "The Bill of Rights of Union Members," Georgetown Law Review, 48 (November, 1959).
- Jacobs, Paul. "Mr. Hayes Settles a Local Disturbance," The Reporter, 20 (April 2, 1959).
- Kerr, Clark. "Unions and Union Leaders of Their Own Choosing," Santa Barbara, Calif.: Center for the Study of Democratic Institutions, 1962.
- Lipset, Seymour Martin. "The Law and Trade Union Democracy," Virginia Law Review, 47 (January, 1961).
- Miller, Arthur S. "Private Governments and the Constitution," Santa Barbara, Calif.: Center for the Study of Democratic Institutions, 1959.
- New York Times. February-October, 1964.
- Oberer, Walter E. "Voluntary Impartial Review of Labor: Some Reflections," Michigan Law Review, 58 (November, 1959).
- Ornati, Oscar. "Union Discipline, Minority Rights and Public Policy," Labor Law Journal, 5 (July, 1954).
- "Public Review Boards: A Check on Union Disciplinary Power," Stanford Law Review, 11 (May, 1959).
- Repas, Robert. "A Tale of Two Expulsions," Ciepley-Rappaport Legal Fund, Fall 1961.
- Segal, Ben D. "Some Efforts at Democratic Union Participation," American Economic Review, Supplement, XLVII (May, 1958).
- Seidman, Joel, and Melcher, Arlyn J. "The Dual Union Clause and Political Rights," Labor Law Journal, 11 (September, 1960).

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

- Shister, Joseph. "Trade Union Government: A Formal Analysis," Quarterly Journal of Economics, LX (November, 1945).
- Summers, Clyde. "Disciplinary Powers of Unions," Industrial and Labor Relations Review, 3 (July, 1950).
- \_\_\_\_\_. "Disciplinary Procedures of Unions," Industrial and Labor Relations Review, 4 (October, 1950).
- \_\_\_\_\_. "Legal Limitations on Union Discipline," Harvard Law Review, 64 (May, 1951).
- \_\_\_\_\_. "Union Democracy and Union Discipline," Proceedings: Fifth Annual Conference on Labor. New York: New York University, 1952.
- \_\_\_\_\_. "The Usefulness of Law in Achieving Union Democracy," American Economic Review, XLVIII (May, 1958).
- \_\_\_\_\_. "Legislating Union Democracy," Proceedings of the Tenth Annual Meeting: Industrial Relations Research Association, (December, 1965).
- Taft, Philip. "Judicial Procedure in Labor Unions," Quarterly Journal of Economics, LIX (May, 1946).
- \_\_\_\_\_. "Democracy in Trade Unions," American Economic Review (May, 1946).
- Troxell, John P. "Protecting Members' Rights Within the Union," American Economic Review, XXXII, Supplement (March, 1942).
- Tureen, Charles M. "Judicial Intervention in Intra-Union Affairs to Protect the Rights of Members," Washington Law Quarterly (December, 1954).
- Washington Post. April 24-27, 1966.
- Wellington, Harry H. "Union Democracy and Fair Representation: Federal Responsibility in a Federal System," The Yale Law Review, 67 (July, 1958).
- Wollett, Donald H., and Lampman, Robert J. "The Law of Union Factionalism--The Case of the Sailors," Stanford Law Review, 4 (February, 1953).
- Zeller, Frederick. "Who Uses the UAW Public Review Board?," Industrial Relations (May, 1965).

100

100

100

100

100

100

100

Reports

American Civil Liberties Union. Democracy in Labor Unions:  
A Report and Statement of Policy. New York:  
American Civil Liberties Union, June, 1952.

Unpublished Material

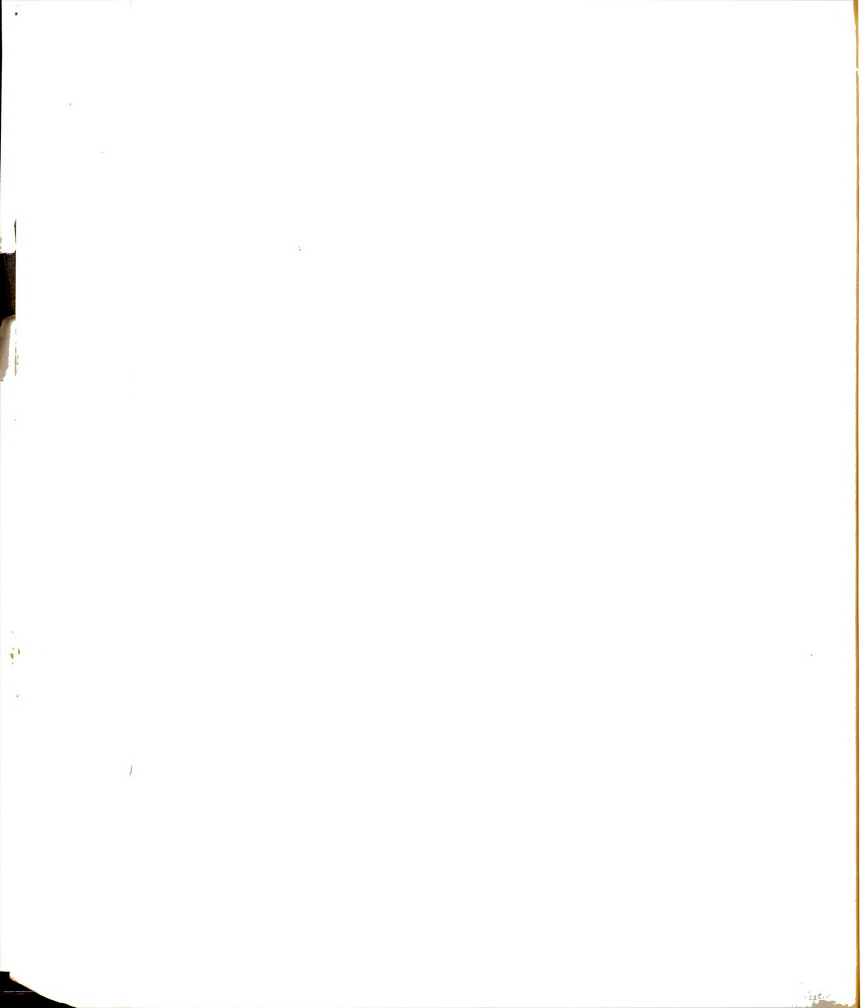
Rogow, Robert. "Relationships Among the Environment,  
Policies and Governmmnet of a Labor Union." Un-  
published Ph.D. dissertation, New York University,  
1965.

Schonfeld, Frank. "Why I Propose the Public Review  
Principle for Painters District Council 9."  
April, 1961. (Mimeographed.)

Other Sources

Interview in Washington, D. C. in September, 1964 with  
Mr. Donald Doherty, International vice-president  
of the Chemical Workers' Union.

Interview in Lansing, Michigan in February, 1964 with  
Mr. George Wise, Business Agent for Local 1492 of the  
Carpenters' Union.

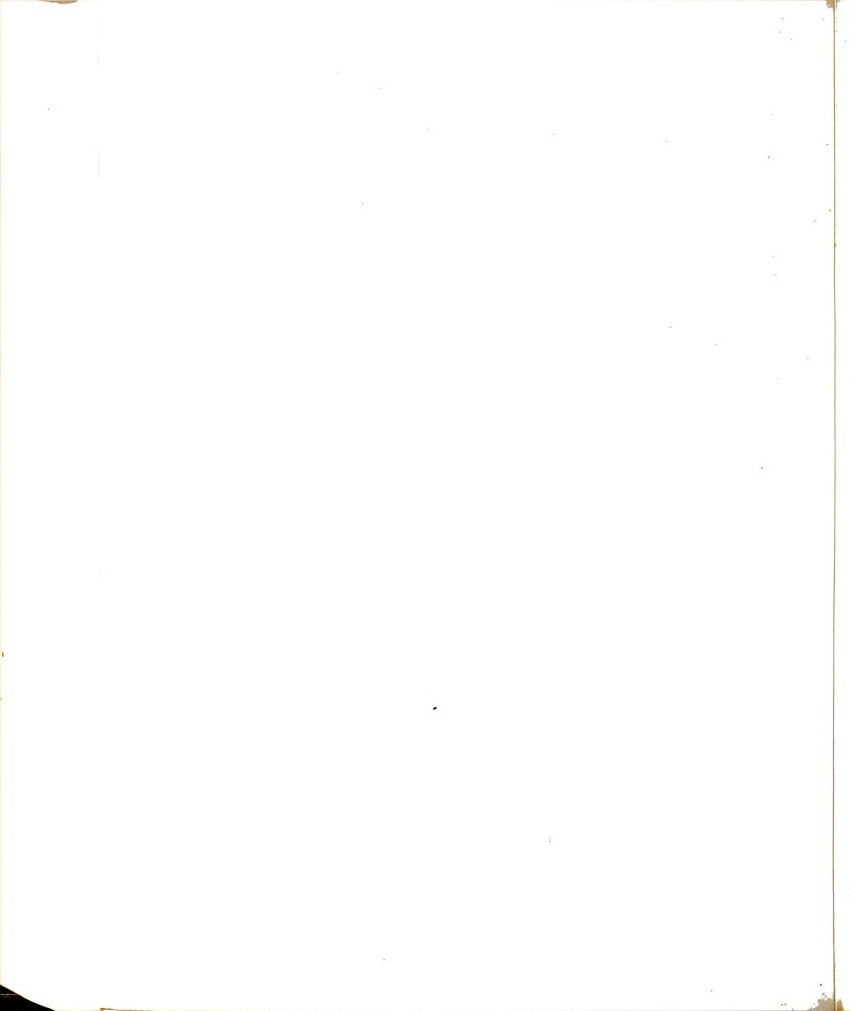














MICHIGAN STATE UNIVERSITY LIBRARIES



3 1293 03046 9781