

FOREMEN'S LEAGUE

FOR EDUCATION AND ASSOCIATION

Phone: Grant 2227

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April 25, 1946

Mr. Amon Carter
The Star Telegram
Fort Worth, Texas

Dear Mr. Carter:

I very much wanted to see you when I was in Fort Worth yesterday, but realize how rushed you were upon just returning to your office. I am writing you at the suggestion of Mr. Raymond Gee, and I should be most happy to have you check with him as to the work I am doing and the organization I represent.

Management is fighting with every weapon at its command for the amendment to exempt foremen and supervisory employes from the operations of Sections 7, 8 and 9 of the National Labor Relations Act and end the rubber-stamp, 2 to 1 decisions of the NLRB.

This was Section 12 of the Case Bill as passed by the House and deleted, along with other desirable provisions, in the Senate Education and Labor Committee. It will be offered on the floor of the Senate when the British loan debate ends.

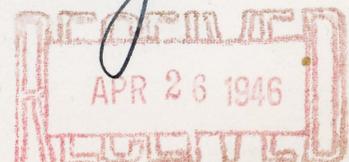
We believe Senator O'Daniel will support the amendment, but Senator Connally is listed as doubtful. We need every possible influence brought to bear upon him to support it.

I am sure that you agree that management must retain its foremen. Their loyalties cannot be divided between management and the union secretary, any more than your Managing Editor could serve your interests and, at the same time, be forced into the Newspaper Guild, and answerable, in even a minor degree, to a union official. That is the very effect of the NLRB rulings -- driving foremen into unions against their will.

I am inclosing some material which I trust you will find time to read. Naturally, we would welcome any editorial support from you, and also would appreciate it very much if you would transmit your views to Senator Connally.

Sincerely,

Harry W. August
Harry W. August



FOREMEN'S LEAGUE

☆ For Education and Association ☆

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WILLIAM ADAMS LITTELL, Executive Secretary

To Members and Supporters Only

Issue No. 8

NATIONAL LABOR RELATIONS BOARD HITS MANAGEMENT WITH 18

DECISIONS IN 30 DAYS, ALL FAVORING UNIONIZATION OF FOREMEN:

In a series of the most devastating blows rained on management on the question of foremen unionization, the National Labor Relations Board in the 30 days since the Jones and Laughlin decision on March 7 favoring foremen's unions in 18 decisions.

Thus the pattern of a country-wide drive for the unionization of foremen by the CIO, AFL, UMW, and independent unions is clearly revealed. It is obvious that what is happening is the circumvention of the will of Congress as expressed in the Wagner Act. The promoters of foremen's unions are getting around the intent of the act through a quietly executed series of NLRB misinterpretations of the Wagner Act.

The complete list of decisions, companies affected, type of supervisory employe affected, and the date of the decision is given on an accompanying sheet. Look it over. See how close to home the forest fire is coming.

The NLRB's decision in the Jones and Laughlin case opened the floodgates for this tidal wave of decisions in favor of foremen's unions. The decisions affect companies in New Jersey, Michigan, Ohio, Louisiana, California, Illinois, New York, Massachusetts, Pennsylvania, and Washington. There is no geographical immunity.

It is another bitter dose of medicine for management to swallow. It again spotlights a situation from which only the high federal courts or Congress can give relief.

In this connection, our Washington listening post reports:

THE CASE BILL PROBABLY WILL COME UP ON THE
SENATE FLOOR THE WEEKS OF APRIL 22 or 29.

There is no iron-clad guarantee that goes with that announcement, but our competent Washington observers size up the situation that way.

There is every indication that the Senate, now working very hard on vital legislation, will not take an Easter recess.

The Senate is now considering housing legislation. The British loan is scheduled to be considered next. In the absence of unforeseen developments, the Case Bill will come up next.

CONFIDENTIAL MEMO - NOT FOR PUBLICATION

The foremen's section of the Case Bill (which was Section 12 when that measure was passed in the House last February) will come up as an amendment from the floor.

A three-man minority group of the heavily-pro-union Senate Education and Labor Committee issued a minority report Wednesday, April 10. This minority group will offer amendments on several aspects of the bill, INCLUDING A PROVISION THAT WOULD TAKE FOREMEN AND SUPERVISORY EMPLOYEES OUT OF THE JURISDICTION OF THE WAGNER ACT. Concerning the foremen's amendment, the minority report says:

"AMENDMENT No. 5 would eliminate supervisory employes from the definition of employes in the Wagner Act and relieve employers of the legal obligation of negotiating the wages, hours, and working conditions of such personnel, so vital in the management function, with unions. The minority believes it was never the intent of Congress to include such supervisors among employes covered by the Wagner Act, and even the National Labor Relations Board at first so held. The amendment is made necessary by a number of recent 2-to-1 decisions of the National Labor Relations Board interpreting that act as requiring employers to bargain collectively regarding such supervisors even when they are included in the same union as production employes whom they supervise for the employer. We have rewritten a similar provision in the original House-passed bill so that it is restricted to true supervisory employes."

With action about to take place in the Senate on this question of the unionization of foremen, have you done everything possible to get your views across to your Senators? There are several things you can do: Go and see your Senators; if a visit is physically impossible, telephone your Senators. Wire, and then write your views on this question to them. Speak out, publicly and challengingly, on this issue and get your friends to do likewise.

* * * *

The NLRB's decision in the case of the California Packing Corp. of Yakima, Washington (announced Monday, April 8) is of vital importance to all who are interested in the question of foremen unionization.

It completes the circle (some call it noose) which the NLRB and the promoters of foremen's unions have woven around management. In the Packard Motor Car case last year, the NLRB approved foremen joining independent unions. In the Jones and Laughlin case last month, the NLRB opened the doors of rank-and-file unions to foremen. Now, in this California Packing Corp. case, it involves an auxiliary of the AFL Teamsters Union.

The vote was 2-to-1 again, with Gerard Reilly dissenting, as usual. He deserves the applause of all members of management. Mr. Reilly said, "I am constrained to disagree with the result in this case for the reasons set forth in my dissent in the Matter of Packard Motor Car Company 61 NLRB 4, as well as the additional reasons set forth in my dissenting opinion in Matter of Jones and Laughlin Steel Corporation, 66 NLRB No. 51."

* * * *

With 18 decisions in 30 days going against management, with the completion of a cycle in the California Packing Case, and with the imminence of action in the Senate on an amendment which is of vital concern to all management, all friends of the League must fight with all resource for principles which are fundamental to the American way of doing business. Some of that energy should be manifested in dollars so that a continuance and expansion of the Foremen's League's work may be assured. The decisive battle is upon us. Are you with us?

NLRB DECISIONS FAVORING FOREMEN'S UNIONS SINCE J & L DECISION, MARCH 7
(Compiled by The Foremen's League)

- 1 - American Smelting and Refining Co., Perth Amboy, N. J. (Mar. 8)
Salaried foremen, assistant general foremen and non-working assistant foremen.
Independent union. No dissent.
- 2 - The Celotex Corp., Marreco, La. (Mar. 8)
General foremen, foremen, and assistant foremen. Independent union. No dissent.
- 3 - The Kelsey-Hayes Wheel Co., Detroit, Mich. (Mar. 11)
General foremen, assistant general foremen, and comparable supervisors in one
unit. Department foremen, section foremen, and comparable supervisors in a
second unit. Foremen's Association of America. Reilly dissented.
- 4 - Air-Way Electric Appliance Corp., Toledo, O., (Mar. 14)
Supervisors and foremen. Foremen's Association of America. Reilly dissented.
- 5 - Fibreboard Products Inc., Los Angeles, Cal. (Mar. 12)
First line supervisors. FAA. No dissent.
- 6 - Federal Mogul Corp., Detroit, Mich. (Mar. 11)
Assistant foremen, foremen, and general foremen, FAA. No dissent.
7. - Hayden Chemical Corp., Fords, N. J. (Mar. 15)
All foremen, including chief engineer and chief electrician, but excluding
working foremen. FAA. Reilly dissents.
- 8 - Ludlow Typograph Co., Chicago, Ill. (Mar. 21)
Foremen, assistant foremen, and foreladies. FAA. Reilly dissents.
- 9 - Allied Steel Castings Co., Chicago, Ill. (Mar. 21)
Superintendents, job foremen, and assistant foremen. FAA. Reilly dissents.
- 10 - Columbia Machine Works, Inc., Brooklyn, N. Y. (Mar. 21)
Foremen and assistant foremen. Independent union. Reilly dissents.
- 11 - Westinghouse Electric Corp., Springfield, Mass. (Mar. 28)
Foremen, assistant division staff supervisors, assistant general foremen, and
staff general foremen. FAA. Reilly dissents.
- 12 - The Curtis Bay Towing Co. of Pennsylvania. (Mar. 25)
Masters and mates of tugboats. Contest here was between United Mine Workers
of America, District 50, and National Assn. of Masters, Mates, and Pilots.
Reilly dissents.
- 13 - Worthington Pump and Machinery Corp., Holyoke, Mass. (Mar. 28)
Time study and standards employees. Independent union. No dissent.
- 14 - Armour and Co., Syracuse, N. Y. (Mar. 29)
Plant employees including processing foremen. United Packing Workers of
America (CIO). No dissent.
- 15 - Essex Wire Corp., Highland Park, Mich. (Mar. 29)
Supervisory employes in production, inspection and maintenance departments,
and chief inspectors. FAA. Reilly dissents.
- 16 - Auto-Lite Battery Corp., Syracuse, N. Y. (Owen-Dynite Division) (Mar. 25)
Foremen and assistant foremen. FAA. Reilly dissents.
- 17 - Wilson and Co., Inc. Chicago, Ill. (Mar. 29)
General foremen, assistant general foremen, foremen, and assistant foremen.
FAA. Reilly dissents.
- 18 - California Packing Corp., Yakima, Wash. (April 7)
Supervisory employees and foremen. Fruit and Vegetable Packers and Warehouse-
men's Union, an auxiliary of the Teamsters Union (AFL). Reilly dissents.

MARK SULLIVAN HITS THE NAIL ON THE HEAD AGAIN!

Peril to Industrial System Seen In Issue of Unionizing Foremen

By Mark Sullivan

WASHINGTON, March 12.—Two events have brought starkly to the front one of the deepest and most controversial of labor issues. The first occurred in the National Labor Relations Board. That board decided that foremen and other supervisory employees in a coal mine may be organized into a union; and that—this is the important point—this union may be affiliated with and controlled by Mr. John L. Lewis's United Mine Workers.

The decision was written by a majority of the three-man board, Chairman Paul M. Herzog and Mr. John L. Huston. They admitted objections to the policy, but said: "So long as the Congress of the United States imposes no limitation (on the inclusion of foremen in unions) it is not for us to do so." Pointedly they added: "This matter is now under consideration by the Senate Committee on Education and Labor."

The second event occurred in the very Senate committee Mr. Herzog and Mr. Huston named. The House had passed by a very large majority, 258 to 155, the Case bill, including a provision banning specifically the unionizing of foremen: "Hereafter no supervisory employee shall have the status of an 'employee' for purposes of . . . the national labor relations act."

Sent to "Graveyard"

The bill containing this provision went to the Senate. There it was sent to the Senate Committee on Education and Labor. This committee is frequently referred to as the "graveyard" of measures not desired by labor leaders, and it lived up to that

reputation. A member of the committee, Senator Ellender, of Louisiana, told reporters that the committee had rejected the Case bill, including its ban on unionized foremen, and would report a wholly different bill. "The only thing left of the Case bill," said Mr. Ellender, "is its number and its title."

Thus the issue stands. The unionizing of foremen is overwhelmingly opposed by the House of Representatives. At the same time it is made a national policy by the N. L. R. B. If the will of the House is to prevail that can only be attained in one of two ways. Either the Senate as a whole must override its Committee on Education and Labor. Or, if the Senate does not do this, the House must insist on the ban against unionizing foremen, as included in its bill, when the time comes for a conference between Senate and House conferees—that is, if and when the Senate passes a labor measure. The House can hardly be willing to see its plainly expressed intention frustrated by a Senate committee.

The reader should understand that the issue is not merely the unionizing of foremen into independent unions. Going far beyond that, the issue is whether foremen should be included in the big nation-wide labor organizations such as the U. M. W., the C. I. O., the A. F. of L. By the N. L. R. B. decision, foremen are removed from the category of management and put in the category of unionized labor. From being a part of management and responsible to management, they have now been made responsible to the big, national labor organizations and leaders. They are subject to the rules and discipline of the big

unions. They can be called upon to strike, not upon their own initiative nor for their own objectives, but to serve the purposes and policies of nation-wide unions and leaders. The power of labor leaders is now enormously increased, not only over industry, but for the political objectives which some of them have.

The Dissenting Opinion

Some of the objections to unionizing foremen were expressed by a member of the N. L. R. B., Mr. Gerald D. Riley, in a minority opinion dissenting from the present decision. He said:

"The decision which we are making today so seriously distorts the principal objectives of the national labor relations act that unless it is speedily corrected by legislative or judicial action, it will have far-reaching repercussions upon industry and labor."

To make his point, Mr. Riley quoted and approved a view coming from within organized labor, a statement in "The Railroad Workers' Journal":

"Just picture a foreman, who is just an ordinary member of his union, getting into an argument with the president or business agent of his own union in a meeting. I would venture to say that his union status would not be so good and if it is not good according to union contract under the closed-shop system, he can be expelled for union insubordination. If he is expelled from the union, he is automatically expelled from the company. A nice system of eliminating the conscientious foreman."

Not only would the conscientious foreman be eliminated, the whole function of foremen, of supervision, would cease to exist.

N.Y. Herald-Tribune 4/13/46

WASHINGTON OBSERVERS PREDICT THAT THE CASE BILL WILL REACH
THE SENATE FLOOR THIS MONTH. LET YOUR SENATOR KNOW YOUR
SENTIMENTS ON THE QUESTION OF FOREMAN UNIONIZATION---NOW!

F O R E M E N ' S L E A G U E