

Allen-Morrison Sign Co., Inc. and Textile Workers Union of America, AFL-CIO, CLC. *Case No. 5-RC-3509. August 9, 1962*

DECISION ON REVIEW AND CERTIFICATION OF RESULTS OF ELECTION

Pursuant to a Decision and Direction of Election issued by the Regional Director for the Fifth Region on June 30, 1961, an election by secret ballot was conducted on July 21, 1961, under his direction and supervision in an appropriate unit. Upon the conclusion of the balloting, the parties were furnished with a tally of ballots which showed that of approximately 161 eligible voters, 68 cast ballots for, and 91 against, the Petitioner and 6 cast challenged ballots. The number of challenged ballots was insufficient to affect the election results. Thereafter the Petitioner filed timely objections to conduct affecting the results of the election.

After an investigation the Regional Director issued a supplemental decision on September 1, 1961, overruling objection No. 2 and reserving decision on objection No. 1. Thereafter, on October 10, 1961, the Regional Director issued a second supplemental decision and certification of results of election in which he overruled objection No. 1 and certified that the Union was not the exclusive representative of the employees in the unit. The Petitioner meanwhile, on October 2, 1961, had filed with the Board a request for review with respect to the ruling on objection No. 2. This request, opposed by the Employer, was granted on October 16, 1961, and is disposed of herein. No request for review having been filed with respect to the Regional Director's ruling of objection No. 1, that matter is not before us.

Objection No. 2 dealt with the Employer's alleged injection of "the extraneous issue of race hatred into the representation proceedings." The facts giving rise to this allegation are as follows:

On July 13, 1961, the Employer sent all employees a 5½-page single-spaced letter, dealing primarily with matters indisputably germane to the election. Approximately a page of the letter reads as follows:

Another thing for you to consider is a problem which has existed in the South for many years to which there has been no good answer. That is the question of racial segregation. Whether you believe in segregation or integration of white and colored schools, swimming pools, plants and other places is a question for you to decide and each person is entitled to his own view. The Company considers this a matter for each individual to decide. The national unions on the other hand have taken the view that they are supposed to decide the question of segregation or integration and they have actively promoted integration.

A few years ago, the A.F.L.-C.I.O. which includes the Textile Union was working hard to do away with segregation and using dues they collected from members to try and promote integration, without the members having any say-so as to whether their money should be spent to mix the white and colored people in schools, plants, and elsewhere. At that time in a case which was before the United States Supreme Court, the C.I.O., now merged with the A.F.L., and which included the Textile Union, filed an official document in which it stated that the union "supports the elimination of racial segregation from every phase of American Life." The union further urged that segregation should be ended "forthwith" rather than by "gradual adjustment." This document further stated that where the "unions have their way, there is likewise no segregation in the use of plant eating places, locker rooms, restrooms, etc." Several years ago, the A.F.L.-C.I.O. gave \$75,000.00 from the dues of its members to the National Association for the Advancement of Colored People which is the organization working to wipe out all racial segregation, both in schools, manufacturing plants and elsewhere. Since the unions lost so many members in the South because of this, they now play it down in the South and don't say very much about it, but their national leaders still work for integration and use dues of members to pay for it.

Our purpose in pointing these matters out to you is not to tell you how you ought to feel on integration and segregation, but to let you know how the unions, including the Textile Union, have tried to force it down the throats of the people living in the South.

You might ask these people about what happened in Front Royal, Virginia, last year when the court closed the schools and Local 371 of this union voted to put up some money to operate schools for white children. This same National Textile Union came in and "fired" the officers of the local and froze its assets

On July 19, 1961, 2 days before the election, the Employer sent another letter to all employees. This letter was two single-spaced pages and made no mention of race relations. It concluded, however, with the postscript: "You may be interested in the attached newspaper clippings." The attachment thus referred to was a one-column reprint from the September, 1960, issue of *Militant Truth* (a publication described in our decision in *Sewell Manufacturing Company* [138 NLRB 66], issued today), which reads as follows:

TEXTILE WORKERS UNION (TWUA) Local 371, Front Royal, Virginia, believes in the time-honored principle of racial separation. In keeping with that principle, the local voted to

purchase \$8,000 in bonds to help finance a segregated school in the community.

The BIG BOSSES of TWUA, in the New York Office, denounced the action of the local as being inconsistent with the TWUA policy of racial integration, and demanded that the Front Royal local rescind its action.

When the local refused to yield to pressure from the top union radicals, an "administrator" was placed over its affairs, which proves that the individual union member and the individual union local have NO RIGHTS—"civil rights" or otherwise—they must be puppets and stooges of the TOP UNION BOSSES or get out. The funds of the Front Royal local were seized and the local officials were suspended.

At the TWUA convention held in Chicago a few months ago, WILLIAM POLLACK, president of the Textile Workers Union of America, made the union's position clear:

"We cannot have a local union act for segregation. We as a union must be able to hold our head high."

Union organizers frequently lie to the people they are attempting to organize, telling them that the policies of the international unions are not important; that "the people" in the local run their own business. Nothing is further from the truth. Labor unions are operated as DICTATORSHIPS from the TOP."

The Regional Director considered that the propaganda in this case was permissible within the rule of *Sharnay Hosiery Mills, Inc.*, 120 NLRB 750.

Our general views as to whether elections should be set aside because race issues are raised in campaign propaganda are set forth in *Sewell Manufacturing Company, supra*, decided this date. Applying the principles there set forth to this case, we believe that this election should not be set aside.¹ The Employer's own letter was temperate in tone and advised the employees as to certain facts concerning union expenditures to help eliminate segregation. The excerpt from *Militant Truth* concerned action taken by the Union in this case in a nearby city. We are not able to say that the Employer in this case resorted to inflammatory propaganda on matters in no way related to the choice before the voters, and we therefore decline to set the election aside.

Upon consideration of the Regional Director's report, the Petitioner's exceptions thereto, the petition for review, the brief in opposition thereto, the Employer's brief on the merits, and the entire record, we find in accord with the Regional Director that there is

¹ Member Brown dissents because in his view application of the criteria enunciated in the *Sewell* case requires the conclusion that in the circumstances of this case the Employer exceeded the limits of permissible campaigning.

no sufficient basis for upsetting the election. In the circumstances, we shall adopt the recommendations of the Regional Director and overrule the objections of Petitioner. As the Petitioner has failed to secure a majority of the valid ballots cast, we shall certify the results of the election.

[The Board certified that a majority of the valid votes was not cast for Textile Workers Union of America, AFL-CIO, CLC, and that said labor organization is not the exclusive representative of the employees in the unit found appropriate.]

MEMBER BROWN took no part in the consideration of the above Decision on Review and Certification of Results of Election.

The H. K. Ferguson Company and Herbert F. Roberts and United Brotherhood of Carpenters and Joiners of America, AFL-CIO, the Tuscaloosa and Vicinity District Council of Tuscaloosa and Selma, Alabama, and Carpenters and Millwrights Local Union No. 1337, Parties to the Contract

United Brotherhood of Carpenters and Joiners of America, AFL-CIO, the Tuscaloosa and Vicinity District Council of Tuscaloosa and Selma, Alabama, and Carpenters and Millwrights Local Union No. 1337 and Herbert F. Roberts and The H. K. Ferguson Company, Party to the Contract. Cases Nos. 15-CA-1025 and 15-CB-195. August 10, 1962

SUPPLEMENTAL DECISION AND ORDER

On May 9, 1962, the Board issued a Proposed Supplemental Decision and Order in the above-entitled proceeding,¹ proposing certain modifications of the Decision and Order issued herein on August 18, 1959.² Thereafter, Respondent Council and Respondent Local Union filed exceptions to the Proposed Supplemental Decision and Order.

The Board³ has considered the exceptions and the entire record herein and, finding no merit in the exceptions, concludes that the Proposed Supplemental Decision and Order should be adopted. Accordingly, and pursuant to Section 10(c) and (d) of the National Labor Relations Act, as amended,

IT IS HEREBY ORDERED that the Proposed Supplemental Decision and Order issued herein on May 9, 1962, be, and it hereby is, adopted.

¹ Not published in NLRB volumes.

² 124 NLRB 544.

³ Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Rodgers, Leedom, and Brown].