

tion of Section 8(a)(2) of the Act, and has interfered with, restrained, and coerced employees in the exercise of their rights guaranteed under Section 7 of the Act, thereby violating Section 8(a)(1) of the Act; and Respondent Filter Workers, by supplying to Filtron the dues checkoff authorization cards for the purpose of distribution in the manner above described, has restrained and coerced employees in the exercise of their Section 7 rights, in violation of Section 8(b)(1)(A) of the Act.

3. Respondent Filtron, by coercively interrogating employees in regard to their union activities, and by warning and informing employees that it knew of their activities in behalf of the Union seeking to organize its plant, thereby making veiled threats of reprisal against employees engaging in union activities, has engaged in unfair labor practices within the meaning of Section 8(a)(1) of the Act.

4. Respondent Filtron, by laying off employees Izzo and Beniamino because of their IUE membership and activities, has discriminated against them within the meaning of Section 8(a)(3) and (1) of the Act.

5. The aforesaid unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

6. Respondents Filtron and the Filter Workers have not, as alleged in the complaint, violated Section 8(a)(3) and 8(b)(2), respectively, by enforcing the unlawful provisions of their collective-bargaining agreement.

[Recommendations omitted from publication.]

International Union of Electrical, Radio and Machine Workers, AFL-CIO, and its Agent, Robert J. Danckert; International Union of Electrical, Radio and Machine Workers, AFL-CIO, Local Union 905, and its Agents, Johnie Locke, Albert Cox, Lee Roy King, and Neal Reece and The Sperry Rubber & Plastics Company. Case No. 25-CB-450. December 29, 1961

DECISION AND ORDER

On October 6, 1961, Trial Examiner Thomas N. Kessel issued his Intermediate Report in the above-entitled proceeding, finding that the Respondents had engaged in and were engaging in certain unfair labor practices, and recommending that they cease and desist therefrom and take certain affirmative action, as set forth in the Intermediate Report attached hereto. Thereafter, the Respondents filed exceptions to the Intermediate Report and a supporting brief.

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 Leedom, Fanning, and Brown].

The Board has reviewed the rulings made by the Trial Examiner at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and the entire record in this proceeding, and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner.

ORDER

The Board adopts as its Order the Recommendations of the Trial Examiner with the modification that provision (2) read: "Notify the

Regional Director for the Twenty-fifth Region, in writing, within 10 days from the date of this Order, what steps Respondents have taken to comply herewith.”¹

¹ In the notice attached to the Intermediate Report as the Appendix, the words “Pursuant to the Decision and Order” are hereby substituted for the words “Pursuant to the Recommendations of a Trial Examiner” In the event that this Order is enforced by a decree of a United States Court of Appeals, there shall be substituted for the words “Pursuant to a Decision and Order” the words “Pursuant to a Decree of the United States Court of Appeals, Enforcing an Order.”

INTERMEDIATE REPORT AND RECOMMENDED ORDER

STATEMENT OF THE CASE

Upon a charge filed by The Sperry Rubber & Plastics Company, herein called Sperry, the General Counsel of the National Labor Relations Board by the Acting Regional Director for the Twenty-fifth Region issued his complaint dated June 9, 1961, against International Union of Electrical, Radio and Machine Workers, AFL-CIO, herein referred to as IUE, and its agent, Robert J. Danckert, and against International Union of Electrical, Radio and Machine Workers, AFL-CIO, Local Union 905, herein called Local 905, and its agents, Johnie Locke, Albert Cox, Lee Roy King, Carl M. Records, and Neal Reece, alleging that all these Respondents had engaged in and were engaging in unfair labor practices affecting commerce within the meaning of Section 8(b)(1)(A) and Section 2(6) and (7) of the National Labor Relations Act, 61 Stat. 136, herein called the Act. The Respondents’ answer generally denies all allegations of statutory violation in the complaint. Copies of the complaint, charge, and notice of hearing were served upon the parties hereto.

Pursuant to notice a hearing was held at Brookville, Indiana, on August 1 and 2, 1961, before the Trial Examiner duly designated to conduct the hearing. All parties were represented by counsel. Full opportunity to be heard, to examine and cross-examine witnesses, and to produce evidence was afforded all parties. After the close of the hearing briefs were filed by the General Counsel and Respondents and these have been carefully considered.

Upon the entire record in the case, and from observation of the witnesses, the Trial Examiner makes the following:

FINDINGS OF FACT

I. PERTINENT COMMERCE FACTS

The Sperry Rubber & Plastics Company is an Ohio corporation engaged at its plants in Brookville, Indiana, in the manufacture and sale of extruded rubber, plastic, and silicone products. During the 12-month period preceding issuance of the complaint Sperry manufactured, sold, and shipped from its plants finished products valued in excess of \$50,000, to points outside the State of Indiana. From the foregoing facts, alleged in the complaint and admitted in the answer, I find that Sperry is engaged in commerce within the meaning of the Act and that the purposes of the Act will be effectuated by the assertion of the Board’s jurisdiction over its operations.

II. THE LABOR ORGANIZATIONS INVOLVED

International Union of Electrical, Radio and Machine Workers, AFL-CIO, and its Local Union 905 are labor organizations admitting to membership employees of Sperry.

III. THE UNFAIR LABOR PRACTICES

Local 905 was certified by the Board in February 1961 as the representative of a unit of Sperry’s employees and thereafter bargained with Sperry for a contract. When the negotiations foundered, Local 905 voted to strike. On April 17 picketing started at the two Sperry plants of which one is in Brookville and the other is near the town on Route 52. On May 5 a county court restraint limited the picketing. Between April 17 and May 5 there allegedly occurred various acts of misconduct in the course of the picketing which the General Counsel contends coerced and restrained employees in the exercise of rights guaranteed by Section 7 of the Act in violation of Section 8(b)(1)(A) thereof. In addition there is an allegation of an unlawful assault upon an employee on June 8. Attribution of responsibility to the

Respondent labor organizations for these acts is based upon participation in this conduct and acquiescence or approval therein by agents of both Local 905 and the IUE.

In sum, the alleged misconduct involved the blocking of ingress and egress at the Sperry plant on Route 52 by the massing of pickets, threats of violence to person and property and physical injury and property damage actually inflicted to compel respect for picket lines and to punish those who crossed them, the placing of nails on entrances to damage automobile tires of those crossing the picket lines, and threats of physical harm to Sperry's agent for photographing the picket line activities at the plant in Brookville. Numerous witnesses for the General Counsel gave elaborate accounts of these instances. Witnesses for the Respondents gave other versions. The testimony of these witnesses is incorporated in the following summarization. Unless otherwise noted all incidents hereinafter described occurred at the Sperry plant on Route 52.

A. Evidence relative to alleged misconduct

1. April 17, 18, and 19

By 5:30 a.m. on April 17 a picket line had been formed at the north entrance to the plant. The south entrance had been barricaded, presumably by Sperry. Wilford Cox, Sperry's personnel manager and secretary, was permitted to enter with his automobile when he arrived at that hour. He testified that shortly thereafter the number of pickets at the north entrance increased to 20 or 25. Among them were Robert J. Danckert, an IUE international representative, Lee Roy King, Albert Cox, and Neal Reece, respectively, the Local 905 president, chief steward, and sergeant at arms and picket captain. At 6:30 a.m. Cox saw two automobiles drive from the highway into the north entrance where their progress was halted by the pickets who marched in front of them without breaking ranks. One car was driven by Harold Jessop, Sperry's assistant to the chief chemist. The other, driven by John Back, carried as passengers a number of Sperry employees. Both automobiles remained in the driveway about 15 to 20 minutes while the pickets continued to parade. Cox related that Albert Cox, Neal Reece, and two or three other pickets "heavily" rocked Jessop's car and that he heard some declare they would tip it over.¹ Meanwhile, according to Wilford Cox, pickets were milling about on both sides of Route 52 calling persons trying to enter the plant scabs and other names and threatening them with "bodily harm." Five or six other persons tried to drive their automobiles through the north entrance but were stopped by the pickets. Cox identified Foreman Woodrow Morrison and employees Walter Rusterholz² and Lola Lacey³ as three of the drivers.

Cox estimated that by 7 a.m. the number of pickets at the north entrance had increased to about 60. He identified IUE International Representative Virgil Carey as one of them. At about 7:50 a.m. the Sperry office force began reporting. Forty to forty-five pickets were now at the north entrance according to Cox's estimate. He heard one of the pickets shout "Here they come; stop 'em," and their ingress was barred. Cox conferred with Danckert who in turn spoke to King. The latter thereupon directed the pickets to let the office personnel enter the plant premises. Shortly before 8 a.m. Cox observed the arrival of a truck owned by a Richmond, Indiana, office supply firm driven by its salesman, Austin Clarkson. Cox testified that Clarkson was prevented by the pickets from entering and was told by one of them in Danckert's presence that it would be 2 months before he could make deliveries.⁴

¹ In describing this incident Jessop testified that when, after his automobile had been stopped by the pickets, he tried to move forward, Albert Cox and two or three other pickets picked up the front end of his automobile and moved it back a foot or so.

² Clement Moore is Rusterholz' son-in-law. Moore was one of the Local 905 pickets at the Sperry plant during the morning of April 17. He testified that he saw Rusterholz approach the plant with his automobile and that he parked about 1000 feet from the plant. Then, according to Moore, he left his car for about a half hour, returned, and drove off in the direction of Brookville. Moore maintained he did not again see Rusterholz come to the picket line that morning. He conceded, however, that he did not remain constantly at the north entrance, but alternated between there and the south entrance.

³ When Lacey was later called as a witness by the General Counsel, she testified that she has no driver's license and does not drive an automobile.

⁴ It would appear from Cox's testimony that Clarkson had tried to enter via the north entrance. Louis Bodnar, Sperry's plant superintendent, testified that he saw Clarkson try to enter through the south entrance where there were 20 or 25 pickets among whom he

Wilford Cox related that during an unstated hour on April 17 he observed the arrival at the plant of an Interstate Motor Frate System truck at the south entrance where the pickets blocked its passage. The truck then tried to proceed through the north entrance but when it was also blocked there by the pickets it drove away.⁵

Sperry's second shift arrived at the plant at 3 p.m. on April 17. Cox went to the north entrance to observe; 20 to 35 pickets were there. He saw Foreman Joe Chappelow and Maintenance Supervisor George Peters try to drive into the plant. When they were blocked by the pickets they proceeded to the south entrance. There about eight pickets, including Albert Cox, encircled their automobiles. Then, after some conversation with the pickets, Chappelow and Peters drove away from the plant. Bodnar claimed also to have witnessed Chappelow's unsuccessful attempt to drive his automobile into the plant. Admittedly, Bodnar's recollection of this event was hazy.

Bodnar related that he reported to the plant on April 17 at about 5 a.m., accompanied by Assistant Plant Superintendent Ralph Hiner and Supervisor Jim Jackson. When they tried to drive their automobile through the north gate they were barred by six or eight pickets who included Albert Cox, Neal Reece, and Johnie Locke. Cox placed his hand on the fender and said "Stop; go no further." After remaining at the entrance for a few minutes Hiner, the driver of the automobile, backed into the highway and proceeded to the south entrance. Because this entrance was barricaded, Hiner drove across a lawn to enter the plant premises. Then Bodnar got out of the automobile and went to the north gate to observe events. It was now approximately 6 a.m. Bodnar saw Ivan Reester, the tuberoom foreman, drive up and try to enter. A double line of pickets marching across the driveway blocked his automobile. After waiting a few minutes he moved down the road. Then Bodnar saw the arrival of Harry Kunkel, a toolmaker, shortly before 7 a.m. Kunkel also pulled up and stopped at the north gate where the picket line prevented his entrance. After waiting several minutes Kunkel also drove off. Violet Reece, an inspector in the Sperry plant, arrived shortly after Kunkel. She, too, was unable to go through the picket line which by now numbered approximately 30 or 35 walking in double file across the driveway.

E. David Gordon, Sperry's vice president and general manager, came to the plant on April 17 at 5:15 a.m. and went to the north entrance. He testified that he saw Mr. Kaiser, Sperry's chief chemist, arrive in his automobile at 5:30 a.m. and attempt to enter through the north entrance. Kaiser, he related, was blocked by the pickets on the driveway among whom were Albert Cox and Danckert. Gordon claimed he saw Cox reach for two rocks from a pile which had been assembled in the middle of the driveway to support the Local 905 picket sign and raise these rocks to shoulder height while standing directly in front of Kaiser's car, and that he threatened to throw them if Kaiser moved his car further. Danckert stood by while this went on.

identified Johnie Locke and Emma Ledford, respectively, steward and vice president of Local 905, as well as International Representative Carey. He related that when the pickets prevented Clarkson's entrance he drove away. Clarkson testified that he tried to enter first at the north and then the south entrance and was blocked by pickets at both locations. He then drove away without making his delivery. Tucker Deanton, a Local 905 picket captain, testified that on April 17 he had seen Clarkson drive through the north entrance at a 20 to 25 mile-per-hour rate and that he almost struck the pickets. Intending to admonish Clarkson for his recklessness, Deanton claimed that the pickets marched across the entrance as he was leaving. Clarkson nevertheless did not slow down and almost ran down Deanton as he drove through. Thereupon Deanton and several other pickets pursued Clarkson as he drove to Brookville but were unable to halt him. When Clarkson reached Brookville he went to the county sheriff followed by the pickets. Deanton complained to the sheriff about Clarkson's conduct, but the sheriff, according to Deanton, remained silent. The incident closed with these words from Locke to Clarkson, "You try one more time, and I'm going to get you." Danckert testified that when Clarkson arrived at the plant in his truck on April 17 he was stopped by the pickets who merely asked him to respect their picket line. Clarkson told Danckert he had no interest in the strike and desired only to make his delivery. Thereupon Danckert assertedly stepped back and Clarkson drove his truck into the plant.

⁵ Bodnar claimed he had seen an Eastern Truckline truck come to the north entrance at about 2 p.m. on April 17, and that 25 to 30 pickets, including Danckert, were then marching across the driveway. The pickets did not open their ranks and the truck drove away. Danckert testified that when the Interstate truck arrived on April 17 he personally spoke to the driver and asked him to honor the picket line. The driver said he would have to call his own union for instructions. Thereafter the pickets opened ranks to permit the truck's entry to the plant.

On April 18 Cox again arrived at the plant at about 5:30 a.m. and stationed himself at the north entrance where there were approximately 17 or 18 pickets including Danckert, Albert Cox, and Reece. He saw several automobiles arrive and try to enter but again they were turned away by the pickets. Among the persons who tried to drive through with their automobiles were several production employees. At about 8 a.m. the office force began to arrive and these employees tried to enter with their automobiles. The first of their cars was stopped and one of the pickets insisted that the driver was not a member of the office force. This car was required to back up and leave. Four of approximately ten cars driven by office employees were permitted to enter. The rest were turned away by the pickets. Among the pickets at these times were Danckert, Albert Cox, and King.

Cox was at the plant on April 19 at approximately 5:30 a.m. Again he went to the north gate where there were 20 to 25 pickets. He observed that some employees tried to get in but were unsuccessful. Others were permitted to cross the picket line. Those who could not get in were forced to drive away because the pickets would not let them pass. He recalled that when employees Hurschel Allen and Wilbur Lynch tried to enter in an automobile that Albert Cox told them that he "would bash their heads in for doing that." Cox testified that Danckert, King, Johnie Locke, and Reece were present at the time.

Danckert had maintained close contact with Local 905 in his capacity as international representative providing it with guidance and assistance during its early formative period and during the prestrike negotiations with Sperry. When the strike started he continued to give advice and guidance to the Local. He testified that before the strike began he had instructed the members of Local 905 concerning proper conduct of a picket line. He assertedly told them that there was to be at least 2 or 3 feet of space between each picket, that they were not to form large crowds at the plant gates, and that under no conditions was there to be any violence on the picket line because he wanted to provide no justification for the procurement of a court injunction. Danckert was present at the picket lines during the first 3 days of the strike.

He acknowledged that picket lines formed early in the morning of the first day of the strike on April 17 but that the picket lines kept moving with proper distance maintained between pickets. He claimed that when an automobile approached the picket line a picket would speak to the driver to explain that a strike was in progress and would ask the driver to respect the picket line by not crossing it. He claimed that about 15 to 20 automobiles went through the picket line into the plant on April 17; that whenever an automobile approached and the driver insisted on entering the plant that the pickets would open ranks to permit the car to go through. The same situation prevailed on April 18 and 19. In refutation of Vice President Gordon's testimony concerning the threat on April 17 by Albert Cox to throw rocks at the automobile driven by Chief Chemist Kaiser, Danckert testified that he did not see Cox pick up rocks from the driveway and raise them to shoulder height. In apparent reference to testimony by Wilford Cox concerning the incident involving the attempt by employees Hurschel Allen and Wilbur Lynch to drive their automobile into the plant on April 19, Danckert testified that at no time during that day did he hear Albert Cox say to anyone that he would "bash their heads in."

When Danckert came to the picket line at 5:30 a.m. on April 17 the sheriff was already there with two deputies. Danckert emphasized that at no time during the picketing did the sheriff come to him or any other union official in his presence to complain about the conduct of the picket line. Nor did the sheriff or his deputies ask him or other union officials to open up the picket line.

2. April 25

Vice President Gordon testified that on April 25 he and two or three Sperry employees were photographing picket line activities at Sperry's plant in the town of Brookville when a truck arrived at 1 p.m. IUE International Representative Robert T. Paul objected to Gordon's taking pictures of him because he was standing at the road. Gordon nevertheless continued with his picture taking, whereupon Paul said to him "You are asking for it, mister." Gordon still continued to take pictures and Paul backed away. Then Gordon went to the truck which had been moved into position for unloading. Wilford Cox was present along with several Sperry employees and pickets. Paul approached and declared to Gordon that he would "bust [his] God damn mouth in with the camera if [he] took any more pictures," that "he didn't want anything more like that going on." Gordon maintained these latter words were spoken when both he and Paul were on Sperry's premises and in the presence of 8 or 10 pickets. Gordon acknowledged, during his cross-examination, that he had made the following statement in an affidavit to the Board's agent during the investigation of the case:

About an hour later a truck entered to unload some plastic. I was taking pictures of it, and Paul came up to a few inches from me and told me never to take his picture again "like that." He was referring to the fact that I was standing on public property while taking his picture, and he seemed to feel that this was improper.

Gordon explained that the foregoing excerpt from his affidavit referred to the first encounter with Paul concerning which he had testified, and not the second incident which occurred when both he and Paul were on Sperry's premises.

3. Tacks on the driveway

Robert Farmer, employed by Sperry as a truckdriver after the strike started, testified that about 3 weeks before the county court injunction was obtained on May 5 he had returned from the Brookville plant to the plant on Route 52. As he was proceeding through the north entrance he noticed tacks or roofing nails across the driveway placed 6 or 8 inches apart. He backed his vehicle from the driveway and cut across a lawn to enter the premises. Having reported these circumstances to Cox he was instructed to pick up the nails if he so desired. When he went to the entrance for this purpose, King, the aforementioned president of Local 905, asserted that he was not supposed to be there. Farmer declared that the driveway was Sperry's property and that Cox had directed him to pick up the nails. King put his foot on Farmer's hand and said "All right, you pick any more up and we're going to fight." Farmer replied it made no difference to him but that he would first consult Cox. The latter told Farmer to forget about the matter and return to work. Farmer judged that there were 15 to 20 pickets present during the incident.

Frances Denham, a Sperry employee who worked during the strike, testified that on a day sometime after the issuance of the "second injunction" she was returning to the plant from lunch in her automobile. As she went through the south entrance, the sole picket there, Harry Hobart, made a "swinging motion with his hand." She did not see any tacks thrown, nor does she know that Hobart threw tacks. There was no flat tire on her automobile that day.

4. May 5

When Lola Lacey reported for work on May 5 at about 6:45 a.m. she and several other employees stood in front of the plant building and watched a group of men rocking a green Chevrolet automobile which was turning into the south entrance. From the manner in which the automobile was being rocked she concluded that these men were trying to turn it over. The automobile finally was driven away.

Lester Parks, Sperry's chief engineer, was on camera duty at the south entrance in the morning of May 5. Approximately 20 pickets were there at about 6:25 a.m., including Tucker Deaton, Lee Roy King, Johnnie Locke, and Emma Ledford. He witnessed a Chevrolet automobile coming into the entrance at about 6:45 a.m. Apparently this is the same automobile concerning which Lacey testified. The pickets blocked its passage and the driver stopped to avoid striking them. Someone shouted to the driver, a woman, "Get out of here or we'll roll you over." The driver hesitated, whereupon four or five pickets took hold of the automobile on her side and began to rock it violently. After six or seven such attempts the pickets paused and the driver backed off and drove away. Parks identified Tucker Deaton as one of the pickets who rocked the automobile.

Harold Jessop was also on camera duty on May 5, at the north entrance. At about 7 or 8 a.m., a blue Chevrolet driven by a woman drove up to the 10 or 15 pickets who formed a line across the driveway and was required to stop there. Jessop claimed that Albert Cox took something from his pocket with which he tapped the window nearest the driver and said to her "you see what we have." After a short conversation between the driver and the pickets they took hold of her automobile and began to rock it. Finally she drove away. Jessop could identify only Cox as one of the pickets who rocked the automobile. He claimed also that Dankert was about 25 feet from the automobile while it was being rocked and that he did or said nothing.

At 6:45 a.m. Parks saw a green Chevrolet station wagon attempt entry through the south gate. This vehicle was also stopped by the pickets and again someone shouted to the driver to leave or the automobile would be rolled over. Then six or seven pickets seized the automobile and rocked it violently. Finally the driver backed out to the highway and started to drive away but stopped quickly.⁶ Someone

⁶ Cliff Bulach, a Sperry foreman, testified concerning the incident involving the Chevrolet station wagon and gave substantially the same account as Parks. He added that as the station wagon got into the highway and started off one of the pickets struck it with a

shouted "He tried to hit her. Let's drag him out of there."⁷ Several pickets did so. Among them Parks recognized Tucker Deaton and Lee Roy King. Next he saw a group of pickets encircling the driver and beating him. While this was going on Frank Ofill, one of the pickets, smashed the windshield of the station wagon with a log. The driver broke loose and ran over a bank at the side of the road with several pickets, including Deaton, in pursuit. Parks saw him return about 5 minutes later with blood under his nose. He tried to start his station wagon but was unable to do so. At the request of the pickets a passing farmer pushed the station wagon with his truck toward Brookville. Parks identified Johnie Locke as one of the pickets present at the scene of the violence. He did not attribute participation to him in this conduct.

Danckert, who was with the pickets on May 5 until about 8:30 or 9 a.m., testified that he had seen an automobile driven by a person named Richard J. Reidenbach first approach the plant at the north gate. This is apparently the vehicle which has been referred to by the preceding witnesses as the green station wagon. Danckert testified that Reidenbach stopped his automobile at the picket line where he was asked by the pickets to honor their line and that he thereupon backed off and drove away. Danckert claims he later saw Reidenbach's automobile as it approached the south gate. His attention was directed to the automobile because he heard shouting and saw people running. He himself began to run in that direction when he heard the commotion. When pickets from the north entrance ran from there in the direction of the south entrance he stopped them and requested them to return to their picketing. He asked Lee Roy King who was with him to do the same. Then he asked Albert Cox to go to the south entrance to see what the trouble was and instructed him that if there was trouble with pickets involved that he was to break it up. Then he saw a number of persons running across the road over a bank. He did not recognize any of them. About 5 minutes later they all returned from the direction in which they had run and went back to Reidenbach's automobile which had been left in the middle of the road and was holding up traffic. He then saw Reidenbach's automobile being pushed by a truck. He claims that he observed nothing further with respect to the incident.

Curtis Hogan, Jr., now employed by Sperry, applied for work at Sperry's plant at approximately 1 p.m. on May 5. He entered the plant premises driving a Ford pickup truck. With him was his brother and another person. As they entered the plant through the north gate the pickets at this location referred to them as "SB" and said that they wouldn't get out. Hogan was unable to identify the persons who made these comments nor did he recognize any of the pickets. Hogan and his companions went into Sperry's office and left about 2 p.m. As they departed through the south gate they had to go through a picket line of 25 or 30 pickets standing on the driveway. They stopped there and remained about 2 or 3 minutes. Then one of the pickets, Paul Wolfe, tried to get into the truck and said "Where in the hell do you think you're going?" Then the pickets began to rock the truck. Paul Wolfe was one of those doing the rocking. Hogan could not recognize the three or four other pickets who were involved in this activity. Next the pickets began to throw rocks. The rocks, which were as large as oranges or apples, broke two side windows in the truck and the windshield. Among the pickets at the south gate at the time identified by Hogan was Tucker Deaton. Cliff Bulach testified that he had seen a red pickup truck go through the north entrance in the afternoon of May 5 and that he later saw this truck leave through the south gate. He related that as the truck was leaving there were about 20 pickets at the south entrance who got in front of the truck causing it to stop and that about 3 of the pickets began throwing rocks at

thrown rock. This explains why, as both Parks and Bulach testified, the driver stopped his vehicle after he got it into the highway. Bulach witnessed the incident from a point in the plant 238 feet distant from the highway. Harold Jessop also testified that he had witnessed the incident involving the green station wagon and his account of what happened to the vehicle and its driver is essentially in accord with that of Parks'. As related above, Jessop had been on camera duty that morning. When he saw the driver of the vehicle being chased over a hill by pickets he ran in that direction but was interrupted by a picket named Parrett who picked up a rock and told Jessop that if he took his camera over the hill he would never take another picture.

⁷ Florence Honeycutt who picketed on May 5 testified that a station wagon driven by Richard Reidenbach drove into the entrance "pretty fast" and would have hit her and other pickets if she had not screamed. As she screamed her warning the car stopped. Honeycutt related that it was immediately thereafter "when some problem developed with Mr. Reidenbach." I assume that Honeycutt was referring to the station wagon incident concerning which both Parks and Bulach testified.

the windshield. Harold Jessop testified that he also had seen the departure of the red pickup truck through the south gate and related that he had seen pickets shake the front end of the truck when it stopped at the picket line and then throw stones at it.

At 10 a.m. on May 5, Henry Banks, now employed by Sperry, applied at the plant for employment. Accompanied by a companion, he drove his automobile through the north entrance where the few pickets on duty there made no attempt to stop him. Nor did he hear them say anything. As he got out of his automobile at Sperry's office one of the pickets shouted to him from the road "You goddamn son-of-a-bitch we'll get you on your way out." Twenty or thirty minutes later he departed through the south gate. As he went through the driveway the window in his left rear door was broken either as result of a thrown rock or because it was struck with a fist. Banks claimed he recognized Albert Cox and Robert McCreary and several others among the pickets at the south gate. Sheriff Tebbe of Franklin County, Indiana, however testified that Cox had been in his custody on May 5, from 8:45 a.m. to 11:15 a.m. and later that day from 1 p.m. to 4:30 p.m.

At about 4 p.m. on May 5, the sheriff posted a restraining order issued by the county court on barricades at each of the entrances to the plant. Wilford Cox gave this account of what he saw as Sperry employees were leaving the plant later that afternoon. As employee Hurschel Allen was driving through one of the gates, a person named Tom Hartford, identified by others as a picket, jumped in front of Allen's automobile and began pounding the hood. Mack Swigert, Sperry's attorney, was at the scene with Cox. Swigert raised the court order and informed Hartford he was forbidden to hinder persons coming to or leaving the plant, whereupon, Hartford lunged at Swigert. The sheriff then placed Hartford under arrest and confined him in his automobile. The pickets meanwhile were grouped on Route 52 on the side opposite the plant entrance. As the employees drove out in their automobiles they were subjected to a barrage of stones thrown by the pickets. One stone, which Cox saw thrown by a Kermit Cobb, went through the windshield of employee Kenneth Grimes' automobile. Employee L. B. Davidson's station wagon was struck by stones. Cox identified Lee Roy King as one of the pickets on the highway. Jessop and Bodnar testified that they also witnessed the stoning of automobiles as they left the plant. Lola Lacey testified that a picket named Tom Hartman (probably Hartford) "swiped" at automobiles with an umbrella as they left the plant that afternoon. Frances Denham related she too had seen Tom Hartford with umbrella in hand cavorting in front of an automobile, and that he had lunged at Attorney Mack Swigert.

5. Robert Farmer Incidents

Farmer was mentioned above in connection with the altercation with Lee Roy King over the removal of tacks or nails from the plant entrance. He testified that he was involved in other incidents with pickets on which the General Counsel relies in support of the complaint allegations. On about May 5 Farmer was leaving the plant at 6:30 or 7 p.m. in Sperry's station wagon. As he proceeded through the south gate two or three men about 300 feet from the gate picked up rocks. One of them, identified as Stanley Stone, whom Farmer had seen picketing, threw a rock through the windshield. The others, whom Farmer had also seen before on the picket line, broke both glasses in the back doors of the station wagon.

About a month after Farmer was employed by Sperry on April 24 he was accosted while leaving the plant by International Representative Paul who said to him in the presence of pickets "The day the union comes in will be the day you'll go out."

On June 5 or 6, while driving on an errand for Sperry, he observed a Ford automobile in front and a Chevrolet behind his station wagon. He had seen both automobiles before at the picket line. The driver of the Ford applied his brakes while the Chevrolet at the rear increased speed. When Farmer reached the plant and proceeded to turn into the entrance he applied his brakes and reduced speed. Then the Chevrolet, driven by Aaron Parrett, lightly bumped Farmer's station wagon. Farmer cut his engine. As he tried to start it again Parrett backed up his Chevrolet and then bumped Farmer's vehicle, this time hitting him hard. A number of pickets by now were running to the scene. Farmer left and called the sheriff. When he returned two tires on his station wagon were flat. The vehicle was removed from the highway by a wrecker.

In the morning of June 8, Farmer had gone to the post office in Brookville to deliver Sperry's mail and had parked the station wagon in an alley near the post office. According to Farmer, when he returned to his vehicle a few minutes later he noticed two persons standing on the opposite side of the street in front of a tavern

called the Village Bar. He recognized them as pickets he had seen at the plant. As he walked to the station wagon he saw in front of it two other persons named Wolfe and Ofill whom he also recognized as pickets. The two pickets from the other side of the street moved to his rear and he now found himself between the two groups. Wolfe declared, "We've got you now, and we're going to put you in the hospital." Farmer said he did not want any trouble, but one of the persons to his rear stated to his companions, "You get some rocks, and we'll hold him here." Then they ran around a corner behind the post office. Farmer reached for a belt on the seat of his car and placed it in his pocket. As the persons returned from the direction of the post office, Farmer hit the individual behind him. Then he ran to the sidewalk pursued by his attackers swinging at him. Farmer kept backing up the street. One of his attackers motioned to some other persons and Albert Cox and three or four others made their appearance. Farmer continued his retreat by running and turning about from time to time to swing at his pursuers. As he reached a corner where a gasoline service station was situated, Cox picked up a board which he broke into sections and distributed to a couple in his group who began swinging with them at Farmer. The latter made a break for a truck which he saw coming through the intersection and made his escape by boarding it. Farmer is 24 years old. When he was 21 he was convicted for the crime "cutting to wound, and cutting to kill." His sentence was probation for 3 years. At the time of the hearing he was still on probation. The belt which he had on the seat of the station wagon and which he used in the affray had a metal buckle with sharpened edges.

George Smith gave the following version of the encounter with Farmer. He had been one of the striking pickets and had left the picket line on June 8 at 10 a.m. From there he went to the Village Bar with Paul Wolfe, Harold Cummins, James Bowling, and a fourth companion whose name he could not recall. Having refreshed themselves with soft drinks they left the tavern 20 to 30 minutes later. Upon leaving, Smith saw Farmer going to his station wagon. He walked toward him and said "Hey there, I want to speak to you a minute." His asserted reason for this action was merely to find out from Farmer how he got his job with Sperry. Farmer responded to his remark by reaching to his seat and extracting a leather belt which he swung at him. The metal piece at the end of the belt struck Smith and cut him on the hand and shoulder with resultant bleeding. Smith claimed he did not know where his companions were at this moment. Farmer kept swinging his belt at him exclaiming, "You sb's, you've been asking for it; come and get it." By now, people on the street had crowded about them. Farmer backed up for a half block, turned and ran across the street from where he left on a passing truck. Smith claimed that Albert Cox had not been with him and that when he first saw him he was sitting in a parked automobile at the corner servic station. Cox, he said, merely got out of his automobile and remained standing there. Smith denied that he pursued Farmer with stick in hand. He maintained he stayed in one place and bled. He claimed not to have seen Cox with a club. It was stipulated that had Wolfe, Cummins, and Bowling been called as witnesses, their testimony would have been the same as Smith's.

Winifred Gassman works in an office on Main Street in Brookville located opposite the Village Bar. She testified that from her office window she had seen Farmer pursued by a group of men carrying clubs and that he had tried to protect himself by waving an object in front of him. She identified Albert Cox, Paul Wolfe, and Tucker Deaton as members of the group with clubs. Gassman works part time as a cashier in a restaurant near the Sperry plant on Route 52 and for several years has known Sperry's officials who eat there.

Morris Bradburn, the owner of the Village Bar, recalled that he had served soft drinks to Paul Wolfe and a group comprised of four or five men on June 8. He saw them leave. Subsequently he saw these persons backed up against the window of his establishment with Farmer twirling a belt in front of them. He regarded the event "pretty serious." He watched for 2 or more minutes and then ceased paying attention as he got busy and served his customers.

B. Findings of fact

With a few exceptions, the testimony of the General Counsel's witnesses concerning picket line events is unrefuted. Nothing appears in the record to convince me these were not credible witnesses. Nor was there anything in their demeanor while testifying to persuade me not to believe them. Granted that Wilford Cox testified that Lola Lacey drove an automobile to the plant which beyond doubt she did not do, and that Henry Banks said he saw Albert Cox at the picket line at a time when he was in the sheriff's custody, I am not persuaded that Wilford Cox or Banks deliberately fabricated this testimony. Instead, I am satisfied that these were honest

mistakes which reflect human capacity for error in observation or recall particularly when the events observed or recalled occurred under the pressures and excitement of the picketing in this case. I do not discredit Cox and Banks because of their unintentionally erroneous testimony. I have also taken into account the laborious testimony of Louis Bodnar who while testifying admittedly was under sedation for relief of pain. I do not credit his testimony concerning Joe Chappelow because his memory as to this circumstance was concededly hazy. But, I am satisfied that his memory as to other incidents concerning which he testified was sufficiently good to permit reliance thereon in making my findings of fact, particularly as his testimony was consistent with and substantially corroborated by the testimony of other credited witnesses.

Except for International Representative Danckert, no person who was positively identified by the General Counsel's witnesses as participating in or being present at the picket line events above described testified in denial or explanation of his participation in or presence at the time of their commission. This has been an influential factor in my determination to believe the testimony of the General Counsel's witnesses concerning these events. While Danckert's categorical insistence that no persons were prevented from crossing the picket line with their automobiles, and that he at no time while at the picket line heard the threats described by the General Counsel's witnesses and saw no violence may be regarded as refutation of the General Counsel's witnesses I do not regard his testimony as being of sufficient weight, even if given credit, to match the preponderating mutually corroborative testimony of the General Counsel's credited witnesses concerning what they actually observed. As to certain matters about which Danckert testified, I have given him full credit. I shall subsequently advert to them. As to those findings based on the credited testimony of the General Counsel's witnesses which may be regarded in conflict with Danckert's testimony I do not credit the latter.

Specifically, I make these findings:

1. In accord with the testimony of Wilford Cox, Jessop, Bodnar, and Gordon on April 17, 18, and 19, pickets prevented entrance to the plant of Sperry's supervisors and employees and others doing business with Sperry by forming picket lines across driveways and refusing to open ranks to approaching vehicles, by rocking automobiles and threatening to turn them over, and by threatening to inflict bodily harm on those who entered or damage to their vehicles. Directly participating in these acts or present during their commission were official agents of the Respondents including International Representatives Danckert and Carey and Local 905 officials King, Albert Cox, Neal Reece, Emma Ledford, and Johnie Locke.

In connection with the foregoing finding I credit Gordon's testimony that on April 17 Albert Cox held a rock in each hand and threatened to throw them at Chief Chemist Kaiser's automobile if he drove into the plant, and testimony by Wilford Cox that Albert Cox on April 19 threatened to bash in the heads of employees Hurschel Allen and Wilbur Lynch if they drove into the plant. It may be that Danckert who was present at each of these incidents neither "saw" nor "heard" what Cox did or said, as he testified, but his failure to see or hear does not convince me that Cox did not engage in the conduct ascribed to him.

In view of Clement Moore's account, which I credit, of the actions by employee Walter Rusterholz on April 17, I do not rely on Wilford Cox's testimony that he saw Rusterholz' automobile blocked by pickets as he tried to enter the plant. Because of Cox's patent confusion in the erroneous identification that morning of Lola Lacey as the driver of an automobile denied access to the plant, I am satisfied that Cox was also mistaken in his identification of Rusterholz as another driver denied access.

I credit the testimony of Cox, Bodnar, and Clarkson concerning the prevention of the latter by pickets from entering the plant on April 17. I do not credit Danckert's conflicting testimony that Clarkson drove his truck into the plant grounds that day after he was merely requested to honor the picket line. I do not reject Tucker Deaton's account of what occurred between him and Clarkson, but find that the incidents concerning which Deaton testified occurred not on April 17 but on another day during the same week. Clarkson acknowledged that he makes more than one trip weekly to the Sperry plant. When Deaton was first questioned concerning Clarkson he responded to a question relating to an event during the week of April 17. It was my impression when Deaton was again asked on cross-examination to state the date of this event but he was not certain of the exact date. His answer was "April 17, I think."

I credit Danckert's testimony that when the Interstate Motor Frate System truck arrived at the plant on April 17 he personally asked the driver to respect the picket line and that the driver after checking with his union decided to drive into the plant without encountering opposition from the pickets. Although it may be inferred from Wilford Cox's and Bodnar's (I assume the latter's reference to an Eastern truck

was meant to be Interstate) general accounts that the pickets prevented the truck's entry, they did not hear what was said by anyone to the truckdriver, and it is believable in view of Danckert's specific explanation, that he was merely requested to honor the picket line. That the driver did not enter when he came to the picket line, as Cox and Bodnar related, is explained by Danckert's account that he communicated with his own union for instructions. Cox and Bodnar probably did not observe the truck's entry, as described by Danckert, after the driver received his instructions.

2. I find, as Vice President Gordon testified, that International Representative Paul on April 25 threatened him with physical violence if he took pictures of strike activities, and that Paul's threat was made in the presence of pickets and employees. In crediting Gordon's testimony I have considered the argument of Respondents' counsel that Gordon had given a contradictory affidavit before the hearing. I find no such contradiction.

3. I find that in April, Local 905 President King prevented Sperry's employee Farmer from removing tacks or nails from the plant driveway by stepping on his hand and by a threat of physical force. I infer from these circumstances that King either placed these tacks or nails on the driveway himself or that it was done at his behest or with his approval. Obviously, the intention was to puncture the tires of automobiles entering the plant. I place no reliance on the testimony of Frances Denham in support of the allegation that the Respondents had placed tacks on driveways.

4. Concerning events of May 5, I find from testimony of Parks, Bulach, and Jessop that the vehicle driven by Reidenbach was blocked by pickets when it tried to enter the plant, that it was violently rocked by the pickets, that it was struck by a rock thrown by a picket as it departed, that pickets attacked and beat Reidenbach and then pursued him on foot with intent to inflict further harm, that a picket smashed the windshield of his vehicle, and that employee Jessop was threatened with physical harm by a picket if he took photographs of the incident. I further find that Lee Roy King participated in these acts of violence and that Johnie Locke was present. I believe the testimony of Florence Honeycutt that as Reidenbach entered the driveway he almost hit her and others and that she screamed. This circumstance does not alter the fact as related by the foregoing witnesses that the vehicle was rocked while it was in the driveway to intimidate the driver and to prevent him from entering the plant. I do not believe the stoning of the vehicle as it departed nor its aftermath were related to Miss Honeycutt's scream.

From the credited testimony of Lola Lacey, Parks, and Jessop, I find that on May 5 other automobiles were rocked by pickets who threatened to overturn them and that the drivers were prevented from entering the plant by the pickets. Albert Cox actively participated in this conduct and Danckert, King, Locke, and Ledford were present.

On May 5 employee Hogan's truck was stopped by pickets, rocked by them, and then stoned with resultant damage to the vehicle, and this was in retaliation for crossing the picket line to apply for employment. I rely on testimony by Hogan, Bulach, and Jessop to support these findings. On the same day employee Banks' automobile was damaged by pickets as it was driven from the plant. This action also was in retaliation for crossing the picket line to apply for employment. Among the pickets present was Robert McCreary, a member of the Local 905 election committee. I make these findings from Banks' credited testimony.

From credited testimony of Wilford Cox, Jessop, and Bodnar I find that on May 5 after the posting of the court restraint a picket lunged at Sperry's attorney with intent to assault him, that this same picket interfered with the departure from the plant of employees in their automobiles by swinging an umbrella and pounding the hood of an automobile, and that pickets threw stones which damaged the automobiles of the departing employees. Among these pickets was Local 905 President King.

5. I find that on June 5 or 6 the vehicle driven by employee Farmer was dangerously impeded while driven on the highway on Sperry's business by the automobiles of pickets, and that one of these pickets deliberately struck Farmer's vehicle as it was entering the plant with resultant damage to it. I further find that on June 8 Farmer was threatened with physical harm and was assaulted in Brookville by a group of pickets, and that this conduct, as well as the above incident involving his vehicle, were in retaliation for Farmer's acceptance of employment during the strike. With respect to the affray in Brookville, I credit Farmer's testimony that the pickets approached him with a threat of harm and that he used his belt and buckle as a defensive weapon. I do not credit Smith's testimony, which I deem implausible, that he had merely approached Farmer to ask how he got his job. As Farmer retreated up the street from his pursuers, he was also attacked by Albert Cox who

armed himself and others with sections of board which they used as clubs to assault Farmer. I infer that Cox's participation in the assault was also a retaliatory act against Farmer because he had accepted employment during the strike. No necessity appeared for Cox's participation as Farmer's assailants were then pursuing him and required no defense from Cox. In crediting Farmer I have considered his criminal record, but this circumstance has not militated against my belief that he was a truthful witness.

Each of the foregoing acts as to which specific findings has been made has a coercive and restraining effect on employees in their exercise of rights guaranteed by Section 7 of the Act within the meaning of Section 8(b)(1)(A) thereof.⁸ In this case these acts demonstrated to employees that they would be subjected to harassment and violence if they refused, as they had a guaranteed right to do, to honor the picket line and not to work during the strike. Such conduct, if attributable to a labor organization and its agents, is violative of Section 8(b)(1)(A) of the Act. With the exception of Carl M. Records, who apparently was included in the complaint by error, the record establishes the responsibility of all the named Respondents for this conduct.

It is clear that the strike against Sperry was conducted jointly by the official representatives of the IUE and Local 905. Accordingly, I conclude that both labor organizations were cosponsors of the strike or joint ventures therein and that they are consequently jointly and severally responsible for the unlawful actions of each committed during the course of the strike.⁹

Responsibility is attributed to all the Respondents not only for the particular misconduct of the officials, functionaries, and representatives of the IUE and Local 905, but for all conduct committed by pickets both at and away from the picket line. Practically each elected and appointed official of Local 905, including picket captains, and three international representatives of the IUE participated in the misconduct which these officials and representatives failed in any manner to repudiate or to prevent, thereby acquiescing in and giving approval to these acts. As should have been expected, the pickets followed the examples of their leaders and adopted their unlawful tactics as a course of action for themselves both at and away from the picket lines. In these circumstances the Respondents are statutorily responsible for the conduct of the pickets at and away from the picket lines.¹⁰ Having attributed responsibility to all the Respondents, except Records, for the misconduct herein found to have been committed, I find that each thereby violated Section 8(b)(1)(A) of the Act.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of the Respondents, set forth in section III, above, occurring in connection with the operations of Sperry described in section I, above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States, and tend to lead to labor disputes burdening and obstructing commerce and the free flow thereof.

V. THE REMEDY

Having found that the Respondents have violated Section 8(b)(1)(A) of the Act, it will be recommended that they cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act.

From the above findings of fact and upon the entire record in the case, I make the following:

CONCLUSIONS OF LAW

1. International Union of Electrical, Radio and Machine Workers, AFL-CIO, and its Local 905 are labor organizations within the meaning of Section 2(5) of the Act.

⁸ *International Longshoremen's and Warehousemen's Union, CIO. (Sunset Line and Twine Company)*, 79 NLRB 1487; *International Woodworkers of America, AFL-CIO, et al (W. T. Smith Lumber Company)*, 116 NLRB 507; *United Packinghouse Workers of America, AFL-CIO (R. L. Zeigler, Inc.)*, 123 NLRB 464. In the latter case the Board held that a picket line assault upon the struck company's attorneys by pickets was violative of Section 8(b)(1)(A) of the Act. I would in the instant case have found the attempted assault upon Attorney Swigert to be violative of the Act except that it is not covered by any allegation of the complaint.

⁹ *Sunset Line and Twine Company, supra.*

¹⁰ *District 50, United Mine Workers of America, et al (Tungsten Mining Corporation)*, 106 NLRB 903, 922

2. The Sperry Rubber & Plastics Company is an employer within the meaning of Section 2(2) of the Act and is engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

3. The foregoing labor organizations and their agents, Robert J. Danckert, Johnie Locke, Albert Cox, Lee Roy King, and Neal Reece have jointly and severally violated Section 8(b)(1)(A) of the Act through the commission of acts of restraint and coercion which interfered with the exercise of rights of employees guaranteed by Section 7 of the Act.

4. The aforesaid unfair labor practices are unfair labor practices affecting commerce within the meaning of Section 2(6) and (7) of the Act.

5. The allegations of the complaint with respect to Carl M. Records have not been sustained.

RECOMMENDATIONS

Upon the basis of the foregoing findings of fact and conclusions of law and upon the entire record in the case, I recommend that International Union of Electrical, Radio and Machine Workers, AFL-CIO, International Union of Electrical, Radio and Machine Workers, AFL-CIO, Local 905, their officers, agents (including Robert J. Danckert, Johnie Locke, Albert Cox, Lee Roy King, and Neal Reece), representatives, successors, and assigns, shall:

1. Cease and desist from restraining and coercing the employees of the Sperry Rubber & Plastics Company by barring ingress to or egress from Sperry's plants by employees, supervisors, applicants for employment, or persons doing business with Sperry during the course of a strike against it by blocking entrances with formations of pickets, by rocking and damaging automobiles of employees and other persons crossing the picket lines, and assaulting or otherwise molesting these employees and persons and threatening them with physical injury by placing tacks or nails in driveways to puncture the tires of automobiles entering the plant, by threatening supervisors with physical injury for taking pictures of strike activity, or by threatening and assaulting persons who apply for or accept employment during the strike, or by any like or related conduct restraining or coercing Sperry's employees in the right of self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection and to refrain from any or all such activities.

2. Take the following affirmative action which the Trial Examiner finds will effectuate the policies of the Act:

(a) Post in conspicuous places in the business offices of Local 905 where notices to members are customarily posted copies of the notice attached hereto marked "Appendix." Copies of said notice, to be furnished by the Regional Director for the Twenty-fifth Region, shall, after being duly signed by the responsible officials of each Respondent immediately upon receipt thereof, and maintained by them for 60 consecutive days thereafter, in conspicuous places, including all places where notices to members are customarily posted. Reasonable steps shall be taken by the Respondents to make sure that said notices are not altered, defaced, or covered by any other material.

(b) Furnish to the Regional Director for the Twenty-fifth Region, signed copies of the notice marked "Appendix" for posting, Sperry willing, for a period of 60 days on Sperry's bulletin boards where notices to its employees are customarily posted.

(c) Notify the Regional Director for the Twenty-fifth Region, in writing, within 20 days from the date of the receipt of this Intermediate Report and Recommended Order, what steps the Respondents have taken to comply herewith.

It is further recommended that, unless within 20 days from the date of the receipt of this Intermediate Report and Recommended Order the Respondents shall notify said Regional Director, in writing, that they will comply with the foregoing recommendations, the National Labor Relations Board issue an order requiring Respondents to take the aforesaid action.

APPENDIX

NOTICE TO ALL MEMBERS OF INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, AFL-CIO AND OF INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, AFL-CIO, LOCAL 905

Pursuant to the Recommendations of a Trial Examiner of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, we hereby give notice that:

WE WILL NOT coerce or restrain the employees of Sperry Rubber & Plastics Company by barring ingress to or egress from Sperry's plant by employees,

supervisors, applicants for employment, or persons doing business with Sperry during the course of a strike against it by blocking entrances with formations of pickets, by rocking and damaging automobiles of employees and other persons crossing the picket line, by assaulting or otherwise molesting these employees and persons and threatening them with physical injury, by placing tacks or nails in driveways to puncture tires of automobiles entering the plant, by threatening supervisors with physical injury for taking pictures of strike activities, or by threatening and assaulting persons who apply for or accept employment during the strike.

WE WILL NOT by like or related conduct restrain or coerce the employees of the Sperry Rubber & Plastics Company in the exercise by them of the right of self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection and to refrain from any or all such activities.

INTERNATIONAL UNION OF ELECTRICAL, RADIO AND
MACHINE WORKERS, AFL-CIO, AND ITS AGENT
ROBERT J. DANCKERT,

Labor Organization.

Dated----- By-----
(Representative) (Title)

INTERNATIONAL UNION OF ELECTRICAL, RADIO AND
MACHINE WORKERS, AFL-CIO, LOCAL UNION
905, AND ITS AGENTS, JOHNIE LOCKE, ALBERT
COX, LEE ROY KING, AND NEAL REECE,

Labor Organization.

Dated----- By-----
(Representative) (Title)

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

**Customer Control, Inc. and District 65, Retail, Wholesale and
Department Store Union, AFL-CIO. Case No. 2-CA-7986.
December 29, 1961**

DECISION AND ORDER

On October 18, 1961, Trial Examiner Lee J. Best issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the Intermediate Report attached hereto. Thereafter, the Respondent filed exceptions to the Intermediate Report and a supporting brief.

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 Leedom, Fanning, and Brown].

The Board has reviewed the rulings made by the Trial Examiner at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and the entire record in this pro-