

# DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 2 OF 16

FOLDER 13

CHRYSLER ELDON UAW LOCAL  
961 CORRESPONDENCE 1969

JUL 22 1969



NATIONAL LABOR RELATIONS BOARD

REGION 7

500 Book Building, Detroit, Michigan 48226

Telephone 226-3200

July 18, 1969

Ronald Reosti, Esq.  
Lafferty, Reosti, Jabara and Papakhian  
726 Pallister  
Detroit, Michigan 48202

✓ Michael Adelman, Esq.  
Philo, Maki, Moore, Pitts, Ravitz,  
Glotta, Cokrel and Robb  
2761 E. Jefferson Avenue  
Detroit, Michigan 48207

Re: Chrysler Corporation  
Case No. 7-CA-7339  
and  
International Union, United Auto-  
mobile, Aerospace and Agricultural  
Implement Workers of America(UAW)  
and its Locals 3 and 961  
Case Nos. 7-CB-1972, 1973 and 1974

Gentlemen:

The above-captioned case, charging a violation under Section 8 of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, it appears that further proceedings are not warranted at this time. I am, therefore, refusing to issue Complaint in this matter. The Charging Party desires a written summary report of the basis for my conclusion and, accordingly, one is attached hereto.

Pursuant to the National Labor Relations Board Rules and Regulations (Section 102.19), you may obtain a review of this action by filing a request for such review with the General Counsel of the National Labor Relations Board, Washington, D. C. 20570, and a copy with me. This request must contain a complete statement setting forth the facts and reasons upon which it is based. The request must be received by the General Counsel in Washington, D. C., by the close of business on July 31, 1969. Upon good cause shown, however, the General Counsel may grant special permission for a longer period within which to file. A copy of any such request for an extension of time should be submitted to me.

Very truly yours,

Jerome H. Brooks  
Regional Director

Att.

cc: General Counsel  
National Labor Relations Board  
Washington, D. C. 20570

RE: Cases Nos. 7-CA-7339 and  
7-CB-1972, 1973 and 1974

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July 18, 1969

cc: T. R. Iserman, Esq.  
Kelley, Drye, Newhall, Maginnes and Warren  
350 Park Avenue  
New York, New York 10022

Chrysler Corporation  
P. O. Box 1919  
Detroit, Michigan  
Attn: B. G. Mathis, Corporate Labor Relations

Stephen I. Schlossberg, General Counsel  
International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW)  
8000 E. Jefferson Ave.  
Detroit, Michigan 48214

Local 3, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW)  
8425 Jos Campau  
Hamtramck, Michigan 48212

Local 961, International Union, United  
Automobile, Aerospace and Agricultural  
Implement Workers of America (UAW)  
7575 Lynch Road  
Detroit, Michigan 48234

DML:lap,smb

SUMMARY REPORT

Re: Chrysler Corporation  
Case No. 7-CA-7339

You charge that Chrysler Corporation violated Sections 8(a)(1), (2), (3), (5) and 502 of the Act. Specifically, you allege Chrysler Corporation interfered with the organizational activities of the League of Revolutionary Black Workers by confiscating its literature, harassing and intimidating employees for distributing literature, and otherwise threatening or coercing its supporters. Further, you allege that Chrysler Corporation assisted the UAW by affording it privileges denied the League. You also charge Chrysler Corporation practiced racial discrimination toward black workers in the assignment of work, discipline, denial of advancement, and maintenance of a discriminatory hiring system. In addition, you contend that the black workers who participated in the January 27, 1969 wildcat strike at the Eldon Gear and Axle Plant were engaged in protected, concerted activity under Section 502 of the Act. In the alternative, you contend their participation in the wildcat strike was in protest of racial discrimination and was, thus, protected activity under the theory of Mastro-Plastics Corporation v NLRB 350 US 270.

Although two witnesses testified to isolated incidents of confiscation of Drum and Elrum literature by representatives of Chrysler Corporation, the preponderance of evidence fails to establish a broad pattern of interference with the propagandizing efforts of Drum and Elrum.

In Farmers Cooperative Compress Justice Wright set forth two requirements for finding a violation of Section 8(a)(1) of the Act based upon racial discrimination: namely, a demonstration of discrimination which creates two categories of employees antagonistic to each other, and secondly, docility on the part of the discriminated individuals resulting from this discrimination. However, the investigation failed to disclose evidence of a widespread policy and practice of racial discrimination.

Since the investigation did not demonstrate the type of condition required under Farmers Cooperative Compress, namely blatant racial discrimination, it cannot be concluded that the employees who participated in the Eldon wildcat strike were protected as Unfair Labor Practice strikers under Mastro-Plastics. Furthermore, the conditions described by Eldon employees, while they appear to be unpleasant or arduous working conditions, do not constitute abnormally dangerous working conditions so as to protect the strikers under Section 502 of the Act. See Fruin-Colon Construction Company 139 NLRB 894 and Meyers Industrial Electric 71 LRRM 1425. In view of the above, I cannot conclude that a violation exists and I am, therefore, refusing to issue Complaint in this matter.



S U M M A R Y R E P O R T

Re: International Union, United  
Automobile, Aerospace and  
Agricultural Implement Workers  
of America (UAW) and its Locals  
3 and 961  
Cases Nos. 7-CB-1972, 1973, and  
1974

You charge that the UAW has, in a concerted fashion with Chrysler Corporation, sought to restrict the rights of Drum and Elrum supporters to campaign or otherwise to engage in concerted, protected activities in violation of Sections 8(b)(1)(A) and (2) of the Act. Further, you charge that the Union acquiesced in the Employer's discriminatory practices and by ratifying the Employer's racially discriminatory conduct acted arbitrarily and capriciously. Specifically, you allege that a leaflet put out by the UAW concerning attempts to divide the Union along racial lines is a violation of the Act, since its purpose is to intimidate Union opponents and because it announces a policy of non representation of militant black workers.

The investigation failed to establish that the Union had, either directly or in concert with the Employer, sought to limit the propagandizing activity of Drum or Elrum. The investigation also did not demonstrate that the Employer had engaged in a policy and practice of racial discrimination or that the Union had participated in this activity.

The UAW leaflet must be read in totality and not just in terms of the underscored portion thereof. The investigation demonstrated that the UAW has not refused to represent black militant workers merely because of their association with the Charging Party. No evidence was offered or uncovered in the investigation to demonstrate that the Union used this leaflet to intimidate or deter black militant workers or that it has been used by union representatives as a basis for refusing to represent employees. In view of the above, I cannot conclude that a violation exists and I am, therefore, refusing to issue Complaint.



NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, D.C. 20570

August 5, 1969

Re: Chrysler Corporation  
Case No. 7-CA-7339

International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW) and its  
Locals 3 and 961  
Cases Nos. 7-CB-1972, 1973, 1974

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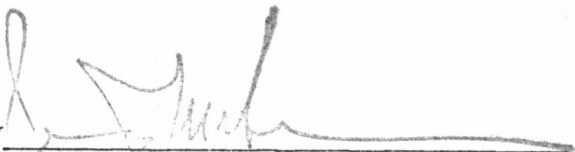
Gentlemen:

Receipt of your appeal from the Regional Director's refusal to issue complaint in the above matters is acknowledged. You may be assured that your appeal will be carefully considered and you and all interested parties will be advised, as soon as possible, of our decision.

Very truly yours,

Arnold Ordman  
General Counsel

By

  
Irving M. Herman  
Director, Office of Appeals

cc: Director, Region 7

(Continued on next page)

Re: Case No. 7-CA-7339  
7-CB-1972, 1973, 1974

-2-

cc: (Continued)

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