

DETROIT REVOLUTIONARY MOVEMENT RECORDS

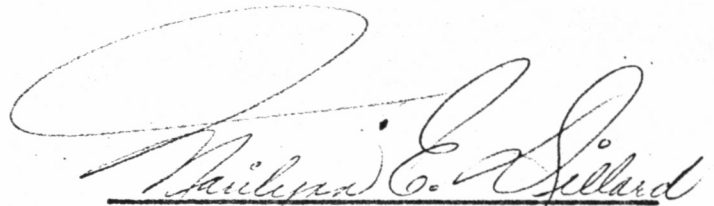
BOX 2 OF 16

FOLDER 31

CHRYSLER ELDON UAW LOCAL
961 MAY 1970 WORK
STOPPAGE INJUNCTION
REQUEST HEARINGS

STATE OF MICHIGAN)
)
COUNTY OF WAYNE) SS

I, MARILYNN E. DILLARD, Court Reporter, do hereby certify that I reported stenographically in stenotype the proceedings had in the foregoing cause of CHRYSLER CORPORATION versus GEORGE H. BAUER, WILLIAM L. SPARKS, JOHNNY A. MOFFET, LOCAL 961, UAW, et al, Circuit Court Action Number 155 874, before the Honorable JAMES N. CANHAM, Circuit Judge, on the 4th day of May, 1970, and that the attached and foregoing transcript is a full, true and correct transcript of my said stenographic notes.


MARILYNN E. DILLARD
Official Court Reporter

MED:mlm

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CHRYSLER CORPORATION,
a Delaware Corporation,

Plaintiff,

-vs-

No. 155 874

GEORGE H. BAUER, WILLIAM L.
SPARKS, JOHNNY A. MOFFETT, DONALD
C. JOHNSON, JEREMIAH INGRAM,
HOWARD J. WILLIS, CLARENCE
HORTON, GEORGE T. MOIS,
ROBERT THOMAS, ALFRED J.
OSTROWSKI, J.C. THOMAS, TONY
C. MOORE, L. ODDO and LOCAL
961, United Automobile,
Aerospace and Agricultural
Implement Workers of America,
UAW, and JOHN DOE, RICHARD ROE,
and NUMEROUS OTHER PERSONS,
WHOSE NAMES ARE PRESENTLY
UNKNOWN,

Defendants.

HEARING ON MOTION FOR BENCH WARRANTS

Before the Honorable JAMES N.
CANHAM, Circuit Judge, at 1821 City County Building,
Detroit, Michigan, on May 4, 1970.

APPEARANCES:

JOHN CORBETT O'MEARA, Esq.
Dickinson, Wright, McKean and
Cudlip

JOHN E.S. SCOTT, Esq.
Dickinson, Wright, McKean and
Cudlip

Appearing on behalf of the
Plaintiff.

G. LEE PHILIP, Esq.
and
A. WILLIAM ROLF, Esq.
Of Counsel

BRUCE A. MILLER, Esq.
Zwerdling, Miller, Klimist and
Maurer

Appearing on behalf of the
Defendant, Local 961, UAW

MICHAEL S. ADELMAN, Esq.
Philo, Maki, Ravitz, Glotta,
Adelman, Cockrel and Robb
Appearing on behalf of
certain Defendants.

MARILYNN E. DILLARD
Official Court Reporter

May 4, 1970

Detroit, Michigan

* * *

THE CLERK: Chrysler Corporation
versus George Bauer, William L. Sparks, et al.

MR. O'MEARA: May it please the Court, my name is John C. O'Meara, from the firm of Dickinson, Wright, McKean and Cudlip, attorneys for the Chrysler Corporation, appearing before this Court on a Motion which is now pending before this Court. We are here today on a Motion asking that the Court issue 11 bench warrants directed to 11 named defendants in this civil action. This action was started yesterday at a special proceeding held on Sunday. Judge Sullivan of this Court, who was the Acting Presiding Judge, issued a Temporary Restraining Order, providing that the defendants were enjoined from inducing work stoppage or the continuation of work stoppages existing at the Eldon Avenue Plant of the Chrysler Corporation by any means, several of which, and they are very inclusive, were listed in the Temporary Restraining Order. This Court has a copy of it. The Court has read the Complaint and the supporting documents in this matter. I will not put that background information on this record. This is

a matter of extreme and vital importance to Chrysler Corporation, and an important matter to this community, the City of Detroit, and perhaps would effect an even broader community. The Eldon Avenue Plant is now on strike, an illegal strike between that plant and the UAW. We ask the Court to take action by issuing bench warrants as to the 11 named defendants who are now in contempt. We have supporting Affidavits. This strike is one that was or has been induced from the beginning and continues to be induced as far as our knowledge goes, as to a half hour ago, by these persons among others. We ask the bench warrants against these persons this afternoon. If the strike does not end within a very short period of time, the production which at this time of the year, for all the industry, has proven to be the fast-moving and most profitable, and will end some time tomorrow. It is our understanding that the production of virtually all Chrysler automobiles will end some time later this week, if this strike does not end. The activities which are set out in the Affidavits of Contempt, which we are prepared to submit today, make it clear that the individuals have blatantly violated the restraints placed upon them by the Restraining Order by Judge Sullivan which was issued yesterday and served to

all of them before the violations took place. Based upon the important nature of this matter in terms of the vast and monumental effect and, also the injuries it is liable to cause if it is allowed to continue, for that matter, probably has already caused, as to the Chrysler Corporation: We are, we realize, asking for unusual remedy on the part of the Court. We believe we are reasonable when we ask that the Court consider seriously moving itself to the gates of the Eldon Plant with sheriff's deputies to make arrests and to do what, pursuant to the Restraining Order, it is possible for the Court to do in the ending of the strike. We also ask the Court and have a Motion that it issue bench warrants as to the 11 individuals who have been identified, since they have been served with that Order, as engaging in various kinds of activities which are in violation of the Order.

THE COURT: Let me ask you one question: You are asking that the Court remove itself with the assistance of sheriff's deputies to make arrests of those people whom are in violation of the Temporary Restraining Order. How many people have you served at that Local, who are aware of this, or are you assuming they are all aware of it?

MR. O'MEARA: We have served the

11 we are talking about here. The services are probably in excess of that number.

THE COURT: My point is this: I believe, and I have only had a cursory review of the Complaint, but there are those defendants named aside from the Richard Roes and John Does, who have effectuated a work stoppage by inducing others not to work?

MR. O'MEARA: Yes, sir. That is right, Your Honor.

THE COURT: Is it your position that there are others out there, other than the 11 named? You are not suggesting that we go to the premises and arrest those who are not working?

MR. O'MEARA: No, sir.

THE COURT: Just those who are inducing others not to work. The Court has no concern presently that there is a wildcat strike, except that they are inducing people not to work. The "proof of the pudding," is that they are not working. You are not here to stop a wildcat strike?

MR. O'MEARA: That is the result that we want. Yes.

THE COURT: But you are here today, before this Court, because there are certain named

defendants and others unknown to you as yet, perhaps they are all known to you, who are inducing the work stoppages. Those who are inducing others not to work. Those are the ones you are directing your attention to. If that is secured, your problem is resolved, and there is no wildcat strike?

MR. O'MEARA: Yes, sir.

THE COURT: Anything else for the record?

MR. O'MEARA: No, sir.

THE COURT: All right. We will take a brief recess.

(Whereupon a brief recess was held.)

* * *

May 4, 1970

3:45 o'clock

Detroit, Michigan

THE COURT: Let the record show that the plaintiff's counsel has made a statement on this record. At the time there was no representation for any of the named defendants. As a result of a delay here, we apparently have counsel for defendants and I think at this juncture, you should make your appearances and your respective clients known.

MR. MILLER: My name is Bruce Miller of Zwerdling, Miller, Klimist and Maurer, appearing as attorney for Local 961.

MR. ADELMAN: Your Honor, Michael Adelman, from the firm of Philo, Maki, Ravitz, Glotta, Adelman, Cockrel and Robb, here to represent individual defendants named in the Complaint and effected by the Complaint.

MR. O'MEARA: Your Honor, is that all of the individually named defendants?

MR. ADELMAN: I cannot state at the present time.

MR. MILLER: I know that I am being asked to represent Local 961, which is the collective bargaining representative for, I assume, all employees under the jurisdiction. Now, whether or not they include all of the defendants named in this case, and whether that Local 961 for that matter would have the authority to ask me to appear on behalf of all of the named individuals -- that -- I have not had an opportunity to discuss with my clients, Your Honor, as to that representation or as to whether or not that includes all of the individuals. I have no objection at this point for Mr. Adelman to sit at the counsel table until that matter

can be resolved and worked out between us. I want it clear that I do represent the effected Local individual members involved at this time. We -- I see no objection to proceeding in that manner.

MR. ADELMAN: Let me state for the record that there are individuals named as individuals in addition to Local 961. There is a John Doe, Richard Roe, and numerous other persons whose names are unknown. I would like to state for the record, for a point of clarification, when individuals are named in a Complaint before a State Court, I think there is a distinction between that capacity as individuals and the capacity they have as members of Local 961 which is the collective bargaining representative at the Eldon Plant. I think that is an important distinction and should there develop a question in terms of representation, I want to emphasize this distinction at the onset.

THE COURT: You are here before the Court at this juncture, at least, the only reason I know of on this record is that counsel for Plaintiff has furnished or was about to furnish the Affidavits and a Petition for Bench Warrants for certain named individuals, who are defendants. Now that we have the defendants represented in whatever capacity before the Court, it is,

I think, at this juncture, wise to have a response from them in that regard.

You, at this time, are asking, counsel, for the immediate issuance of bench warrants. You are asking for the immediate removal of this Court to the site of the particular altercation as alleged in your Complaint, for the purpose of making on-the-scene arrests. Counsel, any response to that?

MR. MILLER: I have a few, Your Honor. First, let me say on the record in this case that just a few moments ago I asked Mr. O'Meara to serve upon me, copies of the affidavits which I believe are the basis for the request to the Court for Bench Warrants. He apparently doesn't have enough copies in this matter. It would seem to me on that basis we should not even proceed until such time, particularly when we talk about arresting people, until such time as we are able to look at them; and, if necessary, to contact people and bring them in. It seems that it is just preliminary abearance on our part to further proceed on Mr. O'Meara's position. In this day of Xerography, I know of no reason that extra copies could not be prepared and delivered.

Beyond that, the basis of the Complaint here --

MR. O'MEARA: Your Honor, can I respond?

THE COURT: Let's get the entire response, and then you can make comments.

MR. MILLER: Thank you. Further than that, it appears that the basis for the Ex-Parte Order and Injunction appears to raise some very serious questions as to the essential validity. As I understand the Injunction that was issued, Ex-Parte in this case, it is basically in two parts. The first deals with the question of inducing work stoppages. The second deals with the question of force or unlawful threats. There is no allegation that constituted law enforcement authorities that are incapable and/or unwilling to perform their responsibility. In the absence of that, it appears there is no basis to proceed into the issuance of the injunction in the first place. There is an absence of evidence of force and/or threat, insofar as the Injunction speaks to the question, We are speaking of inducing of work stoppages, by word. The dealings of one employee to another to suggest a course of action involves simply the question of the right that is protected in this country under the First Amendment, that of the right of speech, so that allegation -- it

is just not here; namely, the constituted law enforcement authorities cannot prevent the use of unlawful force or threats. The right of speech: We have, under the First Amendment, the right to free speech. We, they have a right to advocate ideas. The mere fact that one person suggests to another is his right under the right to free speech. That, as the Court well knows, has been tested under the Smith Act cases, and so on and so forth. The Supreme Court of this land has ruled on that many times. In that sense, I know of no basis for proceeding under the Injunction itself.

Finally, it would seem that the Injunction itself is a nullity. It has no force. It was granted, Ex-Parte. The judge who granted was Judge Sullivan. I have, with all due respect, I hope the Court does not misunderstand me, a legal position. I don't understand how a matter which was issued by Judge Sullivan can be heard by Judge Canham. I say that with all respect to the Court. As I understand it, the person who is issuing the Injunction is the person that must carry it through. I question the jurisdiction of the Honorable Judge Canham to proceed on Judge Sullivan's order which itself was illegal in issue.

Insofar as a case involves a suit

alleging a breach of a collective bargaining agreement, and the Complaint does set that forth, I have not had a chance to prepare really on this. But, I think the general principles brought to the Court's attention are correct insofar as the Court is asked to enjoin a breach of a collective bargaining agreement. I note in reading this that there is an allegation of existence of a collective bargaining agreement and an allegation as to the no strike clause. The collective bargaining agreement is attached. This is a suit under Section 301 of the Labor-Management Relations Act as amended. As I understand that law, it being under the Federal Law, rights existing under the Federal Law apply both to State and Federal Courts. One of those rights which is important in these proceedings are the rights existing under the LaGuardia Act which deals with the issuance of injunctions in cases involving labor disputes whether or not there does exist a no strike clause. In Sinclair Refining Corporation, I cannot give you the citation, but it is my recollection that it is the case that covers that specific question. I think Mr. O'Meara probably has the citation. He has had a chance to do the research. By the smile on his face, I am sure he does have it. I don't know that this is really a

response.

Let me say, after you get finished with all of the law talk, there are practical aspects to every bit of litigation. I am informed, I cannot warrant this to the Court because I don't have the power to do so; however, I am informed, Your Honor, that this labor dispute should be resolved by 10:30 P.M. My information is from the Recording Secretary of this union, who called me in this Court. He informs me that an effort is being made to terminate this dispute and that it may be terminated, or hoped to be terminated, by 10:30 P.M. That is the time I believe the shift starts.

If that is the case, then I think that in terms of the economy of judicial energy and the economy of counsel's energy, we have some weighty legal issues involved. Certainly, Mr. O'Meara would want time to make copies of these things and give them to me and comply with due process of law. So we might be better served to appear here tomorrow and see what the situation is which would give us an opportunity to prepare a defense.

Thank you, Your Honor.

THE COURT: Before you respond and before Mr. Adelman makes a response, I accept the wisdom

of Mr. Miller's arguments that, perhaps -- I make reference to the latter portion of your response, wherein there is a practical side of all litigation -- this may be resolved at 10:30 this evening. In the event that the Court felt there were some weighty legal issues and that this Court would make the attempt to make a disposition in a relatively short time that we have today, this Court date, it might be for nought. Is there any objection on the part of, first, plaintiff, and secondly, Mr. Adelman and his respective individual defendants to adopt the wisdom of Mr. Miller in that this matter be put over, recognizing that there are motions for issuance of bench warrants that are held in abeyance and that there will be a motion forthcoming concerning the legality of the issuance of the injunctive order. There will be many arguments reserved for tomorrow morning. Then, hopefully, well, not hopefully, it may be a possibility that this will all disappear, that this matter will be resolved tonight at 10:30.

MR. O'MEARA: On behalf of Chrysler Corporation, I do object. I must strenuously object to any delay, whether or not these gentlemen had notice. We were not made aware so that we could get notice to them

on behalf of the people they claim to be representing here today. There is still some uncertainty to that. One of the biggest corporations in the world is about to stop production. It is about to happen because of an illegal strike. I disagree wholeheartedly with the law as quoted by Mr. Miller. The Cross case, the Holland case, and every other case that we think relevant and all of those mentioned today by Mr. Miller. There is outstanding a Temporary Order restraining people from doing things which they are doing as the Affidavits show. There is in the body of Federal Law, at least, and I think there will be some authority to this effect in State law cases, at least one major case which gives the Court a right to discipline somebody who violates a Court order. Despite that fact, this corporation has a right to come in here. This community needs the help of this Court to settle the labor dispute. Any labor union faced with this kind of action, all be it proper action, wants to delay. We went to see Judge Sullivan; he came downtown yesterday afternoon. We called him Saturday night because of the extreme need for rapidity in this case. He issued an Ex-Parte Order. That Order is now part of the law of this Court. It is being disobeyed. We want the Court to act, to give us the relief

that Chrysler Corporation deserves. I have other things to say, but perhaps I have responded to the question. As to the copies being made available for either of these gentlemen, we didn't know they would be here. We were so pressed for time that we only had time to make one copy.

MR. ADELMAN: May I respond to the Court's question?

THE COURT: Yes, counsel.

MR. ADELMAN: On behalf of the individual defendants, we would have no objection to putting the matter over. I agree with Mr. Miller that we face some serious legal questions here. In light of those serious legal questions, and in light of the fact that we would like an opportunity, if this matter proceeds, to present the Court with a motion to dissolve the present injunction, we feel it is illegal and contrary to the specific dictates to the Michigan Supreme Court. We would join Mr. Miller in his suggestion of adjournment until tomorrow morning.

MR. MILLER: I think it is the height of arrogance because this "giant corporation" and, "largest corporation in the world" has to tear up all proceedings, throw it out the window, and forget whether

or not the individual defendants in this case have some rights. I don't care how big it is. When it comes into this Court, it is just like anyone else, a party litigant. I don't believe the Court is going to be intimidated by that.

MR. O'MEARA: Your Honor, my statement went not at all to the size of the party of this case. This is an equity court and involves the numerous people that will be injured by being put out of work. This is to be considered by this Court.

THE COURT: The only real problem that we have at this juncture, if I am going to listen to the plaintiff's plea that time is of the essence, is the question that Mr. Miller raised, and I have not the slightest idea, and counsel for plaintiff hasn't the slightest idea, whether this Court -- I am saying Judge Canham can sit in judgment of the order issued yesterday. That is unusual. A temporary restraining order issued, Ex-Parte, is usually resolved by the person who does same. I don't know of any rule or policy or practice that would require that. That does not mean the file stays with that judge. It just means that particular portion, that is where I have my first hangup.

I haven't the slightest idea whether

I can hear Judge Sullivan's alleged order violation. We would have to get to that sometime today, before we could go on. It would be ten tonight before we would resolve that question. Then we would get to the issue raised by Mr. Adelman. He can still argue that one. If we continue the Court through the rest of the evening and into the night, then at 10:30 tonight we might find out what happens. Then we might all go out of here mad because we wasted time, not wasted it, but spent it here. If 9:30 tomorrow morning is not the answer, then 10:35 tonight is the answer.

MR. PHILIP: Your Honor, I am here also on behalf of Chrysler Corporation. I think that would be an excellent solution to the problem, to make it 10:35 tonight. If we don't do something tonight, by tomorrow morning, that is if we start at 9:30, that is three hours after the starting shift time. There is nothing we can do to get relief tomorrow here.

MR. ADELMAN: I don't know what 10:35 tonight means, exactly. If it means going to the plant to determine whether or not a bench warrant should issue, we would have to raise the point here. We would want a determination on dissolving that injunction.

THE COURT: I suggest that we are

back here whether or not the Court has a right to issue a temporary restraining order. That is all we are going to start at 10:35 tonight. Then, after we dispose of that, and if the plaintiff prevails, it is a question of whether or not he has a right to issue the bench warrants. These are all going against the individual defendants and as you indicated this rather vague representation that you have under the contract and the individual distinction. That is rather confusing and rather vague at the moment. I am impressed by the argument of counsel for the plaintiff that time is of the essence. I think that the only thing I could do is to make myself available at 10:35 and find out whether or not Judge Sullivan has a right to issue it, or if I have a right to hear it, or whether Judge Sullivan should be sitting here at 10:30.

MR. MILLER: Your Honor, if the Court please, I appreciate the Court recognizing that there are weighty questions. However, it is not going to be stampeded into taking any precipitous action and unduly interfere with anyone's right, albeit, the plaintiff or the defendant in this case. I think the Court's notion about appearing here at 10:30 is an interesting notion; but, I am concerned about this.

I have not had a right or a chance to talk to my clients here. Mr. O'Meara hasn't been able to serve me with an extra copy of pleadings because he assumed that this was going to continue without anyone representing the defendants. That cozy assumption is upset, now. That is his problem, not ours. We have a right to use the materials that he uses. To want to put somebody in jail without enough time to check the law out and to find out whether or not he should go to jail is unheard of. He is asking for a bench warrant to put somebody in jail. That is serious business. Before anybody does something like that, we at least have the right to have, in quiet and detached, opportunity to review that material, get those people in, find out what it is about, and have an orderly proceeding to find whether somebody is going to go to jail. I don't care if it is the first or the fifth largest corporation. It is my understanding that this will be resolved at 10:30. I will be here in this courtroom as soon as the Court wants to open. I will spend tonight, this evening, in preparing a defense. I think I am entitled to that opportunity, at least to prepare a case on the bench warrant, providing that Mr. O'Meara can find it to get to me the copies of the pleadings. I will proceed tonight to prepare for the Court tomorrow

the defense on the merits or on the law as I think it applies. I think we are entitled to that.

MR. O'MEARA: I will have the copies in their hands by half an hour after we leave this Court, if the Court will accept that assurance. May I suggest that the Court make the preliminary injunction order which was entered by Judge Sullivan, bring that on for hearing at 2:00 P.M. on Friday and an Order to Show Cause returnable at 10:35 this evening. At that time, we will know or shortly thereafter, what success of the efforts have been or whether or not the further services of this Court in any way are needed.

THE COURT: I am persuaded by the argument by counsel for the plaintiff that there is apparently some emergency here in their request. That is why the extremely unusual hour of 10:35 arose. We all recognize that at 10:30 all of the problems may have resolved themselves. I don't know if I give counsel, Mr. Miller, ample or sufficient time to argue. But, Mr. Adelman is the one who raised this. He was unaware of their motions for bench warrants. He said, I would like to have an opportunity to argue the ex-parte injunction; is that correct, Mr. Adelman?

MR. ADELMAN: That is correct.

THE COURT: Are you able to do that at 10:35?

MR. ADELMAN: I would not be able to, I submit, to do that at 10:35, as I would be able to do it tomorrow morning.

THE COURT: When is the next shift?

MR. PHILIP: Six-thirty tomorrow morning, Your Honor.

MR. MILLER: Six-thirty, Your Honor.

Your Honor, it is now 10 minutes after four. I don't know if I can hold my office or the staff in my office today. Chrysler doesn't have that problem. It is a major job. It is a serious job, a serious problem.

THE COURT: Let me do this: I recognize it is extremely unusual. It is the kind of request that will not be well received by your respective clients. If there is a problem, I am wondering whether or not all of the parties, respective clients, are available at that time, whether the Court can assist counsel to bring to fruition the anonymous phone calls --

MR. MILLER: They are not anonymous, Your Honor, at this point. My information was

from the Recording Secretary of the Local.

THE COURT: You have heard it from the officer of the Local that this will take place at 10:30. At 10:35, if the telephone call comes, we can forget it. We can go back and do what we were going to do. If not, if Chrysler Corporation is in such peril as they have alleged in the pleadings, that tomorrow sometime small car production is down, and the next day or two days later, all production is down, they are making serious assertions that they are in deep trouble if the Court does not grant the relief that they request. I cannot ignore that fact. I will make myself available this evening at 10:30. If there is a problem or any possibility of having the litigants here, the respective defendants, representatives from the Local, and everybody, I guess this would make it convenient for all. This has been done before.

MR. ADELMAN: There is a problem. There is not only a problem in getting the individual defendants here, I can't speak for Local 961, but I know there would be a problem getting the individual defendants here. There is also a problem vis-a-vis, people such as John Doe and Richard Roe. I think what has happened, there is an attempt to bypass the normal channels of due

process and the normal channels of the hearing in obtaining this injunction. I am not able to -- I consider it illegal on its face, but to have people in a position to be in contempt without having the opportunity to be heard in Court, there is a basic difficulty here. It will be next to impossible to have all of the parties who might be affected by this in this Court at 10:30 or at 10:35 tonight.

MR. O'MEARA: Even within the bounds of what you have said that the motion for bench warrants are pending, there is much that the Court can do if it decides that it may act rather than Judge Sullivan; and, this is in effect a valid and binding order. There is much it can do if the strike still continues at 10:30 tonight. This is of such great value, I think if it could be accomplished, to have the plaintiff and others, we urge the Court to put itself in a position to resolve this as best it can this evening.

THE COURT: I am going to suggest that we meet this evening. I suggest that you are going to be able to furnish the Court, and I don't know where you are going to find the information as to the jurisdiction this Court has over Judge Sullivan's order. There has been a challenge. All three of you are charged with

research in that area. I know of no rule and no practice and no policy that would say that this Court cannot. We will get into the question Mr. Adelman raised. Then, we go to the question of whether or not this is illegal. Then we may be on the motions for the issuance of the bench warrant. Tonight at 10:35 --

MR. MILLER: Your Honor, I would like to try to call some people as soon as possible.

(Short recess.)

THE COURT: I assume that you all had a moment to call your command posts. Is there any reason to add anything to this record?

MR. O'MEARA: Nothing, Your Honor.

MR. ADELMAN: I have nothing.

THE COURT: Well, we are flooded with rumors. We have a new one, I understand, now. I don't know if there is anything confidential at all. Negotiations are weakening. It seems like a ridiculous time to do all of this, as I set this date and this hour, we are not going to be here for any length of time, now. If we are serious, here, we may be here for a while. I will see you gentlemen at 10:30. Five minutes doesn't make that much difference. Would you kindly leave your

numbers where you can be reached with the Clerk so that we, in case we must make calls, will be able to do so.

MR. MILLER: Will there be a problem about getting in at 10:30, Your Honor?

THE COURT: I will make arrangements.

(Whereupon Court was recessed until 10:30 P.M. o'clock.)

* * *

May 4, 1970

10:30 o'clock

Detroit, Michigan

(Conferences were held in Chambers.)

(Whereupon at 11:45 o'clock the Court reconvened.)

THE COURT: Gentlemen, we have asked you to come back at 10:30 with the expectation that we would know something further in addition to what we knew at the last time we met here during the formal session of Court. I assume that for the record, Mr. O'Meara, in a few words will say what has transpired to date, if you can.

MR. O'MEARA: I am sorry, Your Honor?

THE COURT: What is your position?

It is now one hour and some minutes past. What is your position?

MR. O'MEARA: At 10:30 the shift went on for the evening. The results were with people coming in, but over half of those scheduled to work were in. There appears to be substantial workers essential enough to end the wildcat strike. We are satisfied that this cooperation is sufficient for us to wish at this time to proceed no further with the understanding that this Court will retain jurisdiction; that we will have access to it on short notice at any time, particularly for bench warrants if there are any need of those against named defendants in the action who are in the future are violating the order of Judge Sullivan which was issued Sunday.

MR. MILLER: If Your Honor please, there are a few matters I would like to address myself to.

First, in reference to counsel's statement, it is accurate. I am authorized on behalf of the Local union to say that this Local has taken all steps that would be reasonably required by a Local union to take when there is an unauthorized work stoppage. I might further say in reference to that that there are

on file in this proceeding a number of affidavits, number of statements, submitted by the corporation, which we do not agree with. We believe these to be absolutely and totally false. But, we understand that that is not the matter that is being litigated at this time. We want the record to be absolutely clear, Your Honor, that we do not agree with any of these statements. That in a proper hearing and proper forum under the collective bargaining agreement, we intend to handle these questions as they come up at that time. It is unfortunate having heard all about this matter in terms of what conduct on the part of the Chrysler Corporation initiated this situation. The fact is at this point and at this juncture, the union has decided that it is going to carry on this or its fight inside of the plant. That is where the fight will proceed, within the contractual obligations. That is what I am authorized to tell the Court at this time.

Further, I would like to raise another question if I may, which has some sensitivity. There are two collective parties. There is the Local union. There is the corporation. Unfortunately, we are bothered in this proceeding by third parties, interlopers and intruders, even up to the extent that

when I had a private conference between myself and my clients, I discovered that there were, and I use this term as a word of art, two "spies" at that meeting who had no right to be there; who did not have a right to be there. They are present in this courtroom at this time. They have no connection with this Local and have nothing to do with this Local, absolutely. We cannot permit third party interlopers, adventurers, people who are looking to stir up problems to interfere with our relationship, that means by coming into meetings at which they are not authorized to appear, or coming into courtrooms with their lawyers. They have no part in this proceeding. I must respectfully say, with all respect to counsel in this matter, I challenge the right of Mr. Adelman to appear in this proceeding.

MR. ADELMAN: I will take last things first. I will speak and respond briefly to Mr. Miller's comments. As I recall, Mr. Miller entered the proceedings, indicated that he was in a vague situation and not sure whether he represented Local 961. Later, there was some kind of telephonic communication between Mr. Miller and some other party, at which time he indicated he represented Local 961. As you recall, Your Honor, at no time did I say I represented Local 961.

I represent individual defendants. At this time, we have received telephonic communication from one of the added defendants, Mr. Jordan Sims, that we represent Mr. Sims. In addition, in the courtroom, contrary to Mr. Miller's statements, are people who are vitally concerned and intimately concerned with what is happening at the Eldon Plant. I would refer to James Edwards, Fred Halsey, and Robert McKee. They are employees of the Chrysler Corporation. They work at the Eldon Plant. I am here in a capacity to represent them, as well as Mr. Sims. They are concerned with what is happening. This is an open-ended complaint, Your Honor, referring to specific individual defendants as well as John Doe and Richard Roe and unnamed parties. I would indicate for the record that this would describe any employee at the Eldon Plant. They are vitally concerned. I indicated earlier that on behalf of these individuals, individual defendants, and individuals in the courtroom, that we wish to present a motion to dissolve what we consider to be an illegal ex-parte order issued by Judge Sullivan yesterday. In light of counsel for Chrysler Corporation, and in light of his statement that at this time we will not proceed with the bench warrant, at this time I would indicate we will not file

or ask for immediate hearing on the motion to dissolve. We will reserve that right, pursuant to General Court Rule 718 which, I believe, gives us the right to immediately respond and ask for a motion to dissolve in such a situation. Therefore, I want the record to indicate that we take great exception to Mr. Miller's remarks. We reserve the right to bring the motion to dissolve at the appropriate time.

THE COURT: Thank you, gentlemen. It has been the position of the plaintiff that they are not going to proceed with the motion for a bench warrant and for the reasons as stated. They are basically the fact that the Local 961, its officers and its members, at least at this juncture, are cooperating with an attempt to end, as Mr. Miller put it, an illegal work stoppage. This Court can serve no purpose by continuing tonight. I have nothing further except to add I am not certain of the thrust of the complaint whether or not it is broad enough in scope to include individual representation. If you are talking about collective bargaining agreements, I would suggest to you it is not that broad. I am not ruling, because I have not been asked to rule. It is wise that you are here. It is good that you are here. It is good that you are here with your clients or

those who appear here tonight. I assume that they are friendly to your clients and vitally interested in this situation. This Court does stand ready to issue the processes available upon application made by either party, caused by interference at the Eldon Plant. I suggest there is nothing further to be said, except that counsel has many remedies. We have discussed them privately in chambers. I don't think this Court would stand for tortious interference with the right of the worker to work and the right for management to have that person to work. That is pure and simple a matter for a State Court or this Court to utilize all of its powers to prevent same. With that admonishment, this matter is continued. If there is any need for this Court to proceed on an application, it will stand ready and willing. That is all, gentlemen.

MR. SCOTT: Thank you, Your Honor.

MR. O'MEARA: Thank you, Your Honor.

MR. MILLER: Thank you.

* * *

* *

*