

1960

# Troy A. Nance and Thomas B. Hanley v. Sheet Metal Workers International Association : Appendix to Brief of Defendant and Appellant

Utah Supreme Court

Follow this and additional works at: [https://digitalcommons.law.byu.edu/uofu\\_sc1](https://digitalcommons.law.byu.edu/uofu_sc1)



Part of the [Law Commons](#)

Original Brief submitted to the Utah Supreme Court; funding for digitization provided by the Institute of Museum and Library Services through the Library Services and Technology Act, administered by the Utah State Library, and sponsored by the S.J. Quinney Law Library; machine-generated OCR, may contain errors.

A. Wally Sandack; Donald W. Fisher; Counsel for Sheet Metal Workers International Association;

---

## Recommended Citation

Brief of Appellant, *Nance v. Sheet Metal Workers*, No. 9111 (Utah Supreme Court, 1960).  
[https://digitalcommons.law.byu.edu/uofu\\_sc1/3437](https://digitalcommons.law.byu.edu/uofu_sc1/3437)

This Brief of Appellant is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Supreme Court Briefs (pre-1965) by an authorized administrator of BYU Law Digital Commons. For more information, please contact [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu).

---

---

IN THE SUPREME COURT  
OF THE STATE OF UTAH

TROY O. NANCE and  
THOMAS B. HANLEY,

*Plaintiffs and Respondents  
and Cross-Appellants*

vs.

SHEET METAL WORKERS  
INTERNATIONAL ASSOCIATION,  
an unincorporated association,  
*Defendant and Appellant.*

FILED

JUL 22 1960

Clerk, Supreme Court, Utah  
Case

No. 9111

---

APPENDIX TO BRIEF  
OF DEFENDANT AND APPELLANT

---

A. WALLY SANDACK  
405 Executive Building  
Salt Lake City 11, Utah

DONALD W. FISHER  
741 National Bank Building  
Toledo 4, Ohio

*Counsel for Sheet Metal Workers  
International Association*

*Of Counsel:*

DRAPER, SANDACK & DRAPER  
405 Executive Building  
Salt Lake City 11, Utah

MULHOLLAND, ROBIE & HICKEY  
741 National Bank Building  
Toledo 4, Ohio

## TABLE OF CONTENTS

EXHIBIT NO. 4 .....	Pages 1 to 93
EXHIBIT NO. 5 .....	Pages 95 to 126
EXHIBIT NO. 6 .....	Pages 127 to 142

---

---

SHEET METAL WORKERS  
INTERNATIONAL ASSOCIATION

---

IN THE MATTER OF THE TRIAL  
OF  
THOMAS B. HANLEY

---

PROCEEDINGS

---

Room 784, Statler Hotel, Los Angeles,  
California, Thursday, June 3, 1954.

Reported by:

Ben A. Bell

Mark T. Nevill

COPY

[1]

INDEX OF EXHIBITS:

DEFENDANT'S NO.	DESCRIPTION	PAGE NO.
1	Letter	80
2	Letter of June 2, 1954	80
3	Letter	83

SHEET METAL WORKERS  
INTERNATIONAL ASSOCIATION

---

IN THE MATTER OF THE TRIAL  
OF

THOMAS B. HANLEY

---

Taken at Room 784, Statler Hotel, Los Angeles,  
California, Thursday, June 3, 1954.

---

TRIAL BOARD:

MR. MOE ROSEN, G.V.P., Chairman.  
MR. RENE W. SCHROEDER, G.V.P.  
MR. G. JOSEPH FITZGERALD, G.V.P.

FOR THE UNION:

MR. ERNEST MURPHY.

FOR THE ACCUSED:

MR. C. E. VAUGHN.  
(Member Local 88, Las Vegas)

Reported by:

BEN A. BELL

MARK T. NEVILL

LOS ANGELES, CALIFORNIA, THURSDAY, JUNE  
3, 1954, 10:00 A. M.

---

CHAIRMAN ROSEN: I am now reading Section 3 (b) of Article 18 of our International Constitution—this is for the record:

“A general officer or officers designated by the General President shall constitute a Trial Board, and all parties shall be given the same opportunity to present evidence and exhibits, cross-examine witnesses, and for the accused to be represented by a good standing member of his Local Union as counsel, to which they would be entitled in a trial before the Local Union Trial Committee, as provided in Section 2 of this Article.”

MR. HANLEY: Mr. Chairman, you previously stated that I could select any good standing member. You quoted Section 3, Article 18.

CHAIRMAN ROSEN: I will reverse the statement that I made before, after reading this.

MR. HANLEY: In other words, I have to confine myself to a counsel from my Local Union; is that right?

CHAIRMAN ROSEN: Correct, according to the Constitution.

MR. HANLEY: Mr. Vaughn, before we proceed with the trial here, I have some motions which I would like to file with the Chairman.

[3]

CHAIRMAN ROSEN: I still insist, Tom, that all your witnesses vacate the room before we go into the actual proceedings of this, subject to call.

MR. HANLEY: That's agreeable with me, Mr. Chairman, but who is the gentleman sitting here (indi-

cating)? I have never met him. I don't think he is a member of our organization.

MR. MURPHY: I am Ernest Murphy, Local 292, Detroit.

MR. HANLEY: Is he a witness here, Mr. Chairman, is that the purpose of it, or is he to remain outside?

CHAIRMAN ROSEN: He is the complaining witness.

MR. HANLEY: He is the complaining witness?

CHAIRMAN ROSEN: Yes. You fellows will have to step out, you can stay in the lobby. When Tom wants any one of you, we will give you a call.

MR. HANLEY: Before they leave, I would like to file these motions with the Trial Board and I would like to speak on them. Would you read those?

CHAIRMAN ROSEN: We are not in the process of the trial yet. You can produce those as your exhibits, if you like. I have some statements to make before we proceed with the trial.

MR. HANLEY: I would like to have these motions read before we proceed.

CHAIRMAN ROSEN: No, Tom, it won't be fair if we go into a bulk of things before I even tell you how

[4]

we are going to proceed with these charges. I haven't told you as yet. As Chairman of the Trial Board, I have a statement to make on behalf of the Trial Board.

MR. HANLEY: Make the statement.

CHAIRMAN ROSEN: And from then on, you can produce any kind or sort of exhibits or witnesses that you like.

MR. HANLEY: You can make the statement, Mr. Chairman. I have no objection. You are the Chairman. I am here to listen.



CHAIRMAN ROSEN: I mean with these people out of the room.

MR. HANLEY: Then may I have a reporter in here, on my own behalf?

CHAIRMAN ROSEN: No —

MR. HANLEY: Then I am not permitted to have any reporter here?

CHAIRMAN ROSEN: You can get your transcript of the proceedings from any one of these two people.

MR. HANLEY: Who are they with?

CHAIRMAN ROSEN: They are reporters, I imagine, from a firm of court reporters.

COURT REPORTER BELL: Do you want my name, sir? Here is my card.

MR. HANLEY: I have no objection to this firm, if I can obtain a certified copy of this transcript signed and sworn to by a notary public.

[5]

COURT REPORTER BELL: A certified copy of the transcript will be available to you, sir.

MR. HANLEY: I have no objections, Mr. Chairman —

MR. PAUL C. DITZEL: Mr. Chairman, I am a reporter representing the Daily News. I think it would be helpful in getting both sides in the newspaper —

CHAIRMAN ROSEN: You can get that from the transcript, if you desire. We do not permit reporters from any newspapers to be present during the trial.

MR. DITZEL: I am sure these transcripts won't be ready until tomorrow.

CHAIRMAN ROSEN: When will the transcript be available, Mr. Reporter?

COURT REPORTER BELL: Depending on the

hours that the proceedings run. If they run until 3:30 or 4:00 o'clock, the transcript should be available by 6:00 o'clock.

MR. DITZEL: Mr. Chairman, would you furnish me with a copy of the transcript?

CHAIRMAN ROSEN: That is subject to decision by the Board.

MR. DITZEL: Mr. Chairman, would you have a statement later on in the day?

CHAIRMAN ROSEN: Perhaps.

MR. DITZEL: Where can I reach you?

CHAIRMAN ROSEN: In the hotel.

[6]

MR. DITZEL: What is your room?

CHAIRMAN ROSEN: I am located in five or six different rooms in the hotel. You can call and locate me anywhere.

MR. HANLEY: I would like to have one of these men here when the motion is discussed because I don't know as to my position of standing trial or not. I would like to first have these questions answered that I have raised.

CHAIRMAN ROSEN: Tom, let me say this. As I said before, you are privileged to call any one or any group of witnesses that you so desire in your behalf. You cannot call them prior to my making my statement as to the procedure of the trial. I still request that my original ruling be enforced that everybody vacate except the one who is going to act as your counsel.

MR. DITZEL: The City Editor sent me up. They expected that I would be allowed to cover the trial.

CHAIRMAN ROSEN: I am sorry, sir, we don't allow any newspaper reporters to be present in this trial.

MR. HANLEY: Is that in the International Constitution?

CHAIRMAN ROSEN: That's right, that's our privilege.

MR. HANLEY: Would you quote the article that deprives us of the right to have a reporter?

CHAIRMAN ROSEN: There is no such thing in the Constitution. This is entirely a decision by the Trial Board.

MR. DITZEL: I would like to make it clear, Mr.

[7]

Rosen, that I am not necessarily for one side or the other. I am just trying to give an objective newspaper report of what is going on here and at the same time be fair to both sides, and I believe that it would be much easier for me, I think the story would be much more objective, if I could sit in.

CHAIRMAN ROSEN: What is your name?

MR. DITZEL: Paul Ditzel.

CHAIRMAN ROSEN: Let me say this, Mr. Ditzel, that everything that is going to be conducted here is going to be fair and square to all concerned, and I am talking for the Trial Board. We definitely decided when we formulated our rules of procedure for this trial that no reporters of any newspapers whatsoever would be permitted in the trial hearings.

MR. DITZEL: I see.

MR. HANLEY: Mr. Chairman, before the reporter leaves I would like to serve you with copies of charges which I have caused to be filed against each of you as International Vice Presidents, that have been filed in our Local Union. I would like to know if you gentlemen are going to sit as my peers or as a Trial Board for me when there are charges against you. I ask for an interpretation of the Constitution, Mr. Chairman —

CHAIRMAN ROSEN: Tom —

MR. HANLEY: Just a moment. I have a right to assert my rights here, Mr. Chairman.

[8]

CHAIRMAN ROSEN: Just a moment. Let me tell you the procedure. We haven't even gone into it yet.

MR. HANLEY: Tell me the procedure.

CHAIRMAN ROSEN: I will read the procedure to you and your counsel; we are not going to read any procedure to any witnesses who are not allowed in at this time, but who are only subject to call by you or anyone else.

MR. HANLEY: Will you give me a copy of the procedure as you read it?

CHAIRMAN ROSEN: You will have a copy of the procedure in the record.

MR. HANLEY: Why won't you give me a copy as you read it, Mr. Chairman?

CHAIRMAN ROSEN: Tom, for your information

—  
MR. HANLEY: If I am going to be tried before this pogrom as a Trial Board, I want a copy of the procedure that I am going to be tried under.

CHAIRMAN ROSEN: You are going to get one.

MR. HANLEY: This is the pogrom that's to try me?

CHAIRMAN ROSEN: Program? What do you call a "program"?

MR. HANLEY: Pogrom. That's yours, Mr. Chairman. You admitted it was, Mr. Chairman.

CHAIRMAN ROSEN: Now look, Tom. I told you before, and it is on the record. So far as you are con-

[9]

cerned, or anyone else, you are going to get as fair a trial as any man or any human being can possibly expect.

MR. HANLEY: That's an abstract statement, Mr. Chairman.

CHAIRMAN ROSEN: How do you know it's an abstract statement?

MR. HANLEY: I feel that it is.

CHAIRMAN ROSEN: You are not questioning my veracity at this point by making a statement that —

MR. HANLEY: It's not a question of your veracity. I asked for certain interpretations, and you refused to give them.

CHAIRMAN ROSEN: I will give them to you, Tom, to you and your counsel, but not in front of any witnesses who are not yet subject to call. When we get to them, Tom, if you want to repeat the procedure of the trial to your witnesses, that's your business.

MR. HANLEY: Before we go into witnesses, Mr. Chairman, I am asking for a copy of the procedure under which I will be tried.

CHAIRMAN ROSEN: You will get one.

MR. HANLEY: When?

CHAIRMAN ROSEN: Immediately after the witnesses leave here, after I read them.

MR. HANLEY: Why can't I have one before the witnesses leave?

[10]

CHAIRMAN ROSEN: I can't give you anything before I read it for the record.

MR. HANLEY: Mr. Chairman, on the point of the charges I just filed on you and everybody else on the Trial Board as International Officers, is it in the Constitution that you can sit as my Trial Board, although you have been biased and prejudiced by those charges I just caused to be filed against you?

CHAIRMAN ROSEN: Bias and prejudice have to be proved.

MR. HANLEY: I am asking you, are you still going to sit as my Trial Board?

CHAIRMAN ROSEN: We are still going to sit as a Trial Board as appointees of the General President of the International Union.

MR. HANLEY: Regardless of the fact that I have preferred charges against you?

CHAIRMAN ROSEN: I don't know what the charges are. I haven't read them.

MR. HANLEY: I will read the charges to you.

CHAIRMAN ROSEN: Would you let us go on to the procedure —

MR. HANLEY: I will read the charges to you, Mr. Chairman. Do you want the charges read?

CHAIRMAN ROSEN: Before whom?

MR. HANLEY: Right here now, your charges,

[11]

read them, the charges against you, as a matter of record; I want it in the record.

MR. MURPHY: Mr. Chairman, as a point of privilege, I would like to ask for a short recess of this meeting.

MR. HANLEY: Mr. Chairman, this man is a testifying witness and he is asking for a privileged question.

CHAIRMAN ROSEN: Brother Murphy, as I said before, if Tom Hanley would only permit me to go into the procedure and read the procedure of the trial as to how we are going to proceed and conduct this trial, everything would be clear.

You can prefer your charges later, Tom.

MR. HANLEY: They are preferred; I have furnished you with a copy of them.

CHAIRMAN ROSEN: You are not preferring

charges to me against myself or to Fitzgerald against himself.

MR. HANLEY: I have filed them, in accordance with the International Constitution, with my Local Union to be forwarded to the general office.

CHAIRMAN ROSEN: I don't have any copy of charges preferred against me.

MR. HANLEY: There they are, Mr. Chairman.

CHAIRMAN ROSEN: These charges just came to me now.

MR. HANLEY: That's right. And I don't yet have a copy of the charges that have been preferred against me.

CHAIRMAN ROSEN: Tom, if charges are to be  
[12]

preferred, you know the Constitution; you know the time allotted for charges to be preferred.

MR. HANLEY: They are preferred. I am giving you a copy of them. It says, "Mailed or otherwise delivered."

CHAIRMAN ROSEN: Not now.

MR. HANLEY: Yes, now.

CHAIRMAN ROSEN: Such charges are not valid according to the Constitution.

MR. HANLEY: The Constitution has been complied with. They were forward to Las Vegas, Nevada. They were filed with that Local Union and are being filed with the general office.

CHAIRMAN ROSEN: I want to say again, Tom, if it is your intention to hinder these proceedings, all right. If you want to go through this trial in accordance with the charges preferred against you, we will. But if you are going to hinder the procedure of this trial, I'm afraid we'll never get anywhere.

MR. HANLEY: Mr. Chairman, I took the position

CHAIRMAN ROSEN: Excuse me. Charges preferred against any general officer or any member of any local Union are to be sent within the proper time limit prescribed by the Constitution. Is that right, Tom?

MR. HANLEY: Right. By the same token, Mr. Chairman, it says you can furnish a copy to the accused, and a copy is therewith handed to you.

[13]

CHAIRMAN ROSEN: Now?

MR. HANLEY: Yes. They have been filed prior to this date with Local 88 to be forwarded to the General Secretary and General President.

CHAIRMAN ROSEN: When was it forwarded?

MR. HANLEY: In accordance with the Constitution.

CHAIRMAN ROSEN: When was it forwarded?

MR. HANLEY: Yesterday morning.

CHAIRMAN ROSEN: Do you think that's enough time?

MR. HANLEY: Mr. Chairman, you are not standing trial. Nobody is requesting you to. You follow the Constitution.

CHAIRMAN ROSEN: What are the charges?

MR. HANLEY: Read the charges. They are the same—they are under the Constitution; they are in accordance with it.

CHAIRMAN ROSEN: I am not even going to read those charges, Tom.

MR. HANLEY: I know you won't.

CHAIRMAN ROSEN: Neither will any other member of this Trial Board read the charges.

MR. HANLEY: I will read them to you.



CHAIRMAN ROSEN: I don't care whether you do or not. I can reject those charges at the present time; at least the Board can.

MR. HANLEY: I know you have a lot of authority; I agree with you.

[14]

CHAIRMAN ROSEN: We haven't got any more authority than we have been given, in accordance with the Constitution.

MR. HANLEY: You say that you reject this, refuse that or the other, but you say nothing else.

CHAIRMAN ROSEN: You gave me and the two other Board members charges that were preferred against us this morning, 10 minutes ago.

MR. HANLEY: They were not preferred this morning.

CHAIRMAN ROSEN: I have seen the copy only 10 minutes ago that you handed me.

MR. HANLEY: I handed you a copy to show you that charges were pending against you.

CHAIRMAN ROSEN: We are not going to proceed in that manner.

MR. HANLEY: They were filed in accordance with the Constitution, Mr. Chairman.

CHAIRMAN ROSEN: It is entirely out of order, and it is entirely against yourself and entirely against the Trial Board and anybody else that is involved.

MR. HANLEY: How is it against myself, Mr. Chairman?

CHAIRMAN ROSEN: Because we are not going to accept this; and if you are going to insist on these charges being preferred against us this morning while we are trying you, while we are sitting as a Trial Board trying you on charges that were preferred against you, it is out of order.

MR. HANLEY: Mr. Chairman, those charges were filed in accordance with the Constitution. They were forwarded to Las Vegas, Nevada —

CHAIRMAN ROSEN: That, we will determine later on.

MR. HANLEY: —through Local 88. You are the sole judge on that, I presume?

CHAIRMAN ROSEN: That's my ruling. How about the other members of the Board?

MR. SCHROEDER: That's absolutely right. This is all irrelevant in my book. If you want to prefer charges against us, you will send them to us Registered Mail, and there will be a Trial Committee. We are not going to accept these from you now.

MR. HANLEY: Those charges are to be filed with the Local Union, and they have been filed with the Local Union to be forwarded to the General President, and it is his obligation to forward them to you.

MR. SCHROEDER: We are not going to accept these charges this morning.

MR. HANLEY: I ask that these charges be made a part of the record. This gentleman told me that I could have a true copy of the transcript of these proceedings, and if I am to pay for it, I am entitled to have it in the record.

CHAIRMAN ROSEN: The Board will not accept that.

MR. HANLEY: You are not going to insert the charges?

CHAIRMAN ROSEN: There are no charges filed,

so far as I know, except what you handed me now.

MR. HANLEY: I will read them to you, Mr. Chairman.

CHAIRMAN ROSEN: I am not going to permit the reading of them, Tom.

MR. HANLEY: Why aren't you?

CHAIRMAN ROSEN: Because I am not. It is so irrelevant —

MR. HANLEY: I am going to read them to the reporter, then.

CHAIRMAN ROSEN: It is off the record.

MR. HANLEY: Just a moment. Do I have a right to employ one of these reporters? You said I did.

CHAIRMAN ROSEN: That's up to you, Tom, if you want to employ them hereafter.

MR. HANLEY: I want to call one of them in now, then. You gave me that privilege.

CHAIRMAN ROSEN: Look, Tom —

MR. HANLEY: I would like to ask for the privilege —

CHAIRMAN ROSEN: Again I want to say —

MR. HANLEY: You told me a few moments ago, and it is a matter of record, that you would give me the right to employ one of these men as reporter, and I want to ask the privilege of this court for time to employ a reporter and have him in here to take down and make a true and correct transcript of the proceedings.

CHAIRMAN ROSEN: How soon would you have them here?

[17]

MR. HANLEY: I can use one from this firm. Can you get one here right away, Mr. Bell?

COURT REPORTER BELL: I am taking down everything that is being said.

MR. HANLEY: I want a complete record of all the transactions here. You gentlemen promised me that, and I want to employ a reporter from your firm, to bring

him in here and have a true copy of everything that I say and all the statements of all the parties. What's the secret here, gentlemen?

MR. FITZGERALD: There is no secret.

MR. HANLEY: Why don't you permit the charges to be read that I preferred against you?

CHAIRMAN ROSEN: They are irrelevant at the present time.

MR. HANLEY: I disagree with you.

CHAIRMAN ROSEN: You are here under charges —

MR. HANLEY: You are, too.

CHAIRMAN ROSEN: No, we are not.

MR. HANLEY: Charges have been preferred against you in accordance with the Constitution.

CHAIRMAN ROSEN: The charges preferred against any one of us cannot be accepted as such because they were not filed —

MR. HANLEY: That's your statement.

CHAIRMAN ROSEN: That's my statement, yes.

[18]

MR. HANLEY: That's your statement, but that's not law.

CHAIRMAN ROSEN: I don't care whether it is law or not. That's the statement of the Board.

MR. HANLEY: Mr. Chairman, I would like to be furnished with a copy of my charges. They have never been furnished to me.

CHAIRMAN ROSEN: That, we will go into in the proper procedure. Look, Tom, you will have the privilege of objecting; you will have the privilege of introducing evidence.

MR. HANLEY: I see what privileges I have. You tell the reporter to leave certain things out of the record

and won't permit me to bring a reporter in as you agreed to originally. Can I have a reporter here to take down all of the transactions here?

CHAIRMAN ROSEN: You just negotiated with the reporter to make a transcript.

MR. HANLEY: I would like to ask that all the statements I am going to make here and all the documents I am going to read be made a part of the record.

COURT REPORTER BELL: I am taking down and will continue to take down everything that is being said.

MR. HANLEY: Will it be made a part of the record or transcript?

COURT REPORTER BELL: Yes.

[19]

MR. HANLEY: It will not be segregated?

COURT REPORTER BELL: No.

MR. HANLEY: All the discussions, questions and answers, will be made as a complete part of the transcript?

COURT REPORTER BELL: Yes.

MR. HANLEY: The documents I read, will they be incorporated as part of the complete transcript?

COURT REPORTER BELL: Everything that is said or read aloud will be taken down.

MR. HANLEY: In other words, you mean everything I read to the Chairman will be taken down, is that right?

COURT REPORTER BELL: That is correct.

MR. HANLEY: All right, I would like to read a request that I made to the Chairman —

CHAIRMAN ROSEN: I am going to rule this out of order at the present time, Tom. We have not started the procedure of your trial as yet.

MR. HANLEY: This is addressed to the Chairman, dated June 2nd —

CHAIRMAN ROSEN: Wait just a moment —

MR. HANLEY: I'd like it in the record.

CHAIRMAN ROSEN: We are not going to permit the introducing of any evidence at the present time until such time as the room is cleared, as I stated, and we go through the procedure of the trial.

MR. HANLEY: This is not evidence, Mr. Chairman. I would like to move —

CHAIRMAN ROSEN: I am not interested in what it is. I asked that the room be vacated of all witnesses.

MR. HANLEY: It is dated June 2nd, 1954, from Los Angeles, California, addressed to the Chairman of the Trial Board.

CHAIRMAN ROSEN: We are not allowing this to be introduced as evidence at the present time. The trial procedure has not as yet started.

MR. HANLEY: "Chairman of the Trial Board of General Officers in the case of Robert Byron versus Tom Hanley" —

CHAIRMAN ROSEN: Let me inject myself for a moment —

MR. HANLEY: "Mr. Chairman" —

CHAIRMAN ROSEN: We are not going to give consideration to anything that is injected at the present time by Tom Hanley —

MR. HANLEY: — "I move for a continuance of the trial of charges against me for the following reasons:

"1. I have not been properly notified of the charges and have not had enough time to obtain clarification or specifications of the generalities charged, or to acquaint counsel with the facts involved" —

CHAIRMAN ROSEN: Hold it right there —

MR. HANLEY: “— or to bring witnesses in my defense. I was never served with copies of the charges

[21]

filed against me, and only learned of them a few days ago when I was told about them.

“2. I have requested interpretation of my rights under, and the meaning of, and ambiguities of Article Three, Section 1 of the Constitution and of an between Sections 2, 3 and 4 of Article Eighteen thereby relating to place and method of trial. Such request addressed to the General President has been made in writing and is up to this time unanswered.

“3. I have requested specification of the general charges made against me, requesting detail of the time and place, persons present and other facts intended to be claim as a violation on my part of any duty, or provision of the Constitution. The request was in writing and it is yet uncomplished with. Until it is, I cannot know what witnesses or evidence I will need to bring to a trial, and therefore, I cannot make proper preparation for my defense.

“I feel that the above requests are justified in order that I may properly defend myself, therefore, I request your concurrence.

“Respectfully submitted, Thomas B. Hanley, Membership No. 126689, a member of Local Union 88, Las Vegas, Nevada.”

I would like to give the reporter a copy of that.

[22]

CHAIRMAN ROSEN: The statement that Thomas Hanley made at the present time for the record will not be considered by this Trial Board until such time as

you are advised of the procedure of the trial to be conducted.

MR. HANLEY: Read yours, Gene.

CHAIRMAN ROSEN: Just a moment —

MR. HANLEY: Mr. Chairman, he has a right to read a request here.

CHAIRMAN ROSEN: Will you wait —

MR. HANLEY: Read it, Gene.

CHAIRMAN ROSEN: Now just a moment —

MR. VAUGHN: “Los Angeles, California” —

CHAIRMAN ROSEN: Just a moment. This is not going on the record. If it is your desire to disrupt this trial by the manner in which you are proceeding, then I want to tell you that we are not going to proceed.

MR. VAUGHN: “Los Angeles, California, June 2, 1954.

“Chairman of the Trial Board of General Officers in the case of Robert Byron, General President of the Sheet Metal Workers’ International Association vs. Tom Hanley.

“Mr. Chairman:

“I move, as counsel for Brother Hanley, that the time set for trial of the charges to be postponed or continued and it is my request that this be done on the following facts:

[23]

“1. I was requested by Brother Hanley to represent him as counsel on Wednesday, June 2, 1954; therefore, I have not had ample or sufficient time to read the charges and become acquainted with same in order that I may properly represent Brother Hanley.

“2. I have not had sufficient time, as counsel for Brother Hanley, to consult with him concerning the charges, or the witnesses, or testimony that is to be sub-



mitted in connection therewith so that I may properly defend Brother Hanley.

3. I am not familiar with all of the Articles and Sections under which Brother Hanley is charged; therefore, I feel that this is another just reason and cause why this case should be continued until a later date, in order that I may acquaint myself with all of the provisions of the situation relative to trials before General Officers.

“4. I further request this continuance due to the fact that I would like to request interpretation of certain Articles and Sections of the Constitution from the General President regarding the charges, or procedure that may be used in order to require witnesses to be present at such trials.

“Trusting that your Trial Board will give consideration to this request and with best wishes, I am Fraternally yours, C. E. Vaughn, Business Manager & Secretary, Sheet Metalworkers' Local 88, Las Vegas, Nevada.”

[24]

MR. HANLEY: Now, Mr. Chairman, I would like to request the Board act on the original statement.

CHAIRMAN ROSEN: Let me make a statement for the record on behalf of the Board. All statements made by Thomas Hanley and/or counsel are not considered by the Trial Board and will not be until the accused will have become acquainted by the Trial Board as to the procedure of the conduct of the trial. Then we will allow any requests or documents to be presented on behalf of the accused. Until such time, Tom, we are not going to proceed.

MR. HANLEY: I can sit here —

MR. VAUGHN: Mr. Chairman, I ask that you familiarize yourself —

CHAIRMAN ROSEN: You can sit here all you like. I will familiarize you with the procedure. I told you that. Had you not been so belligerent in the matter and listened to me with these men out of the room, I would have read the procedure. This is strictly for you and your counsel, and no witnesses. Now, you did not find it necessary to sit by and listen to what the procedure of the trial is going to be as decided by the Trial Board. Then you have a right, after that, to inject any objections that you so desire.

MR. HANLEY: Mr. Chairman, am I to assume that this procedure that established by the Trial Board is to be a procedure that is determined by them and is

[25]

not defined in the International Constitution?

CHAIRMAN ROSEN: Everything within there will be defined in the International Constitution.

MR. HANLEY: Is the procedure of the Trial Board set forth in the Constitution?

CHAIRMAN ROSEN: I will answer all these questions when the room is clear of all witnesses, newspaper reporters, and such.

MR. HANLEY: What about your witnesses, Mr. Chairman?

CHAIRMAN ROSEN: He is the accused—I mean, he is the complainant. He has a right to listen.

MR. HANLEY: I see no charges against me by Brother Murphy or anyone else. You said I haven't preferred charges against you. Brother Murphy has preferred nothing against me. The charges are supposedly by President Byron, and I have not to this date been furnished a copy of same.

CHAIRMAN ROSEN: If it is so desirable, I think that the Trial Board will consider asking Mr. Murphy to step out until such time as you are acquainted with the procedure of the trial.

MR. HANLEY: I am ready to be acquainted in the presence of these people. Is this a secret procedure, Mr. Chairman?

MR. FITZGERALD: It isn't that it is a secret procedure. The policy of the Trial Board on all trials—you have been an International man long enough to know —

[26]

MR. HANLEY: I know it is the policy of the Board. But by the same token, Mr. Chairman, I am at least entitled to know the policy of the Board or the procedure that the Board is going to try me under.

MR. FITZGERALD: You will get that when these men and the reporter are out of the room.

MR. HANLEY: Why? What is the basic reason for it?

MR. FITZGERALD: You know that has always been the policy.

MR. HANLEY: In what case has that been the ruling?

MR. FITZGERALD: In all kinds of cases.

MR. HANLEY: What kind of cases, when and where?

MR. FITZGERALD: I am making no further comment.

MR. HANLEY: I don't blame you, Mr. Fitzgerald. Why don't you tell us in what case it has ever been used before. Where is the procedure, where is it in the Constitution? I'll be governed by it.

CHAIRMAN ROSEN: Tom, when you will have

heard the procedure of the trial, then, as I said before, it will be your privilege to make any objections that you may desire, introduce any kind of evidence that you may desire, and any kind of testimony that you may desire, but not until these people have cleared the room.

MR. HANLEY: Why do these people have to leave the room and not hear the procedure?

CHAIRMAN ROSEN: I don't know why you are

[27]

so persistent. They are only witnesses.

MR. HANLEY: Aren't witnesses entitled to know what procedure I am going to be tried under, Mr. Chairman?

CHAIRMAN ROSEN: When a witness is called by you, I will acquaint him with the procedure.

MR. C. A. Nichols: Mr. Chairman, let me rise for a point of information.

CHAIRMAN ROSEN: You are not in it, Nichols.

MR. NICHOLS: I am in it tomorrow.

CHAIRMAN ROSEN: Then you will ask your questions tomorrow.

MR. NICHOLS: I am being charged tomorrow, and I would like to know what the policy or procedure of the International is.

CHAIRMAN ROSEN: When you come before this Board tomorrow on charges preferred against you, you can ask questions, you can introduce objections, you can do anything that you desire in your own defense. At the present time I am not allowing it, Nichols. You are not in this trial.

MR. NICHOLS: How in the heck am I going to defend myself tomorrow?

CHAIRMAN ROSEN: That's for tomorrow. Tom Hanley has been given the privilege of choosing a good

standing member of his Local Union to act as his counsel. Tom Hanley and his counsel will be in this room and the procedure of the trial will be read.

[28]

MR. VAUGHN: I think it is a little one-sided myself.

CHAIRMAN ROSEN: I don't think it is. You haven't even been patient enough to hear the procedure.

MR. VAUGHN: I move you read the procedure.

CHAIRMAN ROSEN: Not in front of witnesses in this room.

MR. HANLEY: Will you furnish me a copy of the procedure? I want a copy furnished to me now.

CHAIRMAN ROSEN: You are going to have a copy. If you want a copy, you can make your notes accordingly, if you so desire.

MR. HANLEY: Mr. Chairman, I want a copy furnished to me before we proceed with this trial, as to what procedure I am going to be tried under.

CHAIRMAN ROSEN: Who is this man?

MR. NICHOLS: This is Mr. Craig of the Los Angeles Times.

CHAIRMAN ROSEN: I am sorry, we don't allow reporters.

MR. HANLEY: Stick around, Mr. Craig. I'd like to have my story published in the paper.

CHAIRMAN ROSEN: Are you going to rule it?

MR. HANLEY: No, I am not, but I ask you, Mr. Chairman, to read —

CHAIRMAN ROSEN: I am ruling —

MR. HANLEY: I want you to permit me to have

[29]

a copy of the procedure that I am going to be tried under.

I think I am entitled to it as a citizen, and as a member of the International Association.

CHAIRMAN ROSEN: Again I want to repeat —

MR. VAUGHN: It states that in your Constitution, Brother Chairman.

CHAIRMAN ROSEN: I want to repeat to you, Tom, that you are going to get as fair a trial as any human being can possibly expect.

MR. HANLEY: That's debatable, Mr. Chairman.

CHAIRMAN ROSEN: Before your own people. Then later on you have a right to appeal, according to the Constitution.

MR. HANLEY: I am asking now for a copy of the procedure and a copy of the charges.

CHAIRMAN ROSEN: I am not going to hand this down at this time.

MR. HANLEY: Then we will wait until it is handed down.

CHAIRMAN ROSEN: Then wait.

MR. HANLEY: I am here ready to stand trial when you furnish me with a copy of the charges —

CHAIRMAN ROSEN: We will adjourn, if you don't want to stand trial.

MR. HANLEY: I am ready, Mr. Chairman.

CHAIRMAN ROSEN: No, you are not.

MR. HANLEY: I am, too. I am ready, Mr. Chairman, and I am ready to stand trial. I am asking for a

[30]

copy of the procedure and a copy of the charges.

CHAIRMAN ROSEN: In so far as this Board is concerned, you are not ready to proceed with any trial.

MR. HANLEY: I am, Mr. Chairman. I am here with counsel and ready to proceed.

CHAIRMAN ROSEN: I have ruled that you and

your counsel remain in the room. Until the room is cleared of all witnesses, subject to call by you —

MR. HANLEY: Mr. Chairman, you have not furnished me with a copy of the charges as yet, and I have not been furnished with a copy.

CHAIRMAN ROSEN: You see, Tom, if you had been tolerant enough to wait till I read the procedure, then you might have had something to say.

MR. HANLEY: Mr. Chairman, I have plenty to say. I ask that you read the procedure.

CHAIRMAN ROSEN: I don't know whether you have anything to say. I refuse to read the procedure of this Trial Board when you are involved as a defendant in front of any witnesses except your own counsel.

MR. HANLEY: Mr. Chairman I ask that I be furnished with a copy of the charges and that they be read to me, and you have not as yet furnished me with a copy, and I have never as yet received a copy.

CHAIRMAN ROSEN: Again I say, if you had been tolerant enough to listen to what we have to read before you —

[31]

MR. HANLEY: I am tolerant, Mr. Chairman, I am ready.

CHAIRMAN ROSEN: Then clear the room of your witnesses.

MR. HANLEY: I can't clear the room of these people.

CHAIRMAN ROSEN: I am asking the witnesses to step out, subject to call.

MR. HANLEY: I want the procedure and the charges read.

CHAIRMAN ROSEN: They will be read to you, Tom.

MR. HANLEY: Read them now, Mr. Chairman.

CHAIRMAN ROSEN: No, not in front of —

MR. HANLEY: I have no objection to these gentlemen hearing it. It's a matter of public record. What's so secret about it that the Trial Board is the only one to know what I am to be tried under, Brother Fitzgerald? What is the procedure?

MR. FITZGERALD: You will be furnished with it. It will be in the transcript. Everything is in there.

MR. HANLEY: Mr. Chairman, don't you feel that I am entitled to a copy or a transcript of the proceedings before being tried under such proceedings?

CHAIRMAN ROSEN: Tom, I stated before for the record, and it is on the record, you will be furnished with everything that you desire at the proper time, after which I will read to you and your counsel the procedure as established and decided upon by the Board for your

[32]

trial. Further than that, I am not going to say any more, except that if you want to hear the procedure read, the room will have to be cleared of all of your witnesses, and you and your counsel remain in the room.

[33]

MR. HANLEY: I want to hear them read.

CHAIRMAN ROSEN: Not in front of these witnesses.

MR. VAUGHN: Brother Chairman, before a man stands trial he should have a copy of the charges.

CHAIRMAN ROSEN: Look —

MR. VAUGHN: Am I right? Am I right?

CHAIRMAN ROSEN: That is right. The Constitution provides —

MR. VAUGHN: Has Tom —



CHAIRMAN ROSEN: That is Tom Hanley's objection; is that correct?

MR. HANLEY: That is one of them.

CHAIRMAN ROSEN: That is one. You have many objections.

MR. VAUGHN: But is the man supposed to have a copy of the charges?

CHAIRMAN ROSEN: According to the provisions of the Constitution, yes.

MR. VAUGHN: So you are going to run this trial the way you want to, and to hell with the Constitution.

CHAIRMAN ROSEN: No, we are not.

MR. VAUGHN: It seems like that.

CHAIRMAN ROSEN: No, we are not. I am very sorry if you understand it that way, but let me say this: Again, I will repeat, if you and Tom Hanley, more so Tom Hanley, had been tolerant enough to wait here with these witnesses out of the room to listen to the proce-

[34]

cedure of the trial perhaps you wouldn't have to say what you have already said on the record.

MR. HANLEY: Mr. Chairman, as far as being tolerant is concerned, I have been as tolerant as the Chairman or the Trial Board.

CHAIRMAN ROSEN: I don't know about that.

MR. HANLEY: Now, that's a debatable question, to be settled later, but the primary thing is: I am requesting that I be furnished with a copy of the charges, or that they be read to me by this Trial Board, and my counsel and I have never been furnished with a copy.

CHAIRMAN ROSEN: That is your objection. Is that your objection?

MR. HANLEY: That's one of them.

CHAIRMAN ROSEN: Again, I say if you were

tolerant enough to hear the procedure of the trial read by me, for your guidance and your counsel's guidance, you wouldn't have to ask so many questions, and you wouldn't have to be as persistent as you are.

MR. HANLEY: Mr. Chairman, I am going to be persistent any time that it involves any constitutional rights as a member of the Sheet Metal Workers International Association.

CHAIRMAN ROSEN: Tom, I am only one member of this Trial Board chosen by the other members to act as Chairman. One had to be Chairman, and the Trial Board has decided that this shall be the procedure. I can't reverse it.

[35]

MR. HANLEY: Well, Mr. Chairman, I am not objecting to the Trial Board deciding a procedure; I am perfectly in accord with the Trial Board establishing the procedure, but I ask that I be furnished —

CHAIRMAN ROSEN: You will be given a copy if you are tolerant enough to wait.

MR. HANLEY: I am waiting.

CHAIRMAN ROSEN: But not in front of the witnesses.

MR. HANLEY: What is the objection?

CHAIRMAN ROSEN: The objection is that witnesses are not admitted until such time that they are needed. At the present time you are on trial.

MR. HANLEY: You have an objection to the press

—  
CHAIRMAN ROSEN: Now, look —

MR. HANLEY: You don't want the press present when the trial is conducted?

CHAIRMAN ROSEN: No.

MR. HANLEY: Why?

CHAIRMAN ROSEN: Because they have no place here. This is not a trial for the public; it is a trial for you, between you and the International Union.

MR. HANLEY: You are objecting to the press having the true facts?

CHAIRMAN ROSEN: You can give it to them, if you like.

MR. HANLEY: Why can't they stay here and get  
[36]

it? They are entitled to in every other court of the land.

CHAIRMAN ROSEN: No, we are not going to permit the press in the room.

MR. HANLEY: It is up to you throw them out.

CHAIRMAN ROSEN: I am not going to throw them out bodily. All I can do is make a gentlemanly request that they step out.

MR. HANLEY: I am certainly not going to ask them to step out. I am remaining here, and I request that they be allowed to remain here. I would like you to read a copy of the procedure.

CHAIRMAN ROSEN: We are not going to proceed until such time as the ruling of this Board is adhered to.

MR. HANLEY: Mr. Chairman, when I came in here — you have a man that — you stated that Mr. Murphy, or Brother Murphy had filed charges or was a complaining witness.

CHAIRMAN ROSEN: Well, we will ask him to step —

MR. HANLEY: What was he doing here prior to me?

CHAIRMAN ROSEN: The same as your witnesses were doing here.

MR. HANLEY: That is right, observers, and I have no objection to Mr. —

CHAIRMAN ROSEN: Tom, there is no such thing as observers in this trial.

MR. HANLEY: Mr. Chairman, I have no objection of him remaining here when I stand trial, or any

[37]

other witnesses that you have, and I ask that he remain here when you read a copy of the procedure and the charges that have been filed against me. I am agreeable to Brother Murphy or any other observer or —

MR. MURPHY: Mr. Chairman, it is my understanding and position here that I am not a witness. I am merely presenting the case for the International Association, and because of that I would have to be familiar with the procedure of this trial in order to carry out my duties.

CHAIRMAN ROSEN: The same as Hanley.

MR. HANLEY: Mr. Chairman, does the General President or a party filing the charges against me have the right to select another member to present the charges?

CHAIRMAN ROSEN: No, he has charges of his own.

MR. HANLEY: Against who?

CHAIRMAN ROSEN: Against you, I suppose.

MR. HANLEY: They have never been furnished.

CHAIRMAN ROSEN: Tom, I don't know until we get into it, and then it will be up to this Board to rule.

MR. HANLEY: Mr. Chairman, if you don't know who has preferred charges —

CHAIRMAN ROSEN: Look, Tom, let me —

MR. HANLEY: You don't know who has preferred charges against me, then?

CHAIRMAN ROSEN: Let me tell you very plain, and in language that everyone can understand. It is my  
[38]

own deduction that you came in here in a belligerent —

MR. HANLEY: I did not, Mr. Chairman.

CHAIRMAN ROSEN: You are trying to disrupt this proceeding.

MR. HANLEY: I am not.

CHAIRMAN ROSEN: If you are trying to, though, we are going to adjourn, and you can stay here as long as you like.

MR. HANLEY: We will proceed, Mr. Chairman.

CHAIRMAN ROSEN: Well, give me a chance.

MR. HANLEY: I asked you: What charges were preferred against me by Brother Murphy?

CHAIRMAN ROSEN: I don't know. It will be up to him to prefer the charges and it will be up to you to except, if he has charges. I haven't —

MR. HANLEY: If I am to stand for charges that Brother Murphy filed or Brother Byron filed —

CHAIRMAN ROSEN: Wait.

MR. HANLEY: Now you wait.

CHAIRMAN ROSEN: You wait.

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: Now, Tom, you wait. Give the next fellow a little bit of consideration, too.

MR. HANLEY: Go ahead.

CHAIRMAN ROSEN: You understand, if Brother Murphy has charges against you, I haven't seen any

[39]

charges, but I have a copy of the charges presented against you by the General President, which I was going to read to you when the trial would start, after I have read the procedure of the trial, but you weren't tolerant

enough to listen to it, and in one manner or another you have disrupted it. If you want it that way, we will very nicely adjourn, and you can stay here as long as you like.

MR. HANLEY: Mr. Chairman, I did not intentionally disrupt this trial.

CHAIRMAN ROSEN: Well, it seemed to me that you did.

MR. HANLEY: It seems to you, and that's your own deduction and your own conclusion, and it's not a statement of fact.

CHAIRMAN ROSEN: Well, Tom, when we came in here, for your information, I told everybody, and I told these two members of the Board that this trial is going to be conducted in a fair manner. Let me tell you something else, Tom: You have known me for a long, long time, at least as long as I had the privilege of being introduced to you, and I don't think that you found me to be adverse to anything or play any one individual part aside from the fact that I always wanted everything on the level, and I think that my reputation even reached Las Vegas, or any place else. I can't be otherwise, and I will not be otherwise, and I don't care who likes it or who doesn't like it. It is too late for me to change my

[40]

way of doing things, so far as you are concerned, I don't think that you should doubt for one moment that you are not going to get a fair trial by this Board, even if the other two Board members, and I say "if," if it so happens, which I doubt, are going to be adverse. I am going to exclude myself from this Trial Board unless the trial is going to be conducted in a fair and square manner, and I don't want anything to do with it.

MR. HANLEY: Well, Mr. Chairman —

CHAIRMAN ROSEN: Now, if you are going to proceed to —

MR. HANLEY: I would like to.

CHAIRMAN ROSEN: — question my veracity and my actions as much as you have — look, anybody that knows me in our organization, or in the American Federation of Labor Movement, for that matter, from coast to coast, knows me as I am.

MR. HANLEY: Mr. Chairman, at no time have I questioned your veracity. I have known you for many years. Mr. Chairman, I asked who had preferred charges against me, if it was Brother Byron or Brother Murphy, and you said Brother Murphy.

CHAIRMAN ROSEN: That is what he told me. I don't know.

MR. HANLEY: I have not been furnished with my copy of —

[41]

CHAIRMAN ROSEN: Tom, if you have not been furnished with a copy, you can object, if you like. It is your trial, and you have a right to object.

MR. HANLEY: If Brother —

CHAIRMAN ROSEN: You have a right to except or object to anything that you think would be detrimental to you. Is that right?

MR. HANLEY: I don't know. I don't know what the procedure is.

CHAIRMAN ROSEN: Is it right?

MR. HANLEY: How do I know? I can't say it is right.

CHAIRMAN ROSEN: Again, you are questioning —

MR. HANLEY: Well, Mr. Chairman, don't I have the right to question what the procedure is?

CHAIRMAN ROSEN: Tom —

MR. HANLEY: You say, "Isn't it right?" I don't know.

CHAIRMAN ROSEN: Tom, let me ask you: Why is it that you are so persistent when I told you I will read the procedure of the trial, the manner in which it will be conducted? I told you that if you wanted a copy, you can have a copy. There is no secret. Why are you so persistent? I said that after the witnesses and the newspapermen have left the room I will read the procedure, and until then I am not going to read it.

MR. HANLEY: Well, Mr. Chairman —

CHAIRMAN ROSEN: If after I have read the

[42]

procedure of the trial, wherein there are many privileges proposed in there for your benefit, then you will have a right to object if you find it to be detrimental to you, or your counsel.

MR. HANLEY: You mean such as the telegram you sent me last night, very late?

CHAIRMAN ROSEN: Such as the telegram, such as other letters, such as other material that has to be introduced into this trial, anything else and everything that has to be introduced into the trial, so I again ask you in a very good manner, Tom, please don't disrupt it, and follow my requests.

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: If you find thereafter that the procedure, as outlined by the Board, under which this trial is going to be conducted, is detrimental to you, then you have a right to raise all sorts of objections.

MR. HANLEY: And the Chair will overrule the objections?

CHAIRMAN ROSEN: Well, now —

MR. HANLEY: You have that right, don't you, Mr. Chairman?



CHAIRMAN ROSEN: Don't predetermine my actions.

MR. HANLEY: Don't you have it? You are ruling now.

CHAIRMAN ROSEN: I am ruling now, because as Chairman of this Board I have to, of necessity, be the spokesman for the Board. Isn't that so?

[43]

MR. HANLEY: I would presume so. I don't know what the procedure is.

CHAIRMAN ROSEN: All right. Now, you are telling me that when an objection is introduced by either side, that I am going to overrule it, so you are predetermining my actions. Now, that is not humanly possible. Even a mindreader couldn't do it.

MR. HANLEY: I said you could, and I presume you can.

CHAIRMAN ROSEN: Oh, look —

MR. HANLEY: I am presuming, Mr. Chairman —

CHAIRMAN ROSEN: In a fair trial, if you were sitting in my position, wouldn't you determine whether the objection is proper or out of order, relevant or irrelevant? Wouldn't you do that?

MR. HANLEY: Probably, but I don't know what your procedure is.

CHAIRMAN ROSEN: Well, I will read it to you when and if the witnesses are cleared out of this room.

MR. HANLEY: Well, Mr. Chairman, all I want to ask you is this: Will I be furnished with a copy of the charges and a copy of the procedure and —

CHAIRMAN ROSEN: Tom, it is your prerogative to request that. You are on trial.

MR. HANLEY: And the time and the interpretations of the Constitution —

CHAIRMAN ROSEN: Of course, anything that  
[44]

you want to know within the provisions, within the confines of the trial, and the charges that are preferred against you, you have all the right in the world to know.

MR. HANLEY: Well, Mr. Chairman, on June —

CHAIRMAN ROSEN: It would be unfair on your part —

MR. HANLEY: I wrote —

CHAIRMAN ROSEN: — to hold anything back where you are concerned.

MR. HANLEY: Mr. Chairman, I have a point that is very relevant. I wrote a letter to the General President and sent a copy to all of the Vice Presidents requesting an interpretation of certain articles and sections of the Constitution, and also I asked that the charges be made more specific. What is the procedure of the Board on that?

CHAIRMAN ROSEN: I will tell you that when the room is clear, Tom.

MR. HANLEY: You won't tell me that when anybody is here?

CHAIRMAN ROSEN: You are the one involved, not these people. You are the one that is involved, and you are the one that is entitled to know about that. If anybody else was on trial they would be entitled to know, but at this time it is Thomas Hanley who is on trial on charges preferred by the General President and other —

MR. HANLEY: Well, I presumed that I would be  
[45]

furnished with a copy of those charges, and I want to be furnished —

CHAIRMAN ROSEN: You have a right to request it. If you prove thereafter that you haven't been fur-

nished with a copy, you have a right to request it.

MR. HANLEY: I am requesting it, Mr. Chairman.

CHAIRMAN ROSEN: Tom, again, you want to be belligerent —

MR. HANLEY: I am not belligerent.

CHAIRMAN ROSEN: If you are kidding, let the whole thing get out of the record.

MR. HANLEY: I am not kidding.

CHAIRMAN ROSEN: I have got a sense of humor as good as anybody else.

MR. HANLEY: So have I.

CHAIRMAN ROSEN: All right. If you are going to sit here and kid about the whole thing — to me, this is not a kidding matter, Tom.

MR. HANLEY: I agree with you, and I am not kidding about it.

CHAIRMAN ROSEN: Even if an apprentice boy was being tried, if such thing was possible, I would still act in the same manner, and give the other fellow as good a break as he deserves. That is my policy at all times, and will be until I shut my eyes for good.

MR. HANLEY: Well, Mr. —

CHAIRMAN ROSEN: So from here —

MR. HANLEY: Nobody —

[46]

CHAIRMAN ROSEN: I don't know why you are so persistent, Tom.

MR. HANLEY: Nobody has —

CHAIRMAN ROSEN: Tom, I don't know why you are so persistent.

MR. HANLEY: I don't know why you are so persistent. I am only asking for a copy of —

CHAIRMAN ROSEN: I told you that you are going to get it. Isn't that enough for you to take my word for it?

MR. HANLEY: I want a copy of it.

CHAIRMAN ROSEN: You will get a copy. I said you will get a copy.

MR. HANLEY: Why don't I have it, Mr. Chairman?

CHAIRMAN ROSEN: I copy of what, the procedure?

MR. HANLEY: Is it in the Constitution, the procedure?

CHAIRMAN ROSEN: Tom, it is within the confines of the Constitution. I will say that.

MR. HANLEY: What part, Mr. Chairman?

CHAIRMAN ROSEN: I don't know, Tom.

MR. HANLEY: You don't know what article?

CHAIRMAN ROSEN: Until I read the procedure—now, don't try to get it out of me that way, please. I have been on witness stands.

MR. HANLEY: Mr. Chairman, if the procedure here that I am to be tried under for violation of the Constitution—the procedure is surely in the Constitution.

[47]

You surely took it out of the Constitution, didn't you?

CHAIRMAN ROSEN: I will not answer that question.

MR. HANLEY: I would like to ask you what article and section.

CHAIRMAN ROSEN: I will answer the question when you and your counsel are in the room without the witnesses present.

MR. HANLEY: You won't tell me what article or section or what procedure I am being tried under?

CHAIRMAN ROSEN: Not at this time. I have a letter to read to you, and I have other material to read to

you and your counsel, and I am not going to read all of that in front of witnesses.

MR. HANLEY: Mr. Chairman, let me ask you this: After the procedure has been read to me—let's get it this way for the record: Will I be given ample time then to prepare myself accordingly to defend the —

CHAIRMAN ROSEN: Certainly the Board will rule on that if —

MR. HANLEY: Just a minute now, Mr. Chairman. You said the Board will rule —

CHAIRMAN ROSEN: It depends on what you are going to ask for. How can I give you a definite answer? It depends on what you are going to ask for. If there is a lot in your request that has no bearing, certainly consideration is not to be given to it, but if it has any merit

[48]

or bearing, I will tell you now that this Board will give you all the leeway and all the consideration that you are entitled to. Is that fair enough?

MR. HANLEY: Mr. Chairman, that is still vague. I would like to ask you what you mean, if it's to have any bearing on the case. Now, I ask one question.

CHAIRMAN ROSEN: What are we interested in, selling bananas?

MR. HANLEY: No.

CHAIRMAN ROSEN: You are on trial.

MR. HANLEY: Right.

CHAIRMAN ROSEN: So what other bearing can it have?

MR. HANLEY: I am not on trial yet, am I?

CHAIRMAN ROSEN: Well, you were summoned to the trial.

MR. HANLEY: Well, I am ready and prepared.

CHAIRMAN ROSEN: So let me go ahead with the trial.

MR. HANLEY: Mr. Chairman, I am not stopping the Board from going ahead with the trial. Let's go ahead.

CHAIRMAN ROSEN: Tom, you are belligerent. You don't want to stand trial.

MR. HANLEY: I am not as belligerent as you are, Mr. Chairman.

CHAIRMAN ROSEN: I am not belligerent.

MR. HANLEY: Oh, no, you are not.

CHAIRMAN ROSEN: That is your interpretation.

MR. HANLEY: That's your interpretation.

[49]

CHAIRMAN ROSEN: If it is so desirable, we will adjourn.

MR. HANLEY: I am not asking you to adjourn.

CHAIRMAN ROSEN: I want to tell you that if you refuse to stand trial, it is also provided in the —

MR. HANLEY: I am not refusing.

CHAIRMAN ROSEN: Well —

MR. HANLEY: That's what I am here for.

CHAIRMAN ROSEN: Then, at least abide by the ruling which is in your favor. Believe me, it is in your favor.

MR. VAUGHN: Brother Chairman, we are here and ready to stand trial.

CHAIRMAN ROSEN: Then, you proceed in accordance with the ruling and desire of this Board.

MR. VAUGHN: And you proceed with the order of the Constitution.

CHAIRMAN ROSEN: Mr. Vaughn, let me say this to you: We are ready to proceed with the trial. When you, as the counsel chosen by Thomas Hanley to represent him as such, and Thomas Hanley, the accused, are

in this room with the Board without any witnesses or anyone else present, I will give you the procedure and everything else that you desire.

MR. VAUGHN: We are here ready to stand trial.

CHAIRMAN ROSEN: That is fine.

MR. VAUGHN: Will you furnish me with a copy

[50]

of the charges and give us ample time to prepare ourselves for the trial? We will be ready then.

CHAIRMAN ROSEN: Look, I think I said everything that I should say, and everything that any fair-minded man would say, and I can't repeat myself time after time. You will be furnished with a copy of the procedure. You will be furnished with a copy of the charges, if that is what you desire, and you can state your objections during the progress of the trial, all sorts of objections, if you have any, and the Trial Board will take all of those into consideration and rule on them. Can anything be more fair than what I have stated?

MR. VAUGHN: I would like to have a copy of the charges.

CHAIRMAN ROSEN: I am not going to give you any copy of the charges until such time that I have got a copy of the charges before me and before this Board.

MR. VAUGHN: We are not being furnished —

CHAIRMAN ROSEN: Then, you can state your objections that you haven't received any charges. You can state that for the record, and then from then on you can proceed as you think.

Off the record. Tom, you are just trying to give me a hard time.

MR. HANLEY: No.

CHAIRMAN ROSEN: I think it is pretty much —

MR. HANLEY: I would'nt give you a hard time.

[51]

You are a friend of mine.

CHAIRMAN ROSEN: This is off the record.

MR. HANLEY: I want it in the record.

CHAIRMAN ROSEN: As man to man, it is very much unfair on your part.

MR. HANLEY: I don't feel so, Mr. Chairman, on the other hand.

CHAIRMAN ROSEN: I do, because I will tell you something, Tom: I had a lot of respect for you for a lot of years, but I will be damned if I thought it would come to something like this, that you would question me or give me a hard time, as you do, or that you don't take my word for things. You have no reason in the world to act the way you do towards me, at least, and I think you have all the reason in the world to take my word for things.

MR. HANLEY: Mr. Chairman, if you are through

---

CHAIRMAN ROSEN: I am not pleading with you. If this is your tactic, then I am sorry, but we can't proceed.

MR. NICHOLS: Let me give you these, please. That's according to my trial tomorrow, the requests and interpretations that I would like to have.

CHAIRMAN ROSEN: Yes.

MR. NICHOLS: That's already been sent to you.

CHAIRMAN ROSEN: This is off the record. I will read these, Carl.

[52]

MR. NICHOLS: All right. You can still call me "Nick."

CHAIRMAN ROSEN: Carl is your name?

MR. NICHOLS: Don't tell nobody.



CHAIRMAN ROSEN: All right, Nick, I will read these.

MR. NICHOLS: Please.

CHAIRMAN ROSEN: I will, and when you come up in your own behalf, then, of course, if there is any material that would be not relevant —

MR. NICHOLS: It's all relevant.

CHAIRMAN ROSEN: I mean, I don't dispute your statement in that respect, if you say it is all relevant.

MR. NICHOLS: I feel it is all relevant.

CHAIRMAN ROSEN: You know, they say two heads are better than one.

MR. HANLEY: Mr. Chairman, let us get back to my —

CHAIRMAN ROSEN: We are not getting back —

MR. HANLEY: Just a minute now. I —

CHAIRMAN ROSEN: — unless —

MR. HANLEY: Didn't I let you make a statement a moment ago?

CHAIRMAN ROSEN: This is off the record.

MR. HANLEY: Mine is not off the record. I want a record of everything. Now, Mr. Chairman, a few minutes ago you were saying a few words here regarding me, you and me, our relationship. Now, it was all in the record.

[53]

CHAIRMAN ROSEN: If it is on the record, it shouldn't be. This was strictly between you and me, and I requested that what I said was to be off the record.

MR. HANLEY: Can I say anything to you?

CHAIRMAN ROSEN: Go ahead. Off the record.

MR. HANLEY: No, on the record. I am agreeable to it.

CHAIRMAN ROSEN: Now, Tom, gee —

MR. HANLEY: You spoke, Mr. Chairman. You won't let anybody talk with the exception of yourself.

CHAIRMAN ROSEN: Oh, please.

MR. HANLEY: Please nothing.

CHAIRMAN ROSEN: All right, go ahead.

MR. HANLEY: You were speaking a moment ago about the number of years you had known me, about the respect you had for me. I appreciate your —

CHAIRMAN ROSEN: I never had reason to be otherwise.

MR. HANLEY: All right. I never had any reason to be otherwise with you. I am only asking you, as a man, and as a man that is trying me, a general officer of our International Association, to furnish me with a copy of the charges and the procedure that you are going to use in trying me prior to me being tried in order that I can properly defend myself, and you say I am unjust in making my request. I don't know where the line of just and unjust comes in, Mr. Chairman.

[54]

CHAIRMAN ROSEN: All right. If this is on the record, let me make this statement. I repeatedly told you that when the trial is in progress you have a right to object. You have a right to request any letters, charges or any other material which would be in favor of your defense. I cannot say any more, only when the witnesses have cleared this room.

MR. HANLEY: Mr. Chairman, why should I wait until I am in the process of being tried before I know what procedure — how would I know what objections would be proper or improper?

CHAIRMAN ROSEN: Let me —

MR. HANLEY: Just a minute. Let me ask you —

you were talking about me being belligerent. You just a few minutes ago were speaking, Mr. Chairman, and I am trying to be as tolerant as possible and not interrupt you. Now, if I am to be tried under a certain procedure, and I am to raise objections under that procedure, or to know how to defend myself under that procedure, shouldn't I know before we proceed with the trial, Mr. Chairman? I ask you that as —

CHAIRMAN ROSEN: I never deprived you of knowing exactly what the charges are against you. In all of my explanations, and it is on the record, I did say this: That when this trial is started and begun, we don't want any witnesses or anyone else who does not belong

[55]

in this room, except the accused and his counsel and complaining witnesses. At that time you have a perfect right to know exactly what you want to know, and not until such time as the room is cleared of witnesses or anyone else here who does not belong in this room. You are not going to get it until then.

MR. HANLEY: Mr. Chairman, just a minute. You said at any time that I would be in the room, the Trial Board would be in the room and any complaining witnesses. Are the complaining witnesses to remain in this room and my witnesses excluded?

CHAIRMAN ROSEN: The complaining witness has a right to know the procedure of the trial the same as you do, doesn't he?

MR. HANLEY: I don't know. You won't tell me the procedure.

CHAIRMAN ROSEN: I will give it to you. Don't

—  
MR. HANLEY: Well, Mr. Chairman, after you have read — let me ask you this.

CHAIRMAN ROSEN: Off the record. Don't make this a McCollum-Cohn situation in Washington, please—

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: — because I am not going to stay here. We are going to adjourn, if you so desire.

MR. HANLEY: That is your prerogative.

CHAIRMAN ROSEN: If you act the way you do,  
[56]

you don't want to stand trial.

MR. HANLEY: I do.

CHAIRMAN ROSEN: That will be the interpretation, that you do not want to stand trial.

MR. HANLEY: Go ahead. That is your privilege, isn't it, Mr. Chairman?

CHAIRMAN ROSEN: That is right.

MR. HANLEY: But I am ready to, and I am prepared.

MR. VAUGHN: Brother Chairman, if you were standing trial would you like to know what you are being tried for before you stood trial?

CHAIRMAN ROSEN: Yes.

MR. HANLEY: What about —

CHAIRMAN ROSEN: Did I ever deprive you of obtaining the knowledge —

MR. HANLEY: You want to wait until everyone else is out of the room.

CHAIRMAN ROSEN: That is right.

MR. HANLEY: Why?

CHAIRMAN ROSEN: Because the witnesses have no place in a room when the charges are going to be read. Witnesses come to testify for the defendant or for the complainant.

MR. HANLEY: Mr. Chairman, isn't it true that you contend these charges are already preferred?

CHAIRMAN ROSEN: That is what we were told.

MR. HANLEY: You don't know whether they

[57]

have been preferred?

CHAIRMAN ROSEN: As far as your information is concerned, yes, they have been preferred against you, and copies of it sent to you.

MR. HANLEY: Preferred by who?

CHAIRMAN ROSEN: By people.

MR. HANLEY: Who are they?

CHAIRMAN ROSEN: I will tell you when you and your counsel are in the room —

MR. HANLEY: You won't tell me —

CHAIRMAN ROSEN: No, sir.

MR. HANLEY: — who they are even preferred by?

CHAIRMAN ROSEN: No, sir, it is unfair.

MR. HANLEY: Why is it unfair?

CHAIRMAN ROSEN: Because witnesses have no place in the room when those things are being heard. Witnesses are subject to call.

MR. HANLEY: Mr. Chairman, now, let's —

CHAIRMAN ROSEN: I don't even know whether these witnesses will come in to testify. How do I know?

MR. HANLEY: Mr. Chairman, let's be consistent. You say that charges have been preferred against me, and these people are to testify, and that this man is the complaining witness, yet you won't say what he is complaining against or who for or what the procedure is. How are these men going to testify unless they know who

[58]

preferred the charges against me or what the case is?

CHAIRMAN ROSEN: Well, I can see now that you are —

MR. HANLEY: I —

CHAIRMAN ROSEN: I can't help in saying that you are acting in a belligerent manner.

MR. HANLEY: I can say the same about you.

CHAIRMAN ROSEN: I am not belligerent. I am just telling you —

MR. HANLEY: Oh, I see.

CHAIRMAN ROSEN: — what we are supposed to be, an impartial Trial Board —

MR. HANLEY: Right.

CHAIRMAN ROSEN: — to try you and substantiate —

MR. HANLEY: Supposed to be?

CHAIRMAN ROSEN: Well, I mean we have been appointed —

MR. HANLEY: Yes.

CHAIRMAN ROSEN: — to try and find out as to who is guilty and who has a right to prefer charges against the one that the charges are to be preferred. That is what we are here for.

MR. HANLEY: Mr. Chairman, I would like to get a direct answer to one thing. If these witnesses of mine leave the room, and if we go into the procedure that you say you will furnish me with, and a copy of the charges — is that right? Will you furnish me then with a copy of the charges?

[59]

CHAIRMAN ROSEN: Tom, I only have one copy of the charges which I intend to read here for you and your counsel.

MR. HANLEY: But, you don't believe that —

CHAIRMAN ROSEN: I have no extra copies. I have this copy for the Board.

MR. HANLEY: You won't furnish me with a copy then?

MR. SCHROEDER: They will be in the transcript.

MR. HANLEY: Well, Brother Schroeder, but the transcript won't be out in time. Let us be consistent. If you won't even furnish me with a copy after the witnesses have cleared the room, what position am I to be in then? I will have only heard them read, and I don't know how to defend myself.

CHAIRMAN ROSEN: Tom, if you can possibly justify before this Board and substantiate the fact that you have never received any charges, we will consider that.

MR. HANLEY: You know I haven't, Mr. Chairman.

CHAIRMAN ROSEN: I don't know.

MR. HANLEY: The general office —

CHAIRMAN ROSEN: I am not in the general office, and you know that.

MR. HANLEY: You are a direct representative of the general office.

CHAIRMAN ROSEN: I am not in the general office. I am not in Washington, only on occasions when I

[60]

am called in, so I don't know what is doing in the general office.

MR. HANLEY: Well, didn't the general office furnish you with this other information that I am to be tried under?

CHAIRMAN ROSEN: I have a copy of the charges that were supposed to have been mailed to you.

MR. HANLEY: Where did you get them, Mr. Chairman?

CHAIRMAN ROSEN: Oh, Tom —

MR. HANLEY: Well, let me ask you, Mr. Chairman —

CHAIRMAN ROSEN: If you want —

MR. HANLEY: I am not trying —

CHAIRMAN ROSEN: Look, my patience is at an end.

MR. HANLEY: Oh?

CHAIRMAN ROSEN: Yes, and I want to tell you this one thing: I don't care what you are going to think about it, but if you are not going to let us proceed, we are not going to proceed with the trial. If you are going to sit here cross examining me on this and that and the other thing, which you have no right to until such time as the trial is opened up against you, and still insist that these witnesses stay here, when we rule that they are not to stay in here, we are not proceeding.

MR. HANLEY: Mr. Chairman, I asked for for some information.

CHAIRMAN ROSEN: I can give you the information when you and your counsel are in this room.

[61]

MR. HANLEY: Will you give me a copy of the charges when these other people have left the room?

CHAIRMAN ROSEN: I don't know whether I will. I have a copy to spare, to give to you. Let us go into the —

MR. HANLEY: A few moments ago you stated you didn't have.

CHAIRMAN ROSEN: Let us go — look, Jesus Christ. Listen —

MR. HANLEY: You sit down and keep your mouth out of it, will you?

MR. NICHOLS: Yes.

MR. HANLEY: Well, Mr. Chairman, in order that we can mitigate the problems we have here, may I ask this: Is it possible, after the witnesses are excluded



from the room — I am not keeping them here any more than you are. Is it possible, then, that I will be furnished with a copy of the procedure, a copy of the charges and have ample time to prepare myself accordingly?

CHAIRMAN ROSEN: Tom, again, I tell you that we will go into that when we are actually in the trial session. We are not in a trial session as yet. Anything that you want to know, any objections that you have to raise, you will have the privilege of doing so, you or your counsel.

MR. HANLEY: Well, all I am asking, Mr. Chairman, is for a copy of the charges, a copy of the procedure and time to prepare myself, and I realize, as a mem-

[62]

ber of the International Association, that I must stand trial under the Constitution when I have been furnished with that information. If I seek relief from a constitution or from a law or an organic rule of the organization, I surely must be governed by it, and I am willing to do so, but I want everyone else to be governed accordingly.

CHAIRMAN ROSEN: Well, all I can say in answer to that, Tom, is that unless and until the room is cleared of all witnesses, anyone that does not belong in it, any newspaper reporters, we will not proceed with the trial. It wouldn't be fair to you or to us.

MR. SCHROEDER: It would be unfair to us.

CHAIRMAN ROSEN: Not only to us, but definitely unfair to you. You have a mind of your own, and you may think as you think you should on your behalf, but I am telling you that it will not be fair to either side.

MR. HANLEY: Well, you have witnesses in here, Mr. Chairman. You say you have a complaining witness here. I never met Brother Murphy in my life.

CHAIRMAN ROSEN: We will come to the com-

plaining witness when we start the trial.

MR. HANLEY: Yes, but is he to remain in here?

CHAIRMAN ROSEN: He is a complaining witness; your witnesses are not.

MR. HANLEY: I haven't been furnished with anything saying he is a complaining witness.

[63]

CHAIRMAN ROSEN: Again, Tom, when the trial procedure actually starts, you will know all about it.

MR. HANLEY: I will agree with you that I probably will. I know nothing about this Brother. I didn't even know he was involved in any charges.

CHAIRMAN ROSEN: Don't you think that such expressions as were just made are in your defense? If a complaint is lodged against you by this Brother, you can defend yourself in any manner that you think necessary.

MR. HANLEY: No, I don't, Mr. Chairman. I say that the Constitution specifies that I am to be furnished with a copy of the charges and the names of the parties filing them, and I know nothing about any charges of Brother Murphy. He has a right under the Constitution, and I will agree to be governed by it, and when I have charges—or have charges read to me, that were preferred by Robert Byron, and that's all I ever seen of it —

CHAIRMAN ROSEN: Again, I tell you the trial isn't going to start, Tom.

MR. HANLEY: Mr. Chairman, I am not stopping the trial.

CHAIRMAN ROSEN: This is our ruling.

MR. HANLEY: Well, I am not stopping you from starting it.

MR. SCHROEDER: Clear the room of your witnesses.

MR. HANLEY: I am not keeping them here.

[64]

CHAIRMAN ROSEN: Well, ask your witnesses to step out.

MR. HANLEY: I told them they could step out.

CHAIRMAN ROSEN: I made my statement as Chairman of this Trial Board, and we are not going to permit any witnesses in the room except the accused and his lawyer and complaining witnesses. If you desire to call witnesses on your behalf, they will be ready to appear here on your behalf as witnesses when and as

---

MR. HANLEY: You previously stated that you would exclude complaining witnesses, Mr. Chairman.

CHAIRMAN ROSEN: Tom, there is no use for you and I to keep talking about the same thing over and over again across the table. Off the record. If you think I am going to be a patsy, you are mistaken.

MR. HANLEY: Well, I think I could say —

CHAIRMAN ROSEN: I am not going to be one.

MR. HANLEY: I am not either.

CHAIRMAN ROSEN: I never even considered you as such, where it is just the reverse, as far as you are concerned.

MR. HANLEY: Now, you are drawing a lot of conclusions.

CHAIRMAN ROSEN: Maybe I have a right to draw those conclusions.

MR. HANLEY: You are exceptionally sensitive—I want this on the record, please. You are exceptionally sensitive in accusing me of being belligerent about every-

[65]

thing, but you haven't made any accusations about it yourself. Previously you stated, Mr. Chairman, that

the complaining witnesses would be excluded, too. Now, you have reversed your position and say that they will remain, but I know nothing of the man complaining, about no charge, statements or nothing.

CHAIRMAN ROSEN: I never said any such thing that they were going to remain. I said they will come into the room as necessary, as complaining witnesses.

MR. HANLEY: You said once that the complaining witness would leave, and again you said he would stay.

CHAIRMAN ROSEN: All right, Tom, let's stop—

MR. MURPHY: I would like to say that I am acting in the same capacity as Brother Vaughn, simply presenting the case, and not as a witness. Perhaps there is a confusion in the terminology.

MR. HANLEY: Show me in the Constitution, Brother Murphy, where you have the right to present that case, the article and section and page? Will you please do that, Brother Murphy?

MR. MURPHY: I refuse to be drawn into this.

MR. HANLEY: You drew yourself into it. I asked you what article and section. Aren't I entitled to that? You are acting as a complaining witness and presenting the case the same as Brother Byron — the same as Brother Vaughn, so cite me the article and section of

[66]

the Constitution that you have that authority.

CHAIRMAN ROSEN: Well, I am now addressing myself to the witnesses and those who are in the room, the press. We are ready to proceed with the trial of charges preferred against Thomas Hanley. We cannot possibly permit witnesses to stay in the room. May I request at this time that the witnesses step out, and if Brother Tom Hanley desires to call any one of you or

all of you at one time, we will contact you then, and you will be in the lobby, and that is that.

MR. SCHROEDER: Thank you very much.

CHAIRMAN ROSEN: Off the record. I appreciate this so we can get started.

MR. HANLEY: I would like to request that the complaining witness or supposed complaining witness here leave the room.

CHAIRMAN ROSEN: Would you step out?

MR. MURPHY: Yes, sir.

MR. CRAIG: May I have a word with the Chairman outside?

CHAIRMAN ROSEN: What?

MR. CRAIG: May I speak to you outside?

CHAIRMAN ROSEN: Yes, We will recess for a moment.

(A short recess was here taken.)

[67]

CHAIRMAN ROSEN: I have read to you how our Vice President Schroeder and Vice President Fitzgerald and I were appointed to be the Trial Board by General President Byron.

MR. HANLEY: That hasn't been read to me, Mr. Chairman.

CHAIRMAN ROSEN: I am sorry, I think you are right. I will read it to the reporter.

“General Vice Presidents G. Joseph Fitzgerald, Rene W. Schroeder and I have been appointed by General President Robert Byron to act as a Trial Board to hear charges preferred against Brother Thomas Hanley. The other members of the Trial Board have selected me to act as Chairman.

“These hearings are held pursuant to notice and charges dated May 15, 1954, which were sent to

Brother Thomas Hanley by registered mail, return receipt requested and addressed to Brother Hanley at 1621 Ogden Street, Las Vegas, Nevada and P. O. Box 389 Las Vegas, Nevada which addresses I understand are the only ones registered for Brother Hanley in the General Office of the International Union.

“For the record, I shall read the notice and charges of May 15, 1954.”

This is a copy of charges preferred by General President Byron of our International Union, and sent to

[68]

Thomas Hanley, as read before, to the addresses contained therein. This letter is dated May 15, 1954.

“Mr. Thomas B. Hanley

1621 Ogden Street

Las Vegas, Nevada

Dear Sir and Brother :

You were removed from your position of International Representative because of complaints received from employers, the Building Trades Council of Los Angeles, and members of Local Union 108 as to the manner in which you were performing the duties of that office and because of certain facts within the knowledge of the general office. As a result of this and other complaints I caused an investigation to be made of conditions in the Los Angeles area. I have concluded that you should be required to stand trial on the charges set forth below, and in accordance with the provisions of Section 1(d) of Article Eighteen (18) of the International Constitution I have selected a trial board of general officers, which will convene at the Statler Hotel in Los Angeles, California, at 10:00

a. m. on June 3, 1954, for the purpose among other things of conducting such trial.

The charges against you are as follows :

1. Bringing the labor movement and this Associa-

**[69]**

tion into disrepute in violation of Section 17(a) of Article Ten (10) and Section 1(a) of Article Seventeen (17) of the International Constitution by :

- (a) Conspiring with Ralph Howard Alsup to force the Newcomb-Detroit Company to hire him as a 'labor relations man' to settle pending disputes with Local Union 108.
- (b) Despite full knowledge as to his proper identity, introducing Ralph Howard Alsup to Henry B. Ely, Secretary of the Sheet Metal Contractors Association of Southern California, under the alias, 'Mr. Jones.'
- (c) Having knowledge of extortion and attempted extortion on the part of certain members of Local Union 108 and Local Union 88 and not reporting the same to the General President, and failing to take any steps to prevent its further occurrence.
- (d) Associating with persons with criminal records and, as a result thereof, involving this International Union in such unfavorable publicity growing out of the police investigation of the murder of James Hartley.

2. Failing and refusing to cooperate with and de-

[70]

fying the duly constituted officers of the Los Angeles Building Trades Council and the representatives of other bona fide labor organizations while acting as International Representative having supervision over Local Union 371, to such extent that Sheet Metal Workers' International Association and its affiliated local unions are completely discredited in the labor movement in the Los Angeles area, which conduct is in violation of Section 17(a) of Article Ten (10) and Section 1(a) of Article Seventeen (17) of the International Constitution.

3. Failing as International Representative having supervision of Local Union 371 to insist upon and require the officers and representatives thereof to keep proper and complete records of the financial transactions of such local union as required by Section 4(a) and 4 (b) of Article Thirteen (13) of the International Constitution.
4. Failing and refusing as International Representative having supervision of Local Union 371 to require that the International per capita tax be forwarded to the General Secretary-Treasurer of the International Union as required by Section 4(a) of Article Thirteen (13) of the International Constitution, and permitting the accrual of delinquencies in the approximate amount of \$12,000.00.

[71]

5. Appointing Troy O. Nance as business representative of Local Union 371 when he had not established a record of continuous good standing



in said local union for a period of three consecutive years immediately preceding his appointment, in violation of Section 3 of Article Twelve (12) of the International Constitution.

6. Failing to carry out and opposing, obstructing, and interfering with the established policies of this Association in violation of Section 1(a) of Article Seventeen (17) of the International Constitution by:

- (a) Entering into a purported agreement dated April 23, 1953, employing Troy O. Nance as a business representative for Local Union 371 without authority so to do and without requesting such authority from the General President, and attempting to obligate this International Association for monthly salary and expenses for said Troy Nance for a fixed period of time, which conduct has resulted in litigation involving claims against this Association in excess of \$150,000.00.

- (b) Retaining legal counsel in the name of the International Association without

[72]

authority so to do and without reporting such fact to the General President, thus incurring obligations for attorney fees in an amount of approximately \$13,000.00.

- (c) Continuing to permit and authorizing unnecessary, unreasonable, and excessive expenditures by Local Union 371 for business representatives, office help,

etc., with the full knowledge that such practices would result in the insolvency of such local union, its inability to pay the required per capita tax, and the ultimate suspension of all members in such local union.

- (d) Authorizing and permitting Local Union 371 to pay a salary and expenses to J. E. Fuller from January, 1953, to December, 1953, during which time he was a fulltime paid employee of the welfare fund of Local Union 108.
- (e) Delegating authority to C. A. Nichols and J. E. Fuller to act in your stead as International Representatives having supervision of Local Union 371 without authority from or the knowledge of the General President.

Your attention is directed to your right to be heard at the trial to be held as above set forth and to the rights accorded you by Section 3 of Article Eighteen (18) of the International Constitution.

[73]

“Fraternally yours,  
General President

Duplicate originals:

Mr. Ben Anisman, President, Local Union 108,  
2008 West 7th Street, Los Angeles 57, California  
Mr. Thomas B. Hanley, P.O. Box 389, Las Vegas,  
Nevada.”

“Under date of May 29, 1954, Brother Hanley addressed a letter to General President Byron in which he raised certain objection to procedure under the charges. That letter reads as follows:”

It is dated May 29, 1954, with return address, Post Office Box 786, Las Vegas, Nevada, or Mayfair Hotel, Los Angeles, California.

“Robert Byron, General President  
Sheet Metal Workers International Association  
642 Transportation Building  
Washington, D. C.

Dear Sir and Brother :

I have been unofficially notified that you, as General Persident, have preferred charges against me for violation of articles and sections of our International Constitution and Ritual of the Sheet Metal Workers International Association, but as I previously stated, this advice has been given to me in a telephone conversation with C. A. Nichols, Business Manager of Local 108, who read same to me over

[74]

the telephone, which charges Nichols has received as part of the transcript or affidavit attached to a summons which arose out of litigation between the International and Local Union 108.

“In discussing the charges with Brother Nichols, as they were read to me over the phone, I am advised that you have determined that I shall be tried by general officers of our International Association at the Statler Hotel in Los Angeles, California, on June 3, 1954.

“I wish to call your attention that Article Eighteen, Section 3 of our International Constitution provides that I am to be tried by the general officers in the city where the local union is located, of which I am a member ; therefore, I request that you be governed accordingly.

“Not having received a copy of the charges, due

to the fact that I have not been in Las Vegas for more than two weeks, and my family has been on a vacation, I would naturally be unable to defend such charges at the time and place designated by you. I would, therefore, request that you, as General President, in accordance with the provisions of Article Eighteen, Section 3 of the International Constitution and Ritual, furnish me with a copy of said charges by forwarding same to me at Post Office

[75]

Box 786, Las Vegas, Nevada, or to the Mayfair Hotel, Los Angeles, California, and upon receipt of same I will be governed by the provisions of our International Constitution relative to charges and trials by general officers.

“Trusting that you will comply with my request as contained in this letter, best wishes, I am

“Thomas B. Hanley.”

A copy of this letter was sent to Edward Carlough, General Executive Council, Judge Roger Foley. This was sent by registered mail, and a return receipt requested.

“Copies of a letter which I have just read were apparently sent to General Secretary Edward Carlough and to all members of the General Executive Council. The Board has been advised by President Byron, that Brother Hanley’s letter was not received by him as it arrived at his home address after he had left for Los Angeles —” when I said “Board,” Trial Board it should have been “— and did not see a copy of the letter until it was shown to him by Vice President Schroeder yesterday,” or on June 2, 1954.

“The members of the Trial Board concluded

that the trial should proceed in accordance with the notice of May 15, 1954, and instructed me as Chairman to send the following telegram to Brother Han-

[76]

ley," and I will read the telegram. It is addressed to Thomas B. Hanley, Mayfair Hotel, Los Angeles, California, under date of June 2, 1954.

"Your trial will proceed at 10:00 a. m. June 3, 1954 at the Statler Hotel, Los Angeles, California as stated in the notice sent you by registered mail under date of May 15, 1954. Objections raised in your letter to Robert Byron, dated May 29, 1954 may be submitted by you at your trial.

"Moe Rosen  
Chairman Trial Board."

MR. HANLEY: Mr. Chairman, may I ask a question?

CHAIRMAN ROSEN: No. You mark down what you want to say, and you can ask me questions—

MR. HANLEY: I want to ask you a question now, if you have already overruled the objection.

CHAIRMAN ROSEN: I haven't overruled or done anything; I am just reading the procedure for the purpose of—

MR. HANLEY: You said that the Trial Board concluded that the trial should proceed. Have you overruled the objection that I made there?

CHAIRMAN ROSEN: Well, yes, it would seem so.

MR. HANLEY: It seems that you have.

CHAIRMAN ROSEN: "We shall of course afford Brother Hanley the opportunity to state his objections on

[77]

the record of this proceeding, and before hearing any

testimony, we will be glad to hear what Brother Hanley has to say regarding the objections contained in his letter of May 29, 1954.

“I might say that we wish to afford the parties full opportunity to be heard. I hope, however, that the parties will make every effort to confine their evidence to the issues raised by the charges.

“We are not governed by the rules of evidence, but, the Chair will keep this an orderly procedure, and may be required to rule from time to time on the relevance of the evidence.”

This is the procedure submitted by this Trial Board by which the trial will be conducted.

CHAIRMAN ROSEN: Do you have anything to say, Tom?

MR. HANLEY: Mr. Chairman, I submitted some requests here this morning to the Trial Board that I would like for them to rule on, made by myself and Brother Vaughn, that were read into the record. I would like to first state for the record, Mr. Chairman, that the address that the general office sent me communications is Box 786 in Las Vegas, and I can sufficiently supply this Board with evidence of the fact in a few minutes —

CHAIRMAN ROSEN: Well, that is your objection.

MR. HANLEY: I might also state for the record that Brother Vaughn can clarify who Box 389 belongs to.

[78]

CHAIRMAN ROSEN: The objections that you served us with this morning, are those the objections that you are —

MR. HANLEY: I read the objections here this morning to the Trial Board. Would you like another copy?

CHAIRMAN ROSEN: Yes, because we have to consider —

MR. VAUGHN: Is yours the same as mine?

MR. HANLEY: No.

CHAIRMAN ROSEN: This is addressed to the Chairman of the Trial Board of general officers in the case of Robert Byron versus Tom Hanley, dated June 2, 1954, Los Angeles, California.

“Mr. Chairman:

I move for a continuance of the trial of charges against me for the following reasons:

1. I have not been properly notified of the charges and have not had enough time to obtain clarification or specification of the generalities charged, or to acquaint counsel with the facts involved, or to bring witnesses in my defense. I was never served with copies of the charges filed against me, and only learned of them a few days ago, when I was told about them.
2. I have requested interpretation of my rights under, and the meaning of, and am-

[79]

biguities of Article Three (3), Section 1, of the Constitution and of and between Sections 2, 3 and 4 of Article Eighteen (18), thereby relating to place and method of trial. Such request addressed to the General President has been made in writing and is up to this time unanswered.

3. I have requested specification of the general charges made against me, requesting detail of the time, place, persons present and other facts intended to be claimed as a vio-

lation on my part of any duty, or provision of the Constitution. The request was in writing and is yet uncomplied with. Until it is, I cannot know what witnesses or evidence I will need to bring to a trial, and therefore, I cannot make proper preparation for my defense.

I feel that the above requests are justified in order that I may properly defend myself, therefore, I request your concurrence."

Those are your objections, dated June 2nd?

MR. HANLEY: That's part of them, Mr. Chairman.

CHAIRMAN ROSEN: Dated June 2, 1954.

MR. HANLEY: We also would like —

[80]

CHAIRMAN ROSEN: Excuse me. Here, take this copy back, if you want it.

We will mark this letter Defendant's Exhibit 1.

(The instrument referred to was marked as Defendant's Exhibit 1.)

CHAIRMAN ROSEN: From here on, Tom, we can go ahead, if you want to file your objections, as I said before, and the Trial Board will give consideration to your objections.

MR. HANLEY: We have the ones that Brother Vaughn has here, requests and objections.

CHAIRMAN ROSEN: These are objections filed by —

MR. HANLEY: Requests and objections. They aren't necessarily objections. They are entitled "Objections and Requests," and part of the —

CHAIRMAN ROSEN: Dated June 2, 1954, Los



Angeles, California. This is Exhibit No. 2 by defendant through counsel.

(The instrument referred to was marked as Defendant's Exhibit 2.)

CHAIRMAN ROSEN: Exhibit No. 2 by defendant through counsel is dated June 2, 1954, Los Angeles, California. The letter is addressed: "Chairman of the Trial Board of General Officers in the case of Robert Byron, General President of the Sheet Metal Workers' International Association vs. Tom Hanley.

[81]

"Mr. Chairman:

"I move as counsel for Brother Hanley that the time set for trial of the charges to be postponed or continued and it is my request that this be done on the following facts:

"1. I was requested by Brother Hanley to represent him as counsel on Wednesday June 2 1954; therefore I have not had ample or sufficient time to read the charges and become acquainted with same in order that I may properly represent Brother Hanley.

"2. I have not had sufficient time, as counsel for Brother Hanley, to consult with him concerning the charges, or the witnesses, or testimony that is to be submitted in connection therewith so that I may properly defend Brother Hanley.

"3. I am not familiar with all of the Articles and Sections under which Brother Hanley is charged; therefore I feel that this is another just reason and cause why this case should be continued until a later date, in order that I may acquaint myself with all of the provisions of the situation relative to trials before General Officers.

4. I further request this continuance due to the fact that I would like to request interpretation of certain Articles and Sections of the Constitution from the General President regarding the charges,

[82]

or procedure that may be used in order to require witnesses to be present at such trials.

“Trusting that your Trial Board will give consideration to this request and with best wishes, I am Fraternally yours, C. E. Vaughn, Business Manager & Secretary, Sheet Metal Workers’ Local 88, Las Vegas, Nevada.”

[83]

(The instrument referred to was marked as Defendant’s Exhibit No. 3.)

MR. HANLEY: Do you want to consider those during lunch or whatever time you have, Moe, and then come back?

CHAIRMAN ROSEN: I think so. Defendant’s Exhibit No. 3 is submitted for consideration of the Trial Board. We will consider all of that during lunch time because we are going to adjourn shortly, and after we will have made our ruling as to these requests and exhibits submitted by you, we will continue with the trial, which will be at 2:00 o’clock.

MR. HANLEY: In other words, if you overrule the objections or requests, then you proceed immediately with the trial? Is that your intention?

CHAIRMAN ROSEN: Either one way or the other.

MR. HANLEY: All right. Do you want to recess now, then?

CHAIRMAN ROSEN: Yes, we will take a recess now until 2:00 o’clock and be back in session then.

(Whereupon, at 12:05 o'clock p. m. a recess was taken until 2:00 o'clock p. m.)

[84]

LOS ANGELES, CALIFORNIA, THURSDAY, JUNE 3, 1954, 2:00 P. M.

---

CHAIRMAN ROSEN: We will now reopen the session of the trial of Tom Hanley.

Are you Fuller?

MR. FULLER: Yes.

CHAIRMAN ROSEN: We will rule here, and we have decided that there will be no witnesses in the room while we are conducting this trial, unless they are requested by either side. I want to say, incidentally, that Murphy here is acting as counsel for President Byron while he is in the room. So that again I must request that both—what is your name?

MR. NANCE: Nance.

CHAIRMAN ROSEN: You are Nance?

MR. NANCE: Yes, sir.

CHAIRMAN ROSEN: Again, I must request that you two men leave the room until you are called by Hanley; I mean I assume that you are Hanley's witnesses.

MR. HANLEY: Mr. Chairman, before lunch we agreed when these witnesses were excused from the room that both parties wouldn't have any witnesses in the room.

CHAIRMAN ROSEN: He is not a witness. He is counsel.

MR. HANLEY: I don't find any place in the Constitution, and it wasn't read in the transcript of yours

[85]

where he would act as counsel for President Byron. The Constitution says I am to be prosecuted by the party that brings the charges.

CHAIRMAN ROSEN: You have your counsel. He is preferring the charges and he has his counsel. You have certain objections and such, and Murphy is here to represent Byron.

MR. HANLEY: Mr. Chairman, I have no objection to Murphy representing Byron, but I do have objections to Murphy presenting the case here because Murphy did not prefer the charges against me.

CHAIRMAN ROSEN: He is not going to present the case.

MR. HANLEY: The Constitution says that the party or parties preferring the charges shall prosecute same. That's what I ask, that President Byron prosecute same.

CHAIRMAN ROSEN: The charges are going to be prosecuted, and, as I say — now again we have the same thing. What is this? Are we going to proceed that way, or are we going to proceed as we ruled before?

MR. HANLEY: Mr. Chairman, I'd like to ask some questions now. Is Brother Murphy a member of the same Local Union that President Byron is?

CHAIRMAN ROSEN: No.

MR. HANLEY: Can you cite me where in the Constitution he has a right to prosecute me? Article and Sec-

[86]

tion, please?

CHAIRMAN ROSEN: The Constitution says, as was read to you this morning —

MR. HANLEY: It wasn't read to me relative to that, Mr. Chairman. It was read to me relative to procedure, and the charges were read to me.

CHAIRMAN ROSEN: You asked questions as to representation by counsel, is that right?

MR. HANLEY: Right. And I accepted your rul-

ing. First you ruled that any member of the International Association could represent me. Then you reversed your ruling and said, after reading Article Eighteen, Section 3(b) that they could not represent me; that it must be a member of my Local; and I am governed by that.

CHAIRMAN ROSEN: Which you insisted upon invoking the provision of the Constitution, as far as you

---

MR. HANLEY: No, I did not. I asked if I could be represented by any member of the International, and first you said yes. If I can be represented by anyone other than Brother Vaughn, I would like to substitute another man. Now, can I, Mr. Chairman?

CHAIRMAN ROSEN: It's entirely up to you.

MR. HANLEY: Do I have that privilege?

CHAIRMAN ROSEN: Yes.

MR. HANLEY: Of using any member of the International?

CHAIRMAN ROSEN: If Vaughn withdraws, you

[87]

can; if Vaughn decides to withdraw as your counsel.

MR. HANLEY: Or if I decide to substitute another member; is that right?

CHAIRMAN ROSEN: Yes.

MR. HANLEY: All right. Have you ruled on the objections I raised here, Mr. Chairman?

CHAIRMAN ROSEN: As soon as the witnesses leave the room. I said that once before.

MR. HANLEY: I ask, Mr. Chairman, now for an interpretation of where Brother Murphy can prosecute me.

CHAIRMAN ROSEN: He is not prosecuting you. He is here to answer to the charges preferred —

MR. HANLEY: If he is here as a witness, I ask that he be excused until —

CHAIRMAN ROSEN: Let me say this. We have a stenographer taking down this record, and we don't want to confuse the record by verbal cross-firing. So let's talk one at a time or not talk at all. As I said before, in the provisions for the conduct of the trial, it is going to be as orderly as we can possibly have it. I don't think that you have any objections to that sort of procedure, I mean, an orderly procedure. Murphy is here as counsel for Byron — not as counsel, but he is here to answer to anything, any charges that were made against you by President Byron on record, and he is not a prosecuting witness. He is here to tell you where and how you

[88]

committed any of those alleged violations, which you requested.

MR. HANLEY: Mr. Chairman, that's in conflict with what you stated this morning.

CHAIRMAN ROSEN: Now, look, fellows. You have ordered the stenographic reporter this morning, didn't you, to make your record.

MR. HANLEY: And you have people down the hall recording this.

CHAIRMAN ROSEN: What are you talking about?

MR. HANLEY: I know what you have in here. You have a recording machine as well.

CHAIRMAN ROSEN: I don't know anything about that. I only know what goes on in this room, Tom. I don't know what goes on outside.

MR. HANLEY: This is being recorded by an electrical machine two doors down the hall.

CHAIRMAN ROSEN: We don't a repetition

of what happened this morning. If this trial is going to proceed in an orderly manner, which we hope it will, just as the Board feels and decided as such, by the provisions or the conduct of this trial, which we read this morning to you, copy of which you are going to have, let's keep it that way.

MR. HANLEY: Where is this procedure you were going to give me this morning?

[89]

CHAIRMAN ROSEN: Your stenographer is now making a copy of it. He just borrowed it.

MR. HANLEY: Where are the charges you are going to furnish me with?

CHAIRMAN ROSEN: I did not say anything about furnishing you with any charges.

MR. HANLEY: Yes, you did, Mr. Chairman.

CHAIRMAN ROSEN: Again I want to say, Tom, I am not going to proceed with this trial unless the room is cleared of witnesses.

MR. HANLEY: Clear Mr. Murphy, then.

CHAIRMAN ROSEN: And any machines.

MR. HANLEY: I ask you, Mr. Chairman, to interpret into the record here, or to give me a ruling of where Brother Murphy has a right to prosecute me, and where am I denied the right to cross-examine President Byron.

CHAIRMAN ROSEN: If you request to prosecute President Byron direct, it's your privilege.

MR. HANLEY: I asked, to cross-examine him.

CHAIRMAN ROSEN: And cross-examine.

MR. HANLEY: Where is President Byron?

CHAIRMAN ROSEN: It's your privilege; when he is needed, he will be here.

MR. HANLEY: Mr. Chairman, he preferred the

charges, and I insist on him presenting the charges in accordance with the Constitution.

[90]

CHAIRMAN ROSEN: First of all, again I will repeat, and it is the last time I am going to repeat it —

MR. HANLEY: It's your prerogative.

CHAIRMAN ROSEN: I mean, rightfully so, and as we said this morning, we are not going to proceed with the trial unless all witnesses in the room will clear the room and be called upon when they are needed. So that I will repeat my request to the witnesses who are in this room again, as I stated this morning. Do you gentlemen or brothers, members of the International, desire to stay here regardless of my request? I am talking to Fuller, Nance and Nichols.

MR. NICHOLS: What did you say?

CHAIRMAN ROSEN: I said, I requested that all witnesses shall not be in the room until such time as they are called, and if you gentlemen insist on staying here, we will have to of necessity conclude the proceedings of this trial as of now.

MR. NICHOLS: Mr. Chairman, inasmuch as you are talking to me directly —

CHAIRMAN ROSEN: I am not talking to you directly, Nichols.

MR. NICHOLS: Well, as one of them. The membership of this great Local Union 108 are very interested as to whether this is a mock or a sham trial of a kangaroo court nature. Now I say this very frankly to you,

[91]

gentlemen, that they are very interested in it, and I am very interested in it because of the fact that I have charges coming up for me tomorrow. I have taken this up with several people and I respect their intelligence



as being very great. I am a member of the Masonic Order, and in the Masonic Order when charges are preferred against a person, that also being a fraternal organization, the fraternal members of that organization are permitted as spectators. I have charges preferred against me tomorrow. I don't know what's going on here, and I do wish to stay. I would like to indulge upon you people that I be permitted to stay because of the fact that I believe that this should be a trial like all trials are conducted. My card is paid up. I am a member in good standing of this Local Union, and I see no reason whatsoever that this executive council or members of this executive council should hold a closed door hearing. So upon that basis, I am requesting permission to stay. I have a machine here to assure us that we are going to get a sound trial. I am not challenging your integrity or anything else. I am merely here as John Doe today protecting the interests of my livelihood.

CHAIRMAN ROSEN: Well, again I want to say to you, Brother Nichols, first of all, this is not a fraternal order like the Masonic Order is, as you mentioned. Second of all, you admitted that you are going to appear

[92]

before this Trial Board tomorrow — or perhaps the next day; I don't know — where charges have been preferred against you. Consequently, we certainly cannot allow you to sit in this room. And I'll say again, with all due respect to the membership of Local 108, and any other Local Union, this trial is simply to try Tom Hanley for violations of the Constitution as charged, and we will not permit any witnesses to stay in the room; or again I say, if you insist upon staying in, then we'll conclude right here and now.

MR. FULLER: Mr. Chairman, if you will show me in the Constitution where —

CHAIRMAN ROSEN: Just a moment now; let me finish. Again I want to assure everybody present, including the witnesses, there is nothing underhanded; this is not a kangaroo court as Nichols pointed out. Hanley is being tried by members of his own International Union. He is being tried by general officers of the International Union for whom he voted in the last convention to be elected. We don't want to have anything to do with any outside forces or influences. This is a trial strictly within the confines of the International Association of Sheet Metal Workers. And that's that.

MR. FULLER: Mr. Chairman, if you will show me in the Constitution what Section of what Article excludes a member in good standing of the Sheet Metal

[93]

Workers International Association from sitting in as an observer, where they are involved in this, or their livelihood is involved, and they are interested in it in more than one way, where it excludes them from sitting in on this trial, I wish you would point that out to me, please.

CHAIRMAN ROSEN: Well, there may not be anything in the Constitution as far as that's concerned, Fuller, but the situation here has now reached civil courts and we have to of necessity be very, very careful as to how we proceed. Therefore, again I say — if you are going to put that on there, Nichols, we are not going to do anything.

MR. NICHOLS: Mr. Chairman, if you don't have anything at all to hide, I am sure you are not afraid of this little thing. I'm not.

CHAIRMAN ROSEN: I'm not afraid to face it.

MR. NICHOLS: Then speak up at it.

CHAIRMAN ROSEN: I am not going to.

MR. NICHOLS: It won't bite a bit.

CHAIRMAN ROSEN: I know damn well it won't bite a bit. But I am not going to speak up into that so that's that.

MR. FULLER: Mr. Chairman, I would like to ask, does the Trial Board have this room "bugged"?

CHAIRMAN ROSEN: What do you mean, "bugged"?

MR. FULLER: Do you have a sound recording device?

CHAIRMAN ROSEN: To my knowledge, no. If you find anything like that, I hope you rip it out.

[94]

MR. FULLER: Okay. Do you want to open these rooms up here and let's look through them.

CHAIRMAN ROSEN: What rooms?

MR. FULLER: The rooms you have rented.

CHAIRMAN ROSEN: The suite, you mean?

MR. NICHOLS: I don't mean the suite.

MR. HANLEY: The rooms around the suite.

CHAIRMAN ROSEN: Look, unless you disconnect these microphones, we are not going to proceed, and that's that.

MR. VAUGHN: We are up and above board with ours.

CHAIRMAN ROSEN: So are we.

MR. NICHOLS: That remains to be seen.

CHAIRMAN ROSEN: Now look —

MR. VAUGHN: There is a whole roomful —

MR. MURPHY: I don't know of anything being "bugged" around here. I mean that.

MR. NICHOLS: I just told you that I was a Masonic member, and I know what you are talking about,

and we want this thing on the square. There is another Masonic member in here, too.

CHAIRMAN ROSEN: This is not a Masonic trial, my friend.

MR. NICHOLS: I think you know what I am talking about.

MR. SCHROEDER: This room is not "bugged," to my knowledge.

[95]

CHAIRMAN ROSEN: I am not a member of the Masonic Order, but I do have a lot of respect for any Order.

MR. NICHOLS: I am sure you do, Mr. Chairman.

CHAIRMAN ROSEN: But I want to say this, that this is not a Masonic Order, nor are you being tried by anybody in the Masonic Order, nor is a member of the Masonic Order being tried. So if you are going to inject that it is permissible in any other benevolent organization, things that are permissible there are not permissible here, and vice versa. If we wanted to go into a Masonic Order trial, we couldn't even get in.

MR. NICHOLS: Not you as an individual, but I as a Brother.

CHAIRMAN ROSEN: Yes, but this is different.

MR. NICHOLS: My card is just as good as yours.

CHAIRMAN ROSEN: Oh, absolutely, I don't dispute that.

MR. NICHOLS: You three gentlemen may be International Vice Presidents, but my vote cast in this organization is just as good as yours, today.

MR. SCHROEDER: Yes, we agree with that.

MR. NICHOLS: You understand, I said "today?"

CHAIRMAN ROSEN: That's right. Furthermore

MR. HANLEY: Mr. Chairman, I will ask this, in order to mitigate this problem, that President Byron act as the prosecutor here. He filed the charges.

[96]

CHAIRMAN ROSEN: All right —

MR. HANLEY: And until such time as you exclude all of these witnesses, both Mr. Murphy and all the rest, and President Byron prosecutes the charges, and you take into consideration my charges, I have no objections to standing trial.

CHAIRMAN ROSEN: All right, we will take a temporary recess.

(At this point a recess of 15 minutes was taken.)

CHAIRMAN ROSEN: Back on the record then.

I want to ask you, Tom Hanley, at this time: Are you willing to proceed with the trial, if General President Byron appears here?

MR. HANLEY: Am I willing to proceed with the trial today, do you mean?

CHAIRMAN ROSEN: Are you willing to proceed with being tried if General President Byron comes in here and sits here to prosecute the charges which he has preferred against you —

MR. HANLEY: Clarify —

CHAIRMAN ROSEN: — rather than be represented by Murphy?

MR. SCHROEDER: No; he will have his counsel here today.

CHAIRMAN ROSEN: Wait a minute. I know that. He is entitled to counsel.

[97]

MR. HANLEY: Not if he is going to have a man here to present the facts —

CHAIRMAN ROSEN: I asked you a straight

question, Tom. Would you answer it straight?

MR. HANLEY: Sure, if I can understand you.

CHAIRMAN ROSEN: You requested that General President Byron himself be here in this room while you are being tried on charges preferred against you by him; is that correct?

MR. HANLEY: I requested that President Byron prosecute the charges in accordance with the Constitution and not have somebody sit in who says he knows the facts or that they have been told to him.

CHAIRMAN ROSEN: If President Byron — now, look. If we are going to have these interruptions, I don't think it is fair, fellows — you requested that President Byron himself be in this room to prosecute the charges which he has filed against you of violations of Sections of the Constitution; is that correct?

MR. HANLEY: I requested that President Byron conduct the charges —

CHAIRMAN ROSEN: Just say yes or no.

MR. HANLEY: I mean, prosecute the charges — I answered you.

CHAIRMAN ROSEN: If President Byron is present here, would you be then willing to proceed with the trial?

[98]

MR. HANLEY: If he follows the Constitution and prosecutes them himself, without his witness —

CHAIRMAN ROSEN: If he does not follow the Constitution, you have counsel, or you yourself are entitled to point it out — this, that, or the other thing in the Constitution, what you have in mind, or at least the provisions of the Constitution that you have in mind, and under which you are being tried. Would you be willing to proceed?

MR. HANLEY: I don't understand your question, Mr. Chairman, at all.

CHAIRMAN ROSEN: Would you read that back, please.

(The record was read by the reporter as set forth above.)

CHAIRMAN ROSEN: Which is not an answer.

MR. HANLEY: I said, without his witness here who he sent as the prosecutor, or the man that has sat here and stated—Brother Murphy—that he has the facts in this case and is closely related to the Newcomb-Detroit Company.

MR. MURPHY: Let me interrupt for a moment to correct the record. I do not have the facts in the case. Only the witnesses have the facts. I am not closely connected with the Newcomb-Detroit Company.

MR. HANLEY: Is your Local Union signatory to agreements with Newcomb-Detroit?

CHAIRMAN ROSEN: I will stop that right here and now.

MR. HANLEY: Stop it. I am going to ask the question.

[99]

CHAIRMAN ROSEN: This is irrelevant. I want my question answered by you direct.

MR. HANLEY: I answered it.

CHAIRMAN ROSEN: This is not an answer; and unless you agree to go along with the trial, your original request — as I stated and asked you, do you want President Byron to be present here to prosecute the charges?

MR. HANLEY: At such time as I am tried, I want President Byron to prosecute the charges, in accordance with the Constitution, yes.

CHAIRMAN ROSEN: All right. — or in accordance with the provisions — in accordance with the charges that you have violated provisions of the Constitution as such?

MR. HANLEY: No, no, Mr. Chairman, that's completely off.

CHAIRMAN ROSEN: See, that's the reason.

MR. NICHOLS: God, you sit right there and —

CHAIRMAN ROSEN: You are not on trial, Nichols.

MR. NICHOLS: You sit right there and you say—

CHAIRMAN ROSEN: Look. You are not his attorney, or are you on trial, and I think that it is very, very much unfair to both sides, both Tom Hanley and to this Board, for you to interfere the way you do. I am talking to Tom Hanley who is the man against whom the charges were preferred and who is on trial. You are not on trial. So again I want to ask you direct, Tom —

[100]

MR. HANLEY: I want to answer it in this way: I will stand charges and stand trial at such time as President Byron is present and prosecutes the charges, and at such time as the charges are tried in the Local Union of which I am a member, by the general officers, in the jurisdiction —

CHAIRMAN ROSEN: The Constitution on that part is very, very clear.

MR. HANLEY: I don't agree with you. What is your interpretation of it? Article Eighteen, Section 3?

CHAIRMAN ROSEN: That's right; Article Eighteen, Section 3 which reads — I don't even think that we ought to answer that question on that matter until such time as you agree whether or not you are willing to proceed with the trial.



MR. HANLEY: I am willing to proceed with it when it is tried in the jurisdiction of where I am a member, namely, Las Vegas. If the general officers want to try me in Las Vegas and President Byron wants to appear there and prosecute it, I will stand trial there, Mr. Chairman. But I take exception to Article Eighteen, Section 3 and your interpretation. If you will try me in Las Vegas, yes, I will take it any time.

CHAIRMAN ROSEN: Tom Hanley, let me say this, you are avoiding and evading —

MR. HANLEY: No, I am not.

[101]

CHAIRMAN ROSEN: Don't interrupt. There is a man taking down the record. Can't you be tolerant enough to listen to me until I am through? Regardless of how you feel about everything else, at least a little respect should be shown.

MR. HANLEY: Sure.

CHAIRMAN ROSEN: You bet your life; I mean, no matter what or where.

Now, all through this procedure and up to this point you requested that President Byron should be here to prosecute the charges, in accordance with the Constitution: is that right? We recessed for 15 or 20 minutes, and I sent Vice President Schroeder down to tell General President Byron to be in this room while you are being tried. The answer came back. Are you willing, or will you go through with the trial of the charges against you, if President Byron is present; yes or no?

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: And furthermore, you or your counsel, or both, can then best be the judges whether or not General President Byron is prosecuting the charges preferred against you in accordance with the

provisions of the Constitution; and if he doesn't, you have a right to object.

MR. HANLEY: To who?

CHAIRMAN ROSEN: To the Trial Board here, and for the Trial Board rule.

[102]

MR. HANLEY: That's very generous, Mr. Chairman. But you said you came back with the answer to my question regarding President Byron being in this room. You came back with a question. You didn't come back with the answer. You came back and asked me a question.

CHAIRMAN ROSEN: Sure.

MR. HANLEY: I stated before, Mr. Chairman, and I state again, that I am willing to stand charges at any time that I have had the opportunity to properly prepare my case and to acquaint my counsel with it, and to be tried in the Local Union where I am a member, namely, Las Vegas, in that jurisdiction, and when you try me in Las Vegas, the general officers, and President Byron is present, I will appear and stand trial.

CHAIRMAN ROSEN: See, Tom, if we grant you one thing, you immediately hopscotch on to something else.

MR. HANLEY: I don't agree with you.

CHAIRMAN ROSEN: You are just befogging the entire issue. Let me say this to you, in all fairness to all concerned, that this Board here is not here for the purpose of being made clay pigeons to the point where we are going to be fired questions at, one question to supersede another, and criss-cross it anyway you or your counsel think. And I say that, Vaughn, because you are his counsel. I mean, I am not inferring anything by that. Again I say, you requested President Byron himself to

be here to prosecute. President Byron is willing to come up here and prosecute the charges, provided you agree to stand trial under which you have been summoned to appear before us.

MR. HANLEY: I have never been summonsed. I have never been properly charged, and the general office or no one else can show me any receipt of me being charged.

CHAIRMAN ROSEN: So that regardless of whether President Byron is here or not, you are still not willing to go along with the trial of the charges?

MR. HANLEY: That's not right.

CHAIRMAN ROSEN: Again I say, you asked the Board for certain rulings to your objections this morning —

MR. HANLEY: That's not right. You are just twisting things around.

CHAIRMAN ROSEN: Oh, well, to tell you truthfully, I don't think it's any use. There's no use in talking. I don't think I am being unfair —

MR. HANLEY: Let me ask you a question, Mr. Chairman. Do you take the position that I am being tried in accordance with Article 3, that I am to be tried in Los Angeles; is that the Board's ruling? I would like to have a ruling.

CHAIRMAN ROSEN: Sure. Under the provisions of that Article and that Section we can try you any place in the country, even in the general office.

MR. HANLEY: Try me there.

CHAIRMAN ROSEN: You see, when charges are referred by a member of a respective Local Union against another member or officer, or vice versa, if an

officer prefers charges against any individual member in their respective Local Union, then he can be tried in his Local Union. He can't be tried outside of the jurisdiction of his Local. If charges are preferred by a general officer, any general officer, or, let us say that the Local Union who prefers charges against any individual member of a respective Local Union, and then they decide that the General President conduct and try this particular member, whoever has been charged in his respective Local Union with violations of any Article or Sections of the Constitution, he can bring that trial to the general office, or he can try him in his own Local, or he can try him anywhere in the United States. These charges were preferred against you by a general officer who happened to be the General President of the International Union. Therefore he has a right to call the trial, request the trial members—I told you before, Nick, that I don't want to talk into this thing, so you might just as well take it away. I am not going to talk into it. This is getting to be a children's game around here.

Therefore, he does not necessarily have to try you in Las Vegas or in the vicinity of Local No. 88. You know that.

[105]

MR. HANLEY: No, I am not familiar with that. I asked for certain interpretations of the Constitution, and you wouldn't give them to me.

CHAIRMAN ROSEN: You should be. I just gave them to you.

MR. HANLEY: I asked for them in writing.

CHAIRMAN ROSEN: They don't have to be in writing.

MR. HANLEY: Mr. Chairman, you mean that you won't answer the interpretations that I requested of these charges?

CHAIRMAN ROSEN: I mean, I answered the interpretations and my answer is on record. I don't have to give it to you in writing.

MR. HANLEY: I know you don't have to do a lot of things.

CHAIRMAN ROSEN: This Board doesn't have to do all the things that you may request.

MR. HANLEY: Just the General President have to do it?

CHAIRMAN ROSEN: Give you a copy of the charges?

MR. HANLEY: No; my requests for an interpretation relative to my charges.

CHAIRMAN ROSEN: This is as good as writing, isn't it?

MR. HANLEY: No. I asked for certain interpretations of the Articles and Sections that I was charged with violating, in writing. I asked for the charges to be more specific — names, times, dates, places and parties

[106]

or persons present.

CHAIRMAN ROSEN: Tom —

MR. HANLEY: Now just a moment, Mr. Chairman. I kept my mouth shut while you were talking, and I will pay you that respect.

CHAIRMAN ROSEN: Okay.

MR. HANLEY: I also asked, Mr. Chairman, the year and the place that the alleged violations were supposed to have occurred. I think, Mr. Chairman, that you will agree that some of these violations, the way they are written up, could have occurred three years ago, five years ago, a week ago, or a month ago. None of them names the times or places or anything else, that you read this morning.

CHAIRMAN ROSEN: First of all, I have not agreed to any such things. I did not say it could have happened this year, last year, two years ago or five years ago. I have never said anything like that, as the record will show.

MR. HANLEY: Just a minute, Mr. Chairman. Let me finish, please. The charges do not set forth the time and place that the alleged violations were supposedly committed, and I request from this Board or from the General President, in accordance with Article 3, Section One, that he give me specific charges, naming the times of the alleged violations, the places of the alleged violations, the parties or persons present when the alleged violations were supposedly committed, the year, the day

[107]

and the month; and I have not received an answer from this Trial Board or from the General President, and I am requesting it in accordance with Article 3, Section One.

CHAIRMAN ROSEN: If we bring General President Byron in here —

MR. HANLEY: You are evading my question, Mr. Chairman. I answered yours.

MR. SCHROEDER: You are evading a direct answer to his question.

CHAIRMAN ROSEN: When you have General President Byron right here and he prosecutes the charges, as he preferred them against you, it is your privilege, you and your counsel, or either one of you, or both of you, you can ask him those same questions.

MR. HANLEY: Mr. Chairman — excuse me for interrupting you; go ahead.

CHAIRMAN ROSEN: I cannot tell you of dates and places and such and such, as Chairman. Neither can

ny member of this Board. If I had all of that information, I would have preferred the charges. As it is, the General President preferred the charges, so that he must have the dates and places and can point out where and when those violations were committed. Consequently, he only person that you can ask to give you an answer on those things is the man who actually preferred the charges against you. Am I right or am I wrong?

[108]

MR. HANLEY: You are wrong, Mr. Chairman. Let me explain to you why. I want to read Article Eighteen, Section 1(b):

“All charges provided for in Paragraph (a) of this Section shall

1. Be in writing.
2. Signed by the party or parties preferring same.
3. Contain a detailed statement of facts out of which such charges originate.
4. Contain specific references to Articles, Sections and Paragraphs of this Constitution, the policies, decisions, laws, rules or regulations, which it is alleged have been or are being violated.
5. State the nature of the violation claimed.”

Now, Mr. Chairman, those are not specific in writing. They do not set forth, as I said before —

CHAIRMAN ROSEN: Look, Tom, we are not trying —

MR. HANLEY: Just a minute. I never interrupted you.

CHAIRMAN ROSEN: Wait a minute. I will interrupt you and stop this. I am not going to permit anything —

MR. HANLEY: You are not going to stop me because I have a right —

CHAIRMAN ROSEN: If you do, you will talk without us being here.

[109]

MR. HANLEY: That's all right, Mr. Chairman, go right ahead.

CHAIRMAN ROSEN: Now, wait a minute. We are not proceeding with your trial as yet until such time as the prosecuting side or the complainant presents their charges formally here. I asked you a question: If General President Byron comes into this room to prosecute the charges, as you want him to, will we then proceed with the trial? And when we do proceed with the trial, all of that which you just said a while ago can be brought out in the trial to justify as to who is right and who is wrong. Until such time as I get a direct answer from you — if you are willing to proceed with the trial all right. I am not going to allow anything else, in all fairness to everyone concerned, and if necessary, we will adjourn this trial, and whatever the consequences are going to be hereafter — in other words, it would be an indication that you do not want to proceed with the trial.

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: Look. We can't blow hot and cold at the same time. We either blow hot or we blow cold. I asked you a specific and direct question in accordance with your own request, and again I repeat. You requested General President Byron to be here. He is willing to come up —

MR. HANLEY: Just a moment, Mr. Chairman. I

[110]

want to substitute Brother Nichols for Brother Vaughn. He will speak for me.

CHAIRMAN ROSEN: Not before you agree and



ou give me a direct answer. Do you want General  
resident Byron up here?

MR. VAUGHN: You stated that he could substitute any time that he saw fit, if I resigned. So I will resign.

CHAIRMAN ROSEN: We are in the middle of a question to be answered. The trial is not being conducted as such.

MR. HANLEY: Withdraw, Gene.

MR. VAUGHN: I withdraw as counsel for him.

CHAIRMAN ROSEN: The trial is not being conducted. I see that you are going to try every trick in the book. I am not going to take it, believe me. If the other two Board members want to do that, that's up to them. I personally am not going to take it. You will either be right or you will be wrong. You will either agree, as you should agree —

MR. HANLEY: My counsel will speak for me, Mr. Chairman.

CHAIRMAN ROSEN: First of all, as I say, the counsel will have to go on record. It is not on record as such until such time as you agree — you agree — to proceed with the trial.

MR. HANLEY: I am not going to agree, Mr. Chairman.

CHAIRMAN ROSEN: If you are not going to agree —

[111]

MR. HANLEY: Just a moment — to proceed to be tried by something when it is in direct violation of the Constitution and deprives me of my rights. Let me answer it in this respect, and I will give you a direct answer: I will stand trial on the charges that I am charged with at such time as President Byron, who instituted the

charges, makes the charges specific, in accordance with Article Eighteen, Section 1(b), setting forth the time the place, the name of the parties or persons who were present during the supposed, alleged violations.

MR. NICHOLS: That's counsel's statement. This is for your information, Mr. Chairman: This is Brother Nichols, Membership No. 192309, dues paid —

CHAIRMAN ROSEN: Just a moment. We will adjourn this trial —

MR. NICHOLS: Dues paid to Local Union 108, representing, under Article Eighteen, Section 4 of the International Constitution —

CHAIRMAN ROSEN: Hold the record. I have adjourned the proceedings of this trial.

MR. HANLEY: Brother Nichols has some questions to ask of the Trial Committee and some demands to make upon the Trial Committee and those demands are that Article Eighteen in its entirety be carried out —

CHAIRMAN ROSEN: Any record that you make from here on we are not responsible for, and this trial is adjourned.

### [112]

(At this point, 3:14 o'clock p. m., the members of the Trial Board withdrew.)

MR. NICHOLS: There was a letter — I guess we can only say one other thing: That the trial has been adjourned by action of the Trial Committee. The time is now 3:15 on this 3rd day of June, 1954. For the record, Brother Hanley will stand trial as outlined in my previous statements and as directed by the General President.

MR. HANLEY: And at such time as he complies with —

MR. NICHOLS: Article Eighteen.

MR. HANLEY: And the requests are —

MR. NICHOLS: Are adhered to.

MR. HANLEY: And the requests for interpretations that we have requested that we make of certain Articles or Sections of the Constitution, and at such time as he sets forth in writing the time, place, persons or parties present when the alleged, supposed violations were committed. That's all.

---

[113]

STATE OF CALIFORNIA,

ss.

COUNTY OF LOS ANGELES.

We, Ben A. Bell and Mark T. Nevill, Certified Shorthand Reporters of the State of California, do hereby certify that the foregoing one hundred and twelve (112) pages contain a true and correct transcription of our shorthand notes taken in the hereinbefore entitled proceedings.

.....  
Ben A. Bell

Certified Shorthand Reporter.

.....  
Mark T. Nevill

Certified Shorthand Reporter.

---

---

SHEET METAL WORKERS  
INTERNATIONAL ASSOCIATION

---

IN THE MATTER OF THE TRIAL  
OF  
THOMAS B. HANLEY

---

VOLUME II  
PROCEEDINGS

---

Room 784, Statler Hotel, Los Angeles,  
California, Friday, June 4, 1954.

Reported by:

BEN A. BELL

MARK T. NEVILL

COPY

*Sponsored by the S.J. Quinney Law Library. Funding for digitization provided by the Institute of Museum and Library Services  
Library Services and Technology Act, administered by the Utah State Library.*

*Machine-generated OCB, may contain errors.*

---

---

## INDEX OF EXHIBITS:

DEFENDANT'S NO.	DESCRIPTION	PAGE NO.
A	Letter	137
B	Letter	141

SHEET METAL WORKERS  
INTERNATIONAL ASSOCIATION

---

IN THE MATTER OF THE TRIAL  
OF

THOMAS B. HANLEY

---

Room 784, Statler Hotel, Los Angeles,  
California, Friday, June 4, 1954.

---

TRIAL BOARD:

MR. MOE ROSEN, G.V.P.,  
CHAIRMAN.

MR. RENE W. SCHROEDER, G.V.P.

MR. G. JOSEPH FITZGERALD, G.V.P.

FOR THE UNION:

MR. ERNEST MURPHY.

FOR THE ACCUSED:

C. E. VAUGHN.

(Member Local 88, Las Vegas.)

Reported by:

BEN A. BELL.

MARK T. NEVILL.

LOS ANGELES, CALIFORNIA, FRIDAY, JUNE 4,  
1954, 10:15 A. M.

---

CHAIRMAN ROSEN: We are ready to reconvene  
in the trial of Thomas B. Hanley. Are you willing to  
proceed?

MR. HANLEY: Mr. Chairman, I came here this  
morning, after the Trial Board walked out yesterday  
and told me the meeting was adjourned, with no further  
notice, prepared to defend John Fuller and C. A. Nich-  
ols. There was no further mention of my trial being con-  
tinued at the time the Trial Board walked out, and I  
feel that the General President was in direct violation of  
the International Constitution by refusing to comply  
with its provisions, as well as the members of the Execu-  
tive Council; and I am here this morning appearing for  
John Fuller and ready to proceed, Mr. Chairman, as  
counsel for Brother Fuller.

CHAIRMAN ROSEN: First of all, this Board will  
again have to repeat our procedure as we outlined it yes-  
terday. Unless the room is cleared of all witnesses who  
are to appear as such, and those who are willing to pro-  
ceed with the trial remain here with their counsel, we are  
not going to proceed with the trial.

MR. HANLEY: Mr. Chairman, I have nothing to  
do with the fact that all of the witnesses are here, as to  
their remaining in the room. It is their individual pre-  
rogative and initiated on their own initiative.

CHAIRMAN ROSEN: We have a right not to

proceed with the trial with these witnesses present here

MR. HANLEY: I presume that's the prerogative of the Trial Board, Mr. Chairman, but I am here to defend Brother Fuller this morning, Brother Nichols or Brother Nance, whoever this Board wants to proceed with first.

CHAIRMAN ROSEN: That, we will have to determine, as to whose trial is going to be continued.

MR. HANLEY: That's your prerogative. I am here to defend whoever you select as being the first one to be tried, Mr. Chairman, as counsel.

CHAIRMAN ROSEN: Well, no, I'd rather have the choice when it comes to that. But again I want to reiterate the procedure of the Trial Board as outlined yesterday on record, that we are not going to proceed with any one individual's trial unless the room is cleared of all witnesses.

[117]

MR. HANLEY: Mr. Chairman, this is not my trial. I am here to defend these men, and take whatever action they want. If they want to leave the room, that is their prerogative. Again, I want to reiterate, I am here to defend any one of them.

CHAIRMAN ROSEN: So far as you are concerned, Hanley, you do not desire to continue your trial?

MR. HANLEY: I desire to continue my trial if the General President would comply with the Constitution and filing the charges properly. I feel that yesterday when the Trial Board walked out on my trial, and abruptly adjourned the trial, they ended the charges. I feel that the next move is up to the general office.

CHAIRMAN ROSEN: I want to say this: The reason the Board took a recess yesterday —



MR. HANLEY: There was no recess, Mr. Chairman. Keep the record straight.

CHAIRMAN ROSEN: It was adjourned for the lay, because of the fact that we could not possibly understand one another in the matter, in which everybody was acting —

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: Just one moment.

MR. HANLEY: Just one moment. I extract from page 111 of the proceedings of yesterday —

CHAIRMAN ROSEN: We will not continue with any proceedings of the trial unless this room is cleared

[118]

of all witnesses.

MR. HANLEY: Mr. Chairman, I will extract from page 111 of the proceedings of yesterday, and I wish to quote to the Chairman.

CHAIRMAN ROSEN: Brother Hanley —

MR. HANLEY: “CHAIRMAN ROSEN: Just a moment. We will adjourn this trial —”

CHAIRMAN ROSEN: Now, look, I didn’t say “trial” nor —

MR. HANLEY: You said “trial.”

CHAIRMAN ROSEN: All right. I am not going to argue about that.

MR. HANLEY: We are going to argue about it.

CHAIRMAN ROSEN: First of all, we want to —

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: We want to —

MR. HANLEY: There is the statement in the certified copy from the reporter, and it says, “I have adjourned the proceedings of this trial.”

CHAIRMAN ROSEN: First of all, we still insist

that the room be cleared of all witnesses except those who are in trial.

MR. HANLEY: Mr. Chairman, I again want to reiterate that the witnesses are here on acts of their own volition.

CHAIRMAN ROSEN: It doesn't make any difference whether on their own volition or not. The witnesses are subject to call when their testimony as a witness

[119]

is desired by anyone, and until such time, we are not going to proceed with the trial of anyone.

MR. HANLEY: I am here to proceed, Mr. Chairman —

CHAIRMAN ROSEN: We are not —

MR. HANLEY: — as defense counsel.

CHAIRMAN ROSEN: I reiterate my statement: We are not going to proceed with any trial of any one individual unless this room is cleared of all witnesses.

MR. HANLEY: Maybe the witnesses want to say something here, Mr. Chairman.

CHAIRMAN ROSEN: The witnesses have no business saying anything. They are not on trial. They are witnesses. Those who are on trial are the ones that can say anything on their behalf.

MR. NICHOLS: Mr. Chairman —

CHAIRMAN ROSEN: Before we go ahead with anything at all, I must, of necessity, insist, because this is the ruling of the Board, and I as Chairman of the Trial Board have to rule according to the desires of the entire Board here. We are not going to proceed with anything unless the witnesses clear this room.

MR. NICHOLS: Mr. Chairman, as one of the defendants in this trial, I was notified to be here at 10:00 o'clock this morning. Incidentally, my name is Nich-

ls. I wonder if the Committee would be so kind as to tell these people, who are members of the Local Unions

[120]

and the press, just why it is that the Trial Board has ruled that nobody can sit in and listen to any testimony or listen to the Trial Board's actions. It seems to me it is quite an unfair situation. There is no court in the land and that don't permit visitors, not a court in the land. The courts all over the City of Los Angeles this morning are open, and spectators are permitted to be in there, because the Judges are honest and fair. We have nothing to hide here, not a thing in the world.

MR. HANLEY: Mr. Chairman, before we go any further, I would like to make a statement for the record. I am here to defend Nichols this morning. He is due, under a Court order, to be in Department 34 in Los Angeles, the Superior Court, State of California —

CHAIRMAN ROSEN: I —

MR. HANLEY: Just a moment, Mr. Chairman. — and inasmuch as there is a restraining order now in effect against all of the International Vice Presidents and International Officers restricting them from prohibiting any officer or member of a Local Union from interfering with the affairs of the Local Union, I want to know now if the Chairman will excuse Brother Nichols, or do you want to be considered in contempt of a Court order? You have been properly served with the injunction.

CHAIRMAN ROSEN: I want to say this —

MR. HANLEY: I want a statement, yes or no, Mr.

[121]

Chairman, or we will have you cited for contempt. I will call a lawyer.

CHAIRMAN ROSEN: Well, as far as I am concerned, you can cite me for anything you desire, my friend.

MR. HANLEY: Fine.

CHAIRMAN ROSEN: I am going to make this statement, anyway: It was our intention — when I say “our intention,” I mean the intention of this Trial Board — to have all of those against whom charges were preferred, get them together and see who wants to stand trial today, and because of the fact we have knowledge of the fact, at least that Brother Nichols has to be in court, we would determine who wants to stand trial instead of Nichols today. Again, I say that only when this room is cleared of the witnesses we will proceed, and if not, we will, of necessity, have to recess this trial and convene again at any time that the witnesses decide to stay out of this room.

[122]

MR. NANCE: Mr. Chairman, I am Troy Nance, Local 371. I can speak for myself here in connection with the trial of Mr. Nichols and Mr. Fuller, that we are here to see that the democratic processes are carried out and this is carried on in a democratic manner and everything above board. We want to go on record.

CHAIRMAN ROSEN: First of all, let me say this. I don't suppose — when I say “I,” I am talking for the Board — that there is any reason for a statement of that nature because of the fact that you have not as yet experienced any undemocratic action.

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: Just a moment. Of necessity, whether it's a Trial Board in a Local Union, or whether it's a Trial Board being conducted by general officers, procedure has to be established as to the conduct of the trial. The procedure of this Board is that no witnesses are permitted in the room when any one member who is charged with violations of any portions

of the Constitution is being tried for such violations. Unless this is done, we are not going to proceed.

MR. NANCE: Mr. Chairman, the accused here and the witnesses feel that we have nothing to hide. We feel that you should take the same attitude, you and the Trial Board.

CHAIRMAN ROSEN: This is not a civil court. This is a Trial Board. All of you members of the Inter-

[123]

national Union who are being tried for violations of the Constitution are members of the same International Union that we are, and as such, we are conducting a trial within our own confines.

Let me say this, Nichols: If this were equivalent to any civil court, we would have bailiffs here. We didn't resort to anything like that because we had rather thought that the members of our International Union, be they who they may be, would at least cooperate with the Trial Board in going through the procedure of trial, and until — I state that again — unless and until the witnesses clear this room, we are not going to proceed with anyone's trial.

MR. NANCE: Mr. Chairman, these people here are the people who pay your salary. These people are entitled to democratic process.

CHAIRMAN ROSEN: They are not paying my salary. I get my salary paid in my own Local Union as such.

MR. NICHOLS: Mr. Chairman, I'd like this to be read on the record. A moment ago you said, when you answered the democratic way of doing things, and I as counsel for Brother Hanley yesterday before this meeting was adjourned — or that meeting was adjourned — we made specific requests of the Trial Board. No. 1,

that Brother Hanley be furnished with a copy of the charges that he was to be tried on. No. 2, that the Con-

[124]

stitution under Article Eighteen be complied with. We have no way of representing ourselves or forming any defense whatsoever under this type of a Trial Committee. We have no democratic way in the world of presenting ourselves. We don't know whether you people are talking about things that happened yesteryear, five years ago, ten years ago, twenty years ago, or yesterday. This is not what — I don't think that the people of these United States would determine that as being a democratic manner. You spoke yesterday and said you only had one copy of the charges and you were not going to furnish it to anyone. You spoke yesterday of the procedure. How can we prepare ourselves in a matter of this nature, Mr. Chairman, if we don't know what the procedure is? You don't let us know until the moment you say that we are up for trial. Yesterday you asked the question of Brother Hanley, if Brother Byron was brought in, would he be willing to proceed with the trial. Mr. Hanley tried to explain to you in his own way and own words that he would stand trial; he wanted to stand trial, providing that the Constitution was followed out.

You people speak of ambiguities. This is not the democratic way of doings things. I have a valise full of stuff here, 50 pounds practically, of material, things that should be introduced into this trial. How the hell—pardon that—how do I know what part of this stuff here is going to be pertinent to this trial? You won't tell me.

[125]

We have no way of knowing. Yet you say this, in answer to our questions—or Brother Byron does. We have asked him some 10 or 12 questions relative to how the

trial is going to proceed and the information relative to the things that he has charged me with as an individual. I know that Brother Hanley has written you a request. I know that Brother Fuller has written you a request; and I am sure that Nance must have. But yet we receive a wire dated yesterday, in answer to this, that was sent at 3:29 p. m. It was sent to my home. "You have no right to challenge members of a Trial Board of general officers"—taking away the prerogative of a fair trial—"You may be represented by any good standing member in a trial before the general officers." You couldn't give us a conclusive answer yesterday, and you are the Chairman of the Trial Board. Yet we receive this at 3:59 p. m., or it is sent at 3:59 p. m. "Decisions of the Trial Board of general officers are not subject to the vote of any Local Union."

Hell, is this a totalitarianism government? Don't we have anything at all to say?

"Your trial will proceed at the time designated in the notice sent to you under date of May 15, 1954 or as soon thereafter as possible in view of other trials being conducted by the Trial Board."

What is this, Mr. Chairman? Brother Hanley mentioned a pogrom yesterday. I for one very seriously

[126]

believe that that's just exactly what you have got up.

Now I am asking, Mr. Chairman, relative to the questionnaire that was sent, and every question is a fair question: it's right in Article Eighteen, Section 2(b) of the Constitution of the —

MR. HANLEY: 1(b).

MR. NICHOLS: — or 1(b) of the Constitution of the Sheet Metal Workers. No. 1, that people who were present at what, as you people determine, was a viola-

tion of the Constitution. I am asking the time when you are talking about so that I can prepare myself, or so that I can prepare myself to defend Brother Hanley. You don't tell me these things. Here is the answer to this wire that was sent. Mr. Chairman, I don't know — in view of the fact, I want you people to know this: As far as this date of June 4 of 1954, I am here at the Statler Hotel at 10:00 a. m. in the morning to stand trial for anything that you people want to try me for — anything. But I don't see that I should stand trial, Mr. Chairman, without a comprehensive way of protecting myself or the people that I am to represent. If you please, may I ask you, will you give me the answers to my letter? Will you follow out Article Eighteen of the Constitution? Will you give us a copy of what the procedure is going to be so that we will know? These people sitting around here are just as vitally interested in this organization as

[127]

I am. These are members and officers of the Union, Executive Board members, people that have been members for some 20 years —

UNIDENTIFIED VOICE: And more.

MR. NICHOLS: — and more. People that for 51 years have set around here and watched this Local Union 108 progress without any of this stuff going on. Our financial conditions are in very good order. And yet, for crying out loud, we cannot so much as get one simple, civilized answer from this Trial Committee, one comprehensive answer, that we can sit down and determine just exactly what you people mean without all the ambiguities.

Thank you, Mr. Chairman.

MR. HANLEY: Mr. Chairman —

CHAIRMAN ROSEN: Just a moment.



MR. HANLEY: Just a moment yourself.

CHAIRMAN ROSEN: Just a moment. Now, if this is going to go on, Tom and the rest of you, we are going to recess — just one moment. Nichols made a talk here and —

MR. HANLEY: You make one, then I'll have my whack.

CHAIRMAN ROSEN: Just a moment, Tom. We are not going to deprive you of anything in its proper time.

MR. HANLEY: Fine. I am glad to hear you say that.

CHAIRMAN ROSEN: All of what you said—incidentally, you knew that; you knew that all along —

MR. HANLEY: No, Mr. Chairman, I can't agree with you.

[128]

CHAIRMAN ROSEN: Well, all right. It's your prerogative to agree or disagree.

MR. HANLEY: Thank you for that.

CHAIRMAN ROSEN: Now I want to say this to Brother Nichols. All of what you said here may be proper and rightfully in its place during the conduct of the actual trial. You have objections. We have answers to the objections. At least the Trial Board has answers to the objections raised yesterday and perhaps raised today. But again I want to say, we are not proceeding with any trial, with all due respect to every member who is sitting in this room, every member of our International Union, may they be rank and file members or officers, with all the respect in the world for any member who carries a good standing card, we cannot proceed with witnesses in the room; and until such time as the witnesses will bear with the Trial Board and leave the room,

subject to call by anyone who desires, whoever they may be, as a witness, we are not proceeding —

MR. NICHOLS: Mr. Chairman —

CHAIRMAN ROSEN: — and we will have to, of necessity, recess this until such time as the witnesses leave the room, and from here on we are not going to even consider anything that's said in the form of objection or anything like that. We cannot possibly do it. You are asking for a democratic way of doing things. We

[129]

are doing just so. This is not an open trial for witnesses to sit in.

MR. NICHOLS: You did not notify us of that.

CHAIRMAN ROSEN: Let me say — I said it yesterday; it's on record — with regard to witnesses. If I repeated it once, I repeated it many times. In an ordinary civil court even, witnesses are barred from sitting in the courtroom at certain times —

MR. HANLEY: Mr. Chairman, —

CHAIRMAN ROSEN: Now just a moment.

MR. HANLEY: All right, go ahead, make your statement.

CHAIRMAN ROSEN: Let me finish, Tom.

MR. HANLEY: Sure.

CHAIRMAN ROSEN: And this is the procedure of this Trial Board, that we are not going to proceed with any trial until this room is cleared of witnesses or newspaper reporters, or whoever they may be, except those who are actually on trial and their counsel, whom ever they choose as such. And that's my final statement. Unless this is done, I repeat again that we are going to recess this trial until such time as you people comply with the provisions, at least with the prescribed conduct of this trial by this Board.

MR. HANLEY: Mr. Chairman, what is the prescribed conduct of this Trial Board, all of it?

[130]

CHAIRMAN ROSEN: I will tell you that. I told you that yesterday. It's on record. You have got the record.

MR. HANLEY: No, Mr. Chairman, you never did answer the question I asked you.

CHAIRMAN ROSEN: It's on record.

MR. HANLEY: It's on record, and I am glad —

CHAIRMAN ROSEN: It's on record. You read the record.

MR. HANLEY: I have read the record. You apparently didn't read page 111 where you adjourned my trial.

CHAIRMAN ROSEN: Well, that's all right. Look. This is where the Trial Board stands, and that's how we are going to proceed.

MR. HANLEY: Mr. Chairman, you made your statement, and I would like to make mine as defense counsel for these men.

CHAIRMAN ROSEN: You can make all the statements you desire. They are not going to be taken into consideration at this time.

MR. HANLEY: They are in the record. That's all I care about.

CHAIRMAN ROSEN: Of course, all you want is on record. Go ahead, fill your record, Brother.

MR. HANLEY: Right, Mr. Chairman.

CHAIRMAN ROSEN: And I might say this: If this is prolonged and the procedure of the Trial Commit-

[131]

tee as submitted yesterday is not compiled with — that procedure is valid for every member who is on charges — we are going to recess.

MR. HANLEY: Mr. Chairman, that's your prerogative, as I stated. But before you recess, or before you adjourn, whichever you so desire, I have here a request in behalf of Brother Fuller. Who do you consider to be on trial first this morning, Mr. Chairman?

CHAIRMAN ROSEN: As I said before, I don't know, in view of the fact that Mr. Nichols is scheduled to be on trial today, and in view of the fact that we know for a fact that he has to be in court today. I had intentions — at least the Board had intentions — of calling those members who are charged and those members who are up for trial to decide between themselves as to who wants to be on trial today or tomorrow or next week. That was the intention of the Board. So we have cognizance of the fact that Nichols cannot be present today to stand trial. And that would be our procedure.

Now, let me make one final statement for the record before anyone goes off any further. I want to say this, and this is going to be my final statement as Chairman of the Board and for the Board: Unless you are willing to permit this trial to proceed under the Board's ruling that there shall be a separation of witnesses, we shall construe your action as a refusal to stand trial —

[132]

MR. NICHOLS: Oh, no.

CHAIRMAN ROSEN: — and shall recess this trial and proceed with the taking of evidence at a time and place to be decided by the Trial Board, and without either Brother Hanley or Brother Nichols receiving any further notice of his right to be present.

MR. HANLEY: Mr. Chairman, you did not even tell the parties today who are supposed to stand trial. Then you say that you conclude that they will be tried

without even knowing who is to stand trial this morning. You will not even designate, Mr. Chairman.

CHAIRMAN ROSEN: That goes for you, too.

MR. HANLEY: That doesn't go for me.

CHAIRMAN ROSEN: Yes, it does.

MR. HANLEY: It does not. You adjourned my trial yesterday, Mr. Chairman. It's your move next.

CHAIRMAN ROSEN: All right.

MR. HANLEY: But I want to say this for the record, Mr. Chairman, that you are depriving the defendants here of every democratic right, not only in civil courts but under the Constitution of the Sheet Metal Workers International Association, Article Eighteen throughout and inclusive of the entire article. You have deprived and refused to give the defendants here, Mr. Chairman, the requested information and interpretations that they have made. You have refused to tell us who

[133]

is to stand trial this morning. You have refused to furnish a copy of the Board's rules and regulations governing the admission or submission of evidence before this Trial Board.

Now, Mr. Chairman, I am going to submit to this Board a request on behalf of Brother Fuller and Brother Nichols, and acting for them as counsel, I would like to submit them as an exhibit to the Chairman and the Trial Board, and I would like to have them read into the record at this time.

CHAIRMAN ROSEN: We will not accept —

MR. HANLEY: I don't care what you accept. I am offering them as an exhibit, Mr. Chairman.

CHAIRMAN ROSEN: Do you want to browbeat this thing around here? Don't try it.

MR. HANLEY: I will try whatever is right under democratic process or under our Constitution.

CHAIRMAN ROSEN: Fine. And this Board is sitting here for the purpose of giving everybody the attention and the democracy that they desire.

MR. HANLEY: As you define it.

CHAIRMAN ROSEN: No, not as we define it.

MR. HANLEY: As you define it, Mr. Chairman.

CHAIRMAN ROSEN: If you want to fill up a record for your purposes, best known to yourself, that's your prerogative. It's your record. But I tell you again — I tell you again, Tom, that we are here for the specific

[134]

purpose of giving every one of the accused a fair trial —

MR. HANLEY: How are you going to give them a fair trial, Mr. Chairman —

CHAIRMAN ROSEN: Just a moment — I'll tell you how.

MR. HANLEY: — without even telling them what the procedure or the program is? I am not going to be interrupted by you any more. Every time I start to speak in defense of my clients you start interrupting me. You interrupted everybody.

CHAIRMAN ROSEN: Look, Tom, let me say this to you. If it is your desire to fill a record to be able to read it before a membership, that's one thing.

MR. HANLEY: We are not going to read it before a membership. That's not the purpose.

CHAIRMAN ROSEN: If it's a grandstand speech, that's another thing.

MR. HANLEY: It's not a grandstand speech. I have heard you make a lot of them as a Vice President that were as phony as could be.

CHAIRMAN ROSEN: Phony?

MR. HANLEY: Right.

CHAIRMAN ROSEN: All right, we'll not go into that.

MR. HANLEY: My clients have been threatened by members of this Executive Council that they were going to trump up charges, and I have evidence, and you will not give me the opportunity to introduce such evidence.

[135]

CHAIRMAN ROSEN: This Board doesn't know anything about it.

MR. HANLEY: This Board doesn't want to know anything about it.

CHAIRMAN ROSEN: I have made my statement for the record on behalf of the Board, and that is going to stand until such time —

MR. HANLEY: I'd like to submit this as an exhibit for Brother Fuller.

CHAIRMAN ROSEN: All exhibits must be accepted by the Board.

MR. HANLEY: Mr. Chairman, I submit it to the Board as an exhibit.

CHAIRMAN ROSEN: We are not accepting any exhibits at this time because we are not in the process of a trial.

MR. HANLEY: I will read it into the record. It's addressed to the Chairman of the Trial Board —

CHAIRMAN ROSEN: All exhibits produced at this time will not be considered by the Trial Board until such time as we actually go into the trials.

[136]

MR. HANLEY: I am going to read it as an exhibit offered by myself as counsel for Brother John E. Fuller. It is dated as of this date, Los Angeles, California.

“To the Chairman of the Trial Board of General Officers in the Case of Robert Byron, General President of the Sheet Metal Workers International Association vs. John E. Fuller :

“Mr. Chairman, I move as counsel for Brother Fuller that the time set for trial of the charges be postponed or continued and it is my request that this be done on the following facts :

“1. I was requested by Brother Fuller to represent him as counsel on Wednesday, June 3, 1954 —

CHAIRMAN ROSEN: Tom, will you please bear with me for a second; this has nothing to do with that. I notice there is a tape recording machine that has been brought in here.

MR. NICHOLS: Does this Board have any objections to us having a recording of your statements?

CHAIRMAN ROSEN: That's right; we do.

MR. NICHOLS: On what basis?

CHAIRMAN ROSEN: On the basis of the fact that we do not permit any tape recording machines, no more than the courts that you quoted allow it.

MR. HANLEY: Mr. Chairman, I want to read

[137]

this into the record, and I am going to read it into the record.

CHAIRMAN ROSEN: I am sorry I stopped you, Tom, because I wanted to make that statement.

MR. HANLEY: All right. We will mark it as Exhibit A in the case of John E. Fuller —

CHAIRMAN ROSEN: Again I say, the Board does not accept any exhibits until such time as we are in the actual trials.

MR. HANLEY: We are offering it as an exhibit,



Mr. Chairman. You just now said you inadvertently interrupted me from reading it into the record. So it is an exhibit, Mr. Chairman. The reporter will copy it in.

(The instrument in question was marked Exhibit A, and is in the words and figures, to wit, as follows:

“Chairman of the Trial Board of General Officers in the case of Robert Byron General President of the Sheet Metal Workers’ International Association

vs.

John E. Fuller

Mr. Chairman:

I move, as Counsel, for Brother John E. Fuller, that the time set for trial of the charges be postponed or continued and it is my request that this be done on the following facts:

[138]

- 1) I was requested by Brother Fuller to represent him as counsel on Wednesday, June 3, 1954; therefore, I have not had ample or sufficient time to read the charges and become acquainted with same in order that I may properly represent Brother Fuller.
- 2) I have not had sufficient time, as counsel, for Brother Fuller, to consult with him concerning the charges, or the witnesses, or testimony that is to be submitted in connection therewith so that I may properly defend Brother Fuller.
- 3) I am not familiar with all of the Articles and Sections under which Brother Fuller is charged; therefore, I feel that this is another just reason and cause why this case should be continued until a later date, in order that I may ac-

quaint myself with all of the provisions of the situation relative to trials before General Officers.

- 4) I further request this continuance due to the fact that I would like to request interpretation of certain Articles and Sections of the Constitution from the General President regarding the charges, or procedure that may be used in

[139]

order to require witnesses to be present at such trials.

- 5) As counsel for Brother Fuller, before proceeding with the trial, Mr. Chairman, I wish to make the following request:

That General President Byron furnish my client and myself with the proper interpretations of the Constitution that have been submitted to the General President and to the members of the General Executive Board in writing under date of May 1954. At such time as same has been complied with, in writing, as per the request as stated, then I will have sufficient time to acquaint myself with the interpretation and the charges when they will more specifically set forth, as per the requests in the letter aforementioned.

- 6) I further request that your Board furnish my client or myself, as counsel for Brother Fuller, with a copy, in writing of the Rules and Procedure that will be used in conducting the trial for Brother Fuller setting forth clearly the manner in which the trial will proceed, the right to objections or exceptions and the gen-

[140]

eral outline of trial procedure.

- 7) I further request that you furnish my client or myself, as counsel with a copy of the procedure that will govern the submission or admission of evidence and the procedure for objections or exceptions of such evidence that may be inadmissible.

At such time as these requests have been complied with, my client is prepared to go to trial and I am prepared to defend him in accordance with the provisions of the Constitution.

Fraternally yours,  
Tom Hanley.'')

CHAIRMAN ROSEN: Let me say this, while we are at it. I want to make this statement for the record, that Brother Nichols' trial is set for Monday, in view of the fact, as I outlined before, that you have to be in court today, so that your trial will be held Monday. Now again I say, we are not proceeding with anything whatsoever until the procedure of the Trial Board is complied with, in accordance with the statement that I read pertaining to witnesses being in this room at the time of trial. So that we will, of necessity, unless it is complied with, have to take a recess until such time as you people decide —

MR. NANCE: May I have your names for the record?

MR. HANLEY: Moe Rosen, G. Joseph Fitzgerald and Rene W. Schroeder.

[141]

CHAIRMAN ROSEN: You have got my name.

MR. HANLEY: Mr. Chairman, for the record, on behalf of Brother Fuller, as counsel for him, I would also request that we have from the Trial Board or the General President compliance with Article Three, Sec-

tion 1 of the International Constitution; and further, that President Byron or the Trial Committee furnish the interpretations requested in Brother Fuller's letter addressed to the General President in Washington, D. C. in writing.

CHAIRMAN ROSEN: Tom, I'm sorry I'll have to stop you right here and now. You can produce anything you desire during the actual trial. We are not holding any trial at the present time, and unless the procedure of the Trial Board as outlined here in the statement that I have made is going to be complied with, we are going to take a recess until such time as you people desire. And that's it. We will take a recess until they comply with the requests of the Board in so far as the procedure of the trial is concerned.

MR. HANLEY: I am here, Mr. Chairman, to defend Brother Fuller and offer exhibits in evidence. This is Exhibit B on Fuller.

(The instrument referred to was marked Exhibit B and is in the words and figures, to wit, as follows:

"Mr. Robert Byron, General President

[142]

Sheet Metal Workers' International Association  
642 Transportation Building  
Washington 6, D. C.

Dear Sir and Brother:

I am in receipt of your letter of May 15, 1954 in which letter you advised me that you have concluded that I stand trial for certain charges as set forth in your letter of May 15, 1954.

I note in charge (1) that you allege that I am to stand trial for an alleged violation of Section 1(a) of Article 17 of our International Constitution and

Ritual, which section provides as follows:

‘Sec. 1(a)—Wilfull refusal or failure to perform any duty or obligation imposed by this Constitution, the policies of this Association, the valid decision of any officer or officers thereof or the valid decisions of the General Executive Council or Convention or the valid rules and regulations of any local union or council.

However, you fail to set forth what portions of this Section I have violated and I, therefore, request that you make more specific the alleged violations and set forth just what obligations, policies and valid decisions I have violated.

[143]

Paragraph (a) or Section (a) of the charges: ‘Conspiring with Ralph Howard Alsup to force the Newcomb-Detroit Company to hire him as a “labor relations man” to settle pending disputes with Local Union 108 and threatening Mr. K. C. Woodrow, Assistant General Manager of the Newcomb-Detroit Company, that if he failed to do business with Alsup he would not be able to settle disputes with Local Union 108.’

I note in this charge you allege that I conspired with one Ralph Howard Alsup to force the Newcomb-Detroit to hire him, Ralph Howard Alsup, as a ‘labor Relations representative’. In this charge you failed to comply with Section 1(b) of Article 18 of our International Constitution and Ritual, which provides as follows:

Section 1(b)—All charges provided for in paragraph (a) of this section shall  
1—be in writing;

- 2—be signed by the party preferring the same;
- 3—contain a detailed statement of the facts out of which such charges originated;
- 4—contain specific reference to the Article, Section and paragraph of this Constitution, the policies, decisions, laws, rules or regulations which it is alleged have been or are

[144]

being violated;

- 5—state the nature of the violations claimed.

Inasmuch as

You failed to set forth in your alleged charge the time and place that said conspiracy was alleged to have been committed, I, therefore, request that you set forth the specific allegations in connection with this charge:

No. 1—The manner in which the alleged conspiracy was conducted.

No. 2—The time, date and place this alleged conspiracy was committed.

No. 3—The party or parties present when alleged conspiracy was supposed to have occurred.

Further in connection with paragraph or Section a of the charges relative to these alleged charges of threatening Mr. K. C. Woodrow, Assistant General Manager of the Newcomb-Detroit Co., I request that you set forth the specific allegations in connection with this alleged charge, setting forth the time, place, party or parties present at the time this alleged threat was committed.

Paragraph or section (b) of the charges: 'Accepting full time employment as administrator of the Welfare fund of local union 108 and drawing

the salary of such position from January to December  
[145]

ber 1953, and for the same period accepting salary and expenses from Local 371.'

I note in this charge you allege I accepted full time employment as Administrator of the Welfare Fund of Local 108 from the period of January to December 1953. In view of the fact that Article II, Section 1 of our International Constitution provides as follows:

'Whenever a local union or council establishes and operates any local, district or state plan to provide sick, out of work, or death benefit or any other form of benefit or relief for the members thereof, said local unions and councils assume full responsibility for the operation and likewise fully liability for the payment of operation and likewise full liability for the payment of all financial obligations in accordance with the established rules and regulations governing said local benefit or relief plan and likewise in accordance with the laws of their respective states or territories. This Association shall not be in any way financially or otherwise connected, involved, responsible or liable for the payment of any claims or judgments filed or rendered against any local union or council

[146]

in connection with said local sick, out of work, or death benefit or other local benefit or relief plans.

'Local union funds derived from sources specified in this Constitution shall not be appropriated, loaned or donated to support, or

otherwise finance, any of the benefit or relief plans referred to in this section, or to otherwise provide relief or to maintain the good standing of members. Participation in the above-mentioned local, district or "state plans shall be purely optional and no member shall be required as a condition of membership to participate in said plans or to contribute to the support and maintenance thereof." '

I request that you make this charge more specific, setting forth the Article and Section of the Constitution which gives the International Association authority to take any action in connection with any local union's or council's Benefit plans.

Further in connection with paragraph or section (b) of the charges: you allege that I accepted salary and expenses from Local 371. Therefore, I request that you make these charges or allegations

**[147]**

more specific setting forth the amount of salary and expenses that I am charged with having accepted for the period set forth in your allegations and name the party or parties responsible for the payment of such salary; stating whether or not this action on the part of the party or parties paying the salary had your approval or consent at any time.

Paragraph or section (c) of the charges: 'Purporting to act as a representative of Local Union 371 in collective bargaining negotiations without authority to do so and at a time when you were required to devote your full time to the position of administration of the welfare fund of Local Union 108.'

I note in this charge you allege I purported to



act as a representative of Local 371 in collective bargaining or negotiations without authority to do so. I request that you make more specific your allegations naming the time and place that the alleged violations were committed, the party or parties present and the general nature of the alleged violation.

Further in connection with paragraph or section (c) of the charges, I call your attention to Article II, paragraph 2 of our International Constitution that I request that you make this charge more

[148]

specific setting forth the Article and Section which gives the International Association the authority to take any action in connection with any local union's or council's benefit plans.

[149]

Paragraph or Section (d) of Charges: "Threatening Claude Baderdeen physical violence if he did not accept a withdrawal card and leave town because he expressed opposition to C. A. Nichols as business agent and stated an intention to attempt to have him defeated at the next election."

I note in this charge you allege I threatened one Brother Claude Baderdeen with physical violence if he did not accept a withdrawal card and leave town because he expressed opposition to C. A. Nichols as business agent. Again, I request that you make this alleged charge more specific, setting forth the time time alleged threat was made, the place or location, the party or parties present and the general nature of the alleged violations.

I note that you direct my attention to my rights to be heard at the trial in accordance with the pro-

visions of Section 3 of Article Eighteen (18). However, as there are so many ambiguities in Article Eighteen (18), Section 1(a), to and including section 4 and inasmuch as I am a layman and there can be varied interpretations of this section of Article Eighteen (18), I, therefore, request that you,

[150]

as General President, in accordance with the provisions of Article Three (3), Section 1 of our International constitution and Ritual set forth, in writing, your interpretation of the following questions in order that I may prepare to defend myself against the allegations set forth in your charges of May 15, 1954.

Requested interpretations:

Section 1(b) of Article 18: Does this mean that charges are to be in the form of an affidavit when filed by the International President against an individual member or in the general form of not being in the form of an affidavit?

Paragraph 2 of Section 1(b)—Is this paragraph interpreted to mean that charges can be preferred against a member of a local union and be signed by someone other than a member of that local union, or is this section interpreted to mean that the local union may sign charges or have them signed in behalf of the local union?

Paragraph 3 of Section 1(b)—Is this Section interpreted to mean that a statement of facts must be contained in the charges, or to set forth the facts in connection with said charges?

Paragraph 4 of Section 1(b)—Is this Section

[151]

interpreted to mean that an allegation or charge

must set forth a specific statement of facts in order to constitute a charge against a member?

Paragraph 5 Section 1(b)—Is this section interpreted to mean that the nature of all violations are to be set forth in the allegations or charges?

Section 1(c)—Is this section interpreted to mean that charges are to be preferred in the Local Union in which the alleged offense was committed, or is this section interpreted to mean that charges can be preferred against a member in one local union where the alleged offense or offenses was alleged to have been committed and be tried by another local union?

Section 1(d)—Is this section interpreted to mean that the General President shall have the authority to try a member in accordance with Section 3(a) of Article Eighteen (18) in the jurisdiction of a union other than where the offense was committed, or is this Section interpreted to mean that the General President may take the authority from the local union to try the member in the jurisdiction of the local union where the offense was committed?

[152]

Section 2(a) of Article Eighteen (18)—Is this section interpreted to mean that the General President may direct a member to be tried in the jurisdiction other than where the offense was committed, or is this section interpreted to mean that the General President may direct that a member be tried within the jurisdiction of the union of which the accused is a member without the participation of a local union trial board.

Section 2(c) of Article Eighteen (18)—Is this section interpreted to mean that a member only has

the right to challenge his peers when tried by a local union, or is this section interpreted to mean that a member of a local union may challenge his peers when tried in the jurisdiction of his union, regardless of the fact as to whether they are general officers?

Paragraph 2 of Section 2(e) of Article Eighteen (18)—Is this section interpreted to mean that all parties whether charged by the General President or by a local union are afforded the opportunity of submitting all relevant evidence, exhibits which they deem necessary to the proper presentation of their case and shall be entitled to cross ex-

[153]

amine witnesses of the other party or parties, or is this section interpreted to mean that when the General President files charges that the accused is not to be afforded the opportunity of cross examining witnesses of the General President or to submit evidence and exhibits necessary for the proper presentation and defense of the charges filed by the General President?

Section 1(g) of Article Eighteen (18)—Is this section interpreted to mean that only local unions are required to properly notify the accused by registered mail, or this section interpreted to mean that the responsibility of notifying the accused by the General President is equal to that of the local union?

Section 3 of Article Eighteen (18)—Is this section interpreted to mean that a member who has been charged by the General President can only select a member in good standing of his local union as counsel, or is this section interpreted to mean that a member who has charged by the General

President may be represented by another good standing member other than a General Officer or General Executive Council member in accordance with Section 4 of Article Eighteen (18)?

[154]

As stated before in this letter, I would like an answer, in writing to all of the questions asked in this letter before my trial is heard.

Fraternally yours, John E. Fuller, Membership No.

cc—Entanza & Gramer

All General Council members

All Federal Judges in the State of California

N.L.R.B. General Counsel

Regional N.L.R.B.

[155]

MR. NANCE: Mr. Chairman, inasmuch as I am scheduled for trial and my accuser is not here, I wish to read this into the record —

CHAIRMAN ROSEN: We are not staying —

[156]

MR. NANCE: Article Seventeen, Section 1(c) of the Constitution reads, on page 71 — this is June 4, 1954 at the Hotel Statler, Los Angeles, California. Mr. Secretary, I will read this Section of the Article.

CHAIRMAN ROSEN: I may say this: The Board is not present. The Trial Board is not present.

(At the hour of 10:43 o'clock a. m. the Trial Board withdrew.)

MR. HANLEY: Read it.

MR. NANCE: Section 1(c):

“Willfully filing false charges against any officer or member of this Association or of any local union or council thereof or failing, refusing, or ne-

glecting to appear as a prosecuting witness after filing charges, or to present all facts and evidence to support any charges so filed against such officer or officers or member or members.”

It is my opinion that these charges against me no longer stand inasmuch as Robert Byron, the so-called accuser, whose signature appears on said charges, failed to appear for the prosecution. These charges are no longer pending inasmuch as I have had no communication verbally, orally or in writing regarding a recession, continuance or any other date hereafter. I have not been notified of any changes.

[157]

STATE OF CALIFORNIA,  
COUNTY OF LOS ANGELES.

ss.

We, Ben A. Bell and Mark T. Nevill, Certified Shorthand Reporters of the State of California, do hereby certify that the foregoing forty-three (43) pages contain a true and correct transcription of our shorthand notes taken in the hereinbefore entitled proceedings.

Ben A. Bell,  
Certified Shorthand Reporter.  
Mark T. Nevill,  
Certified Shorthand Reporter.

---

---

SHEET METAL WORKERS  
INTERNATIONAL ASSOCIATION

---

IN THE MATTER OF THE TRIALS  
OF

C. A. NICHOLS  
JOHN FULLER  
TROY NANCE  
THOMAS HANLEY

---

VOLUME I

---

Room 784, Statler Hotel, Los Angeles,  
California, Monday, June 7, 1954.

Reported by :

Ben A. Bell

Mark T. Nevill

ORIGINAL

---

---

*Sponsored by the S.J. Quinney Law Library. Funding for digitization provided by the Institute of Museum and Library Services  
Library Services and Technology Act, administered by the Utah State Library.*

*Machine-generated OCR, may contain errors.*

[1]

SHEET METAL WORKERS  
INTERNATIONAL ASSOCIATION

---

IN THE MATTER OF THE TRIALS  
OF

C. A. NICHOLS  
JOHN FULLER  
TROY NANCE  
THOMAS HANLEY

---

Room 784, Statler Hotel, Los Angeles,  
California, Monday, June 7, 1954.

---

TRIAL BOARD:

MR. MOE ROSEN, G.V.P.,  
CHAIRMAN.  
MR. RENE W. SCHROEDER, G.V.P.  
MR. G. JOSEPH FITZGERALD, G.V.P.

FOR THE UNION:

MR. ERNEST MURPHY.

FOR THE ACCUSED FULLER:

THOMAS HANLEY.

REPORTERS:

BEN A. BELL  
MARK T. NEVILL



[2]

LOS ANGELES, CALIFORNIA, MONDAY, JUNE 7,  
1954, 10:15 A. M.

---

CHAIRMAN ROSEN: Before we proceed, I want to make a statement. I am going to read the notices served upon those who have been summoned to stand trial on charges preferred by the General President of the International Union. Notice was served on Mr. C. A. Nichols: "Dear Sir and Brother: You have been ordered to stand trial this morning under charges mailed you on May 15, 1954. The Board has heard that you may have other commitments which will prevent your doing so. If you do not stand trial this morning, this notice is to advise you that your case will be heard immediately following the trial of John Fuller. You will be expected to stand by and to be available for trial at the conclusion of the trial of Mr. Fuller without further notice from this Board. Should you fail to appear and refuse to stand trial, the Board will proceed with your trial and hear the witnesses who do appear and will render a decision." Signed by Moe Rosen, Chairman.

Are you willing to stand trial this morning?

MR. NICHOLS: Mr. Chairman, first off, I would like to say this to you gentlemen, that, No. 1, you make reference here that you have heard —

MR. MURPHY: Mr. Chairman, I would like to in-

[3]

interrupt to keep the record straight. I think we should get a copy of these notices into the record before we go into anything else.

MR. NICHOLS: Mr. Chairman, you make a state-

ment here in the first paragraph of your letter —

MR. MURPHY: I'd like these notices to be read into the record before we proceed with any other business.

MR. HANLEY: Mr. Chairman, as counsel for Brother Nichols —

CHAIRMAN ROSEN: Just one moment. Before we proceed any further I will read the other three notices to the members who are to stand trial. This is a notice to John Fuller: "Dear Sir and Brother: This will confirm my telegram to you dated June 5, 1954 reading as follows: 'Trial Board may call your trial for hearing at 10:00 a. m., June 7, 1954 at Statler Hotel in event C. A. Nichols does not appear. Please accept this as notice to be present.' " Signed by Moe Rosen, Chairman, Trial Board. "In the event the trial of C. A. Nichols proceeds on this date your trial under charges mailed you on May 15, 1954 will follow immediately thereafter. You will be expected to stand by and be available for trial at the conclusion of Mr. Nichols' trial without further notice. Should you fail to appear or refuse to stand trial, the Board will proceed with the trial and hear the witnesses who appear and will render a decision." Signed by Moe Rosen, Chairman, Trial Board.

[4]

This notice has been served on Mr. Troy Nance: "You are advised that your trial under charges mailed to you on May 15, 1954 will be held immediately following the trial of C. A. Nichols or John Fuller, whichever occurs latest. It is anticipated that your trial may occur Tuesday, June 8, 1954 at the Statler Hotel, but in any event, you will be expected to hold yourself available for your trial without further notice from the Board. In the event you fail to appear or refuse to stand trial, the

Board will proceed with the trial and hear evidence of those who appear and render a decision.” Signed by Moe Rosen, Chairman of the Trial Board.

This notice to Thomas Hanley: “You are hereby advised that your trial under charges brought against you by the General President in letter dated May 15, 1954 will proceed Wednesday, June 9, 1954 or as soon thereafter as the trial of Troy Nance is completed. You will be expected to stand by and be available for the resumption of your trial at the conclusion of the trial of Troy Nance without further notice from the Board. As you have already been advised, it was and is the intention of this Board to hear the witnesses in your case. Your trial was adjourned Thursday, June 3, 1954 with the intention on our part to reconvene the following day. You have contended the trial was concluded. The record clearly shows that you made it impossible to conduct any trial and it is the position of this Trial Board

[5]

that you have had notice and have had ample time to prepare your defense. Should you fail to appear or refuse to stand trial the Board will proceed with your trial and accept such evidence as may be introduced by those who appear, following which a decision of the Board will be issued.” Signed, Moe Rosen, Chairman of the Board.

MR. HANLEY: Mr. Chairman, I would like to offer an exception and an objection. First, I have not been furnished with a copy of the notice that he just read by anyone, Mr. Chairman. Secondly, Mr. Chairman, I would like to —

CHAIRMAN ROSEN: Just one moment.

MR. HANLEY: Just a moment yourself. I want some exceptions here, Mr. Chairman.

CHAIRMAN ROSEN: Just a moment. You can note your exceptions as you like —

MR. BYRON: This man is Chairman and —

MR. NICHOLS: I don't care what you say. You are just here as signing the charges, and I want an exception on the record —

CHAIRMAN ROSEN: The reporters are instructed not to take any testimony until such time as we have perfect order and everyone talks clearly and one at a time. Let me say this to you —

MR. HANLEY: I still ask for an exception on the  
[6]  
record, and I am going to have it.

CHAIRMAN ROSEN: You can take your exception —

MR. HANLEY: You don't know what the exceptions are, Mr. Chairman. How can you overrule them, how do you know what the exceptions are, Mr. Chairman?

CHAIRMAN ROSEN: I want to ask you individually —

MR. HANLEY: Mr. Chairman, I have not received a copy of that notice that you just read — No. 1. No. 2, the trial was adjourned by —

MR. MURPHY: Mr. Chairman, I object to this continual interruption, and I insist that this trial be orderly.

CHAIRMAN ROSEN: Objection sustained.

MR. HANLEY: I am going to get my objection and exception into this record. I have not been properly notified by this Board. I never received the notice that was read this morning. I furthermore wish to state that the trial was adjourned —

MR. MURPHY: Mr. Hanley is not on trial, Mr. Chairman.

MR. HANLEY: — on page 111. I insist that you proceed as you outlined this morning.

CHAIRMAN ROSEN: The objection —

MR. HANLEY: I don't care about the objection of Brother Murphy. I want to still have it on record that my name was read here, and that I was notified —

MR. SCHROEDER: Until you come on trial, there will be no damn objections — pardon the language.

[7]

MR. HANLEY: Mr. Chairman, I still have an exception, and my name was read and I was involved here as a party supposedly on notice.

CHAIRMAN ROSEN: Notice was served on you to appear for trial.

MR. HANLEY: Notice was not served to me, Mr. Chairman, and furthermore, my trial was adjourned.

CHAIRMAN ROSEN: You can note your objections when you are actually on trial.

MR. HANLEY: I would like to read an extract —

CHAIRMAN ROSEN: The Board here has ordered the stenographer to strike all the objections produced by Mr. Hanley until such time as it is brought about in an orderly procedure and the trial progresses.

MR. NICHOLS: Mr. Chairman, I'd like to have a complete and bona fide transcript of all of these records. My name is C. A. Nichols, for the record, and I am requesting a bona fide record of this transcript and a true and complete transcript.

CHAIRMAN ROSEN: I ask you now, Brother Nichols, are you ready to stand trial?

MR. HANLEY: Mr. Chairman, I still have some exceptions and objections, inasmuch as my name was

read as having been notified, and the reconvening of the meeting —

MR. MURPHY: I insist that we have an orderly proceeding.

[8]

CHAIRMAN ROSEN: I asked Brother Nichols whether or not he is ready to stand trial this morning.

MR. HANLEY: Brother Nichols has to be excused because of the fact that he has matters in the Superior Court by the same token, I want to offer my exceptions and objections inasmuch as my name was injected into this case this morning, and state for the record that I have not received a copy of the notice that was read this morning, and my trial was adjourned on June 4.

CHAIRMAN ROSEN: Objection overruled.

MR. HANLEY: Go right ahead. I am still going to read from the record —

CHAIRMAN ROSEN: Again I ask Brother Nichols, are you ready to stand trial? I ask the direct question. Are you ready to stand trial this morning? If not, give your reasons.

MR. NICHOLS: Mr. Chairman, first of all, I would like to say that in the notice you have sent to me, in the first paragraph of this you say here, "You have been ordered to stand trial this morning on charged mailed to you on May 15, 1954; but the Board has heard that you may have other commitments which would prevent you from doing so."

MR. BYRON: If you got them, let us know.

MR. NICHOLS: Just a minute. I am not going to be interrupted by you.

[9]

CHAIRMAN ROSEN: Everybody will address the Chair.

MR. NICHOLS: Thank you, Mr. Chairman. I wish you wouldn't take the comments from President Byron when he says "Strike this from the record."

Then in the second paragraph you say, "If you do not stand trial this morning, this notice is to advise you that your case will be heard immediately following the trial of John Fuller."

CHAIRMAN ROSEN: That's right.

MR. NICHOLS: "You will be expected to stand by and be available for trial at the conclusion of the trial of Mr. Fuller without further notice from this Board." My comment on this is, if this isn't totalitarianism, I never have seen it. I have never seen any such a thing in my life. How can I be in the Superior Court in the City of Los Angeles relative to another problem that we have with this International Board and still be here?

CHAIRMAN ROSEN: I will ask you once more —

MR. NICHOLS: No, you won't ask me a question like that, Mr. Chairman.

CHAIRMAN ROSEN: It seems to this Board that you do not want to stand trial.

MR. NICHOLS: I want to stand trial, but I want to stand trial on fair and equitable grounds.

CHAIRMAN ROSEN: Just one moment. Once more I ask you, can you be available, or will you be avail-

[10]

able for trial this morning, or will you stand trial this morning? If you cannot stand trial this morning, state your reasons why, and we will proceed with the trial of Fuller, as stated in the notices.

MR. NICHOLS: Mr. Chairman, first off, I would like to ask you —

CHAIRMAN ROSEN: Will you answer that question?

MR. NICHOLS: I can't answer that question.

CHAIRMAN ROSEN: You will answer the question yes or no.

MR. NICHOLS: I'll be hanged if I will. There ain't a man in this room big enough to make me commit myself that way. What has the Board heard that I have other commitments?

CHAIRMAN ROSEN: I don't know.

MR. NICHOLS: You wrote the letter.

CHAIRMAN ROSEN: We know there is a court case going on.

MR. NICHOLS: That's at 11:00 o'clock.

CHAIRMAN ROSEN: And we assume that you will have to be in court.

MR. NICHOLS: Right, then, will you excuse me, Mr. Chairman?

CHAIRMAN ROSEN: We have given you the consideration. Now it would be out of place if we commenced your trial now and had to stop at 11:00 o'clock or

[11]

shortly before that so you could be in court at 11:00 o'clock.

MR. NICHOLS: I agree with you there.

CHAIRMAN ROSEN: Therefore, if you cannot stand trial because of circumstances involved, we will proceed with the trial of John Fuller until such time as you are definitely available for trial.

MR. NICHOLS: Mr. Chairman, that's fine, then, with that explanation that you made. This letter most certainly didn't say that.

MR. HANLEY: Mr. Chairman, before you go any further, I want to offer my exceptions and objections again —



CHAIRMAN ROSEN: One moment, Tom, I am going to have to interrupt you. You are not on trial.

MR. HANLEY: I still offer my objections and exceptions. I know what you stated here.

CHAIRMAN ROSEN: Will you stand trial, Nichols?

MR. HANLEY: Mr. Chairman, I still offer some exceptions and objections.

MR. NICHOLS: How can I do that?

CHAIRMAN ROSEN: John Fuller, are you ready to stand trial this morning? We are ready to proceed with your trial.

MR. NICHOLS: Mr. Chairman, first off, I would like to ask a question —

CHAIRMAN ROSEN: You are excused, Nichols, and you can ask your questions when your trial comes up.

[12]

MR. NICHOLS: Just a minute, Mr. Chairman. You say that I am excused. What if John Fuller's trial abruptly comes to a halt here while I am out of this room?

CHAIRMAN ROSEN: It may not —

MR. NICHOLS: It may not. Let's not be ambiguous.

CHAIRMAN ROSEN: Then the proceedings will go along accordingly.

As Chairman of the Board, we are trying to give you as good a trial as we possibly can, and you will get it.

MR. NICHOLS: When this pipsqueak starts putting words in your mouth — I want everything in the record.

MR. FULLER: Mr. Chairman, you have just

stated here a minute ago that you were going to give us as good a trial as we could get. Have we already been tried and you know how it is going to come out? I want to know.

CHAIRMAN ROSEN: No, we haven't tried you as yet.

MR. FULLER: Have you discussed this case with President Byron without us being present? I am asking you that.

CHAIRMAN ROSEN: I don't have to answer that.

MR. FULLER: I am asking you, have you discussed this case with President Byron without my being present?

CHAIRMAN ROSEN: I don't have to answer that question.

MR. FULLER: Yes, you do. As a Chairman and fair judge, you have to answer it.

[13]

CHAIRMAN ROSEN: I don't have to answer it.

MR. FULLER: I'll tell you why. Because you have. We have been tried and convicted before we were ever called in here.

MR. SCHROEDER: That's not so.

MR. FULLER: Don't tell me what is so, Brother Schroeder.

CHAIRMAN ROSEN: We are now determining that Nichols cannot stand trial because of circumstances —

MR. NICHOLS: And when will my trial be resumed?

CHAIRMAN ROSEN: Tomorrow morning.

I am asking Fuller, are you ready to stand trial?

MR. FULLER: My counsel is answering, Mr.

Chairman. Do I have a right to have counsel here?

CHAIRMAN ROSEN: Answer by counsel. Go ahead.

MR. HANLEY: Mr. Chairman, Brother Fuller is willing to stand trial at such time as the General President and Executive Council have complied with the requests that we have made of the General President. We are ready to proceed at any time that you comply with the constitution.

CHAIRMAN ROSEN: When we go into the trial

MR. HANLEY: When you answer the interpretations of this letter dated May 28, 1954.

CHAIRMAN ROSEN: When we go into trial, all of those objections will be answered.

[14]

MR. HANLEY: Offered as an exhibit. I gave you an answer, Mr. Chairman.

CHAIRMAN ROSEN: We will not accept any exhibits until we are actually on trial.

MR. HANLEY: Why don't you get on trial, then, Mr. Chairman? I asked you for certain interpretations.

CHAIRMAN ROSEN: Okay. I will request, therefore, that only the Trial Board, the reporters, the defendant and defendant's counsel and prosecutor and Mr. Byron will remain in the room, and all those who are here not on trial, who are witnesses, vacate the room subject to call by any one party.

MR. MURPHY: Point of order. Do I understand by "defendant and defendant's counsel" you mean Brother Fuller is to remain and his counsel?

CHAIRMAN ROSEN: Fuller and Hanley, who is acting as counsel for Fuller, will remain in the room, and those who are the prosecutor and President Byron—

MR. NICHOLS: Point of order, Mr. Chairman —

CHAIRMAN ROSEN: That is my ruling, before we proceed.

MR. NICHOLS: Point of order, Mr. Chairman, if I may have it, please, I want to know —

CHAIRMAN ROSEN: I am not going to permit you any points of order or anything of the kind. You are not standing trial. Fuller is standing trial.

MR. NICHOLS: What's this man doing here?

[15]

CHAIRMAN ROSEN: He is counsel for President Byron.

MR. NICHOLS: Just one second. That's my point of order. I have a letter here from President Byron —

MR. MURPHY: Mr. Nichols is not on trial here today, and I move that he be excused.

CHAIRMAN ROSEN: I ruled that Nichols is not on trial. Nichols is going to ask his questions whenever he is on trial.

MR. NICHOLS: No, by God, I've got to be prepared.

CHAIRMAN ROSEN: We are not going to give you any answers. I am not going to answer any questions. You are not on trial this morning, and you are not going to prefer any objections, nor are you going to ask questions. John Fuller, again I ask, are you ready to stand trial this morning?

MR. HANLEY: Mr. Chairman, I answered you previously, and you would not answer my question.

CHAIRMAN ROSEN: We will answer those objections as we go into trial.

MR. HANLEY: These are not objections. These are requested interpretations, and my client is ready to stand trial at such time as the General President and the

Executive Council comply with the request that we made May 28, 1954.

CHAIRMAN ROSEN: Before we go any further, I again request that the room be cleared of all those that

[16]

do not belong, except the defendant and his counsel, the prosecutor, Mr. Byron, and the Trial Board. All those who do not want to clear the room, we may have to proceed with other methods.

MR. NANCE: Mr. Chairman, I was called on trial here this morning. I want to ask a question of you as Chairman of the Board. Why is a member of the Los Angeles Police Department in this room? We want you to know that we have no objections to the Police Department being here. Will you answer us, why is the Police Department allowed in the room and why do you ask members of the Sheet Metal Workers to leave the room? Are you people afraid of a fair question?

MR. FITZGERALD: We don't have to answer you. Fuller is on trial, not you.

MR. NANCE: I have been called here for trial this morning. I have been requested to be here this morning on this date to stand trial. I have a right to ask questions. When you ask witnesses to leave the room, I have a right to know why these witnesses must be requested to leave the room.

MR. SCHROEDER: You will get all the opportunity you want to ask questions when you are on trial.

MR. NANCE: I wish to state for the record, tomorrow is a State Holiday in the State of California. It is Election Day.

[17]

CHAIRMAN ROSEN: We will hold trial anyway.

MR. HANLEY: Mr. Chairman, my client is ready

to stand trial at such time as the Executive Council and the General President comply with Exhibit A — offer that as Exhibit A —

CHAIRMAN ROSEN: It will not be accepted. We are not on trial.

MR. HANLEY: This is Exhibit B.

CHAIRMAN ROSEN: Off the record. Don't take any statements from anyone. I am not going to accept, at least the Board is not accepting any exhibits or any testimony until such time as we go on trial. We will not go on trial until the room is cleared. If you want me to ask the officers of the Police Department of the City of Los Angeles to clear the room, we will do so.

MR. HANLEY: That's all right. My client is still ready to stand trial at such time as you have complied with the Constitution and complied with the objections that we have made here. At such time as that is done, we will comply with your request.

CHAIRMAN ROSEN: We are not proceeding with any further discussions pertaining to the trials, nor will we proceed with the trials until such time as all witnesses clear the room. Will the room please be cleared.

For the record, we will take a recess for a half hour, and when we come back into session, I again request that

[18]

the witnesses remain out until they are called when needed. The only ones we will permit in the room are the defendant and his counsel, the Trial Board, the reporter, the prosecutor and President Byron. We are recessed until five minutes after 11:00.

(Brief recess.)

[19]

CHAIRMAN ROSEN: Mr. Reporter, take a state-

ment, please. It is evident to the Trial Board that neither one of those members who are charged with violation of our Constitution, and charges that have been preferred accordingly, do not desire to stand trial in an orderly basis; therefore, again, I request that unless the machine is taken out of this room, and all witnesses clear the room, except those who are entitled to stay in here, such as the accused, his counsel, the Trial Board, the reporter, the prosecutor and Mr. Byron, unless this is done, we will have no alternative but to try these men in absentia. That is all. Off the record.

(A discussion was had off the record.)

CHAIRMAN ROSEN: Again, I want to state on the record, we will recess these proceedings until such time as these men decide they want to stand trial.

(A discussion was had off the record.)

CHAIRMAN ROSEN: We will now reconvene for just one statement. We have decided to proceed with the trial in absentia, with the trial of those men who are so charged in violation of our Constitution, under the Articles and Sections thereof. They will be tried in absentia. We are recessing for that purpose.

(Whereupon a recess was taken at the hour of 11:17 o'clock a. m.)

---

[20]

STATE OF CALIFORNIA,  
COUNTY OF LOS ANGELES.

ss.

We, Ben A. Bell and Mark T. Nevill, Certified Shorthand Reporters of the State of California, do hereby certify that the foregoing nineteen (19) pages con-

tain a true and correct transcription of our shorthand notes taken in the hereinbefore entitled proceedings.

Ben A. Bell,  
Certified Shorthand Reporter.

Mark T. Nevill,  
Certified Shorthand Reporter.