

Franklin Nix Transcriptions

Phone Call 1:

FRANKLIN NIX: Hello?

OPERATOR'S VOICE on telephone: Mr. Franklin Nix?

NIX: This is he.

OPERATOR'S VOICE: Go ahead, sir.

CALVIN ?: Hey, Frank?

NIX: Mm-hmm.

CALVIN ?: This is Calvin.

NIX: Yeah.

CALVIN ?: How you doing?

NIX: OK.

CALVIN ?: I wanted to see if you's going to be home tomorrow afternoon. I've got some bills and some other stuff that I need to sit down and talk to you about--

NIX: Mm-hmm.

CALVIN ?: --[inaudible word—sounds like "tapes" or "cake" or another word with a long *a* sound] and so forth. Are you going to be home tomorrow afternoon, say, about 2:30?

NIX: Oh, it'll probably be a little later than that—be about three.

CALVIN ?: About three o'clock?

NIX: Mm-hmm.

CALVIN ?: OK, I'll just bring all the stuff I got and come over to your house, and we'll sit down and talk about it.

NIX: OK.

CALVIN ?: OK?

NIX: Mm-hmm.

CALVIN ?: How you been feeling, all right?

NIX: Oh, I'm getting along.

CALVIN ?: OK, then, I'll see you about three o'clock, then, Frank.

NIX: All right.

CALVIN ?: OK. Good-bye.

[End of Nix-"Calvin" phone call; short blank space in recording]

Phone Call 2:

[Sound of phone ringing]

NIX *[While phone rings]*: He's already gone. *[Phone rings several more times.]*
He's already gone, Dorothy. There's no answer. *[Hangs up]*
[Blank space in recording]

Phone Call 3:

NIX: Yeah.

JIM: This is Jim.

NIX: Uh-huh.

JIM: And Harvey's on the other line.

NIX: Yeah. How you doing?

JIM: Oh, man, we've had us a goddamn donnybrook down there that won't quit.
NIX laughs.

JIM: This whole goddamn bunch come in there with their hanging rope. I got up on the floor, and Harvey got on the floor a different time. We fought them up one side and down the other on the— told me they only come in there to hang one guy and that's to hang Franklin Nix. And by God, 'course, I had this resolution, which give them some trouble, and this one time I had the resolution on the floor.

NIX: Mm-hmm.

JIM: There was a motion, and, oh, Sullivan was just a-screaming, "I won't--this is my individual right on these charges. I won't dismiss them, I will not." And so—

NIX: Who's he got them filed with?

JIM: I don't know.

[Nix laughs.]

JIM: I don't know.

NIX: He can't file charges with himself.

HARVEY: Actually, I think he's got them filed with himself, but then, if you'll remember, Frank, what's going to happen is Mac will take over, because in Chicago, you know, at the national staff conference, we did approve Mac as replacing Sewell.

NIX: Mac can't replace Sewell. Sewell is an elected official, and he's never resigned.

HARVEY: Well, now, wasn't that--

NIX: That was on an acting—

HARVEY: That was announced in Chicago--

NIX: That was on an acting basis. Now, this stuff Sullivan got—what we did in Chicago was to continue the litigation, and that was in reference to the move by the employer to try to get some litigation dismissed; but we continued litigation generally. And Sullivan knew about this other. It's one of the first things I told him when I was asking him about being president. But anyhow, his charges, in the first place—he never sent me any charges. He sent me a cover letter. I have not received any charges whatever to this good day.

HARVEY: You haven't been notified of what you're charged with.

NIX: Huh?

HARVEY: You haven't been notified of what you're charged with.

NIX: Not one line.

HARVEY and/or JIM: Well, I [inaudible]—you gave me that telegram, you know. Of course, I put that into the goddamn record and give it to the secretary, and, of course, old big Steve Williams. Everything was cut and dried. They had it—he was acting secretary—

NIX: Who was acting as secretary?

HARVEY: Steve Williams.

NIX: Steve Williams?

HARVEY and JIM: Yeah.

NIX: Well, well.

JIM or HARVEY: I'll tell you this, that even Chuck Jones is not our friend. Hell, he's lined up with Bertroff [spelling?]. Bertroff has lined him up right down the line.

NIX: Mm-hmm. Was Chuck there?

HARVEY and JIM: Yeah.

HARVEY: Bob Brown didn't agree. He didn't go along with our agreement in—

JIM: In Washington. We made an agreement. Me and Harvey made an agreement with him up there and shook hands at the DuPont Plaza that he wouldn't do anything to—that he would—

HARVEY: Not do anything at all to discredit you. In other words, he wasn't out to hang you or anything else.

NIX: Mm-hmm.

HARVEY: One of the main things he was just interested in the association, that's it. If we'd back Chuck, and this, that, and the other; and--

JIM: I'll tell you one thing, Ed Sullivan's got enough hate for me—he's got more hate for you [Nix] than anybody in the world, but I'll tell you what, he's got enough for me, by God, to blow up a battleship.

HARVEY: Yeah, and [inaudible]—

NIX: Well, I tell you one thing, of all the people that I could have selected—and I did it more or less on Bill Sewell, you know—

[Inaudible comments from JIM and/or HARVEY, speaking simultaneously with NIX]

NIX: I could have picked any—I could've picked a rattlesnake, and [he/it] would've been a better man.

JIM: That's the truth. You've got that figured out.

HARVEY: He's a meathead! He isn't smart; he's a meathead.

NIX: Red Smith got him completely in tow, and he'll do anything in the world to get in that Dallas office.

JIM: That's right, and—

NIX: He thinks he's entitled to that board job now. Can you see him filing petitions with the board? Well, tell, me, what is old Steve doing? Is he secretary?

JIM: He was acting—acting pro tem.

HARVEY: Pending the outcome of your charges, McAvoy [spelling?] is—has been appointed secretary-treasurer pro tem.

NIX: Yeah.

JIM: I challenged the chair there on my resolution, and so we--I brought it to a vote, see?

NIX: Uh-huh.

JIM: And so me and Harvey—and you can't believe this, but this Bob Bracken [spelling?] and Bill Wilson stood up, so the vote was four to seven. And "Shotgun" Smith wouldn't vote, McAvoy wouldn't vote, or Walker didn't vote.

NIX: Four to seven?

JIM: Yeah.

NIX: And who didn't vote?

JIM: "Shotgun" didn't vote, or McAvoy didn't vote, or Walker didn't vote.

NIX: Mm-hmm.

JIM: And who else didn't vote?

HARVEY: Ah, that's—

JIM: I looked over at "Shotgun," and—

HARVEY: Steve didn't—

JIM: Steve didn't vote.

JIM or HARVEY [?]: Steve didn't vote. Steve was acting secretary, and Steve didn't vote.

NIX: Well, great guns—you didn't have fifteen people there, did you?

JIM: Well, let's see—you had seventeen, I believe it was.

NIX: Seventeen people.

JIM: Yeah.

NIX: Well, that's a [inaudible—sounds like "a rump"] meeting.

JIM: Yeah.

HARVEY: Well, now, let's see—Brown brought—what was it?--three more with him out of the Great Lakes—

JIM: Well, he had Allen Duff--he had Allen Duff, and he had all the stewards were there. And—

NIX: What about this guy from New York?

JIM: --Steve and Bill Wolf, and—huh?

HARVEY: The guy from New York was on the fence. He said that he more or less wanted—says right then that he wouldn't—turned around and told Jim that he didn't support the resolution at that time because he was going to have to kind of get his feet on the ground. He didn't even know where he was.

NIX: Yeah. Mm-hmm.

HARVEY: And that was at the first of the meeting, but then he wasn't just absolutely out after your blood.

NIX: Mm-hmm.

JIM: They got into them letters, they read those letters. We'd challenge the chair, and I'd--Harvey'd make a motion, and old Sully'd rule it out of order; and I'd make one, and he'd rule it out of order.

NIX laughs.

JIM: And I'd try to amend, and he'd rule it out of order. Oh, we had us one. They had it all cut and dried. And they voted, as a result of the--Bob Brown's going to be chairman of the trial committee, and—

HARVEY: Three-man trial committee.

JIM: Yeah, Walker and Faircloth—[unclear exchange between JIM and HARVEY]

NIX: Bob Brown and who?

JIM: Walker and—uh—

HARVEY: Who's the other one, Jim? [unclear exchange between JIM and HARVEY] Faircloth got off, because they had a five-man committee, and being that George McAvoy was on it, and he couldn't accept the temporary—or the secretary-treasurer pro tem—

NIX: Uh-huh.

HARVEY: --and still be on the trial committee, so he accepted that and resigned from the trial committee, and then Faircloth, he voluntarily resigned, and that made a three-man trial committee.

NIX: Faircloth knows he isn't eligible to be a member, period.

JIM: Well, I was telling Harvey about that.

NIX: He never has reinstated. You don't reinstate with fifty dollars.

JIM: Yeah. Yeah, a hundred—

NIX: Well, this Bob Brown, now, he may surprise you; but he doesn't surprise me. Because in Washington just the night before Sullivan pulled this stuff, Sullivan says, "Frank, there ain't no need in discussing that." [Inaudible comment from JIM and/or HARVEY] Says, "Some of these guys are going to be against us, so don't bring it up." Bob Brown did the same thing. See, Bob Brown did the same thing. Well, Bob, of course, is in Mac's hip pocket.

JIM: That's right. They—

HARVEY: I don't know for sure, now, because Bob is beginning to look around, and [inaudible] trying to mend fences with Jim and I both before he got out of there. And Mac went out of there with his head hanging down. But Sully, that meathead—

NIX: Where was Mac? Was he sitting at the head table?

JIM: Oh, yeah, he got up there and made his pitch and [inaudible—could be “to all his men” or “all this mess”?]. Oh, Sullivan, he squalled at me all day. He squalled at me one time there—

NIX: Y’all just get in today?

JIM or HARVEY: Huh?

NIX: Y’all just get in today?

HARVEY: We just got in about 3:00.

NIX: Well, did you do anything on bylaws?

JIM: Yeah, they went over the bylaws, to amend the bylaws the right way. And they’re going to call for election in August, I believe it is. And then September and then they’re installed the first of October. Why don’t you make a move to--

NIX: Going to call for what? In August?

JIM: Yeah.

NIX: Call for nominations in August?

JIM: I believe that’s right.

NIX: I’m calling for nominations tomorrow, and they’re going out Certified Public Accountant [sic].

JIM: Right, right. Good.

NIX [*Talking over both JIM and HARVEY*]: Now, they can make their minds up, and I’m going to put them squarely on the spot. All you politicians can make your mind up, because I’m going to teach you some law now. You been through blundering around; now you can choose to run in this, or you can choose to be told later on who was elected in which election. Call for nominations in August? They can’t do this!

HARVEY: Well, I tell you what, they’re--

NIX: We’re under a directive right now to elect new officers as quick as possible.

JIM: You go right on, Frank, because that’s the best damn move you can make.

NIX: Call for nominations in August! Why, great guns!

HARVEY: The bylaws—the old bylaws—we convinced them that, by God, those old bylaws were [inaudible] until they’re amended.

JIM: Yeah.

HARVEY: So under the old bylaws—

NIX: They going to have to get thirty percent.

HARVEY: --you know, the bylaws committee, and then they're going to have to be submitted to the membership, and then ratified.

NIX: And they're going to have to get thirty percent before they can have a vote on them.

HARVEY: Right.

NIX: Well, when do they plan to have an election? When do they plan to have an election?

HARVEY: Well, just as quick as they can get the bylaws—and my understanding was—

JIM: In August [inaudible] when they intend to have the nominations, and then they vote in September, and install the first of October this year. That's the way they're going at it.

NIX: First of October?

JIM: Yeah.

NIX: Why, great guns! He's stretching the thing out to a four-year term. We took office in November.

JIM: Yeah, well—

NIX: Well, I'm calling for nominations tomorrow.

JIM: Yeah. Well, that's a good move.

NIX: And it'll be—I'll allow one month for the nominations to come in, or—I haven't looked at the calendar—but three weekends.

JIM: Yeah.

NIX: And then I'll have five days for them to accept or whatever it is in the bylaw. We can't go according to the anniversary in the bylaw. And I'm going to break the news gently to them that Brother Sullivan is not president, and they're not members of any executive council. We're going to have an election first, and the officers are going to be elected; and if you want to run in this election, you better make up your mind.

JIM: Right.

NIX: Because you either get on this train, or you're going to find out later on that the train you got on doesn't run on this railroad.

JIM: Old Sullivan was a-hollering, "I haven't been served with no charges. I don't know nothing about that." But when I read that back—

NIX: Well, he doggone sure hasn't served me with any charges. He got stuff out to all the members, but he didn't have the courage to send me anything; and he hasn't sent me anything to this good day.

HARVEY: And, of course, the hero of [inaudible] was Landrum Griffin's bunch. They decided to turn your case over to the FBI.

NIX: Oh! [*laughs*] They did?

HARVEY: Yeah.

NIX: According to Brother Sullivan?

JIM: Yeah, right.

HARVEY: The FBI is investigating you now.

NIX: Well, Brother Sullivan, we're going to have some surprises, because there's some things that he hasn't bothered to take notice of.

JIM: That's what I—

NIX: Can you imagine, the guy, though, that's such an ingrate.

JIM: That's what I got up on the floor—that's what I got up on the floor and told them down there, and Harvey did, too. I said, "I want to tell you something. This business," I said, "we drop all the charges, we pay all the bills, and we straighten this thing up here," and I said, "on the basis of unity." I said, "You guys come down here with your hanging rope, and you got one goddamn thing in mind, and that's to hang Nix. And by God, I want it to be known right now that that is not the purpose of this meeting as far as I'm concerned." And then Harvey chimed right in, and we shook them up, I'll tell you that.

NIX: Mm-hmm.

JIM: I mean, they're not the same bunch that come in there, I guarantee you that.

NIX: [*laughing*] And they're not going to be—

HARVEY: Bracken [spelling?] and Jim and I were your support down there—

JIM: Yeah.

HARVEY: --and that's all.

NIX: Uh-huh.

JIM: They stood up with us when I challenged the chair.

HARVEY: Right.

JIM: And I was surprised at that, you know that? I was surprised—in fact, old Bracken [spelling?] said to me, “You know, you’re our stewards. And we’re with you.” You know?

NIX: Mm-hmm.

JIM: And I said, “Yeah, tell me that. I like to hear that. I want some more of it,” because I figured, hell, you know, he’s going to go right with the [inaudible]. But, by God, they sat over there with us. And by God, they stood up and were counted right with us.

NIX: But when it comes to a vote, all you had was a four-to-seven vote.

JIM: When it comes to the vote of challenge the chair.

HARVEY: That’s right--four to seven.

NIX: And a total number of seventeen people there. And they’re saying that’s a membership meeting. [*laughs*] Well, I thought he could get more people in than that. No wonder—

JIM: I thought they’d have more in.

NIX: Did anybody examine the number of—

JIM: No, they made a big deal out of it, though. We asked, and he said that he had them in there, this and that, and all—

NIX: He hasn’t got them.

HARVEY: A hundred and thirty-four.

NIX: Huh?

HARVEY: That’s what he said he has. A hundred and thirty-four.

NIX: You know where that figure came from?

JIM: Uh-uh.

NIX: He doesn’t realize it, but that figure came off the top of his head, because he turned in 134 of those things for the bylaws.

HARVEY: Oh.

NIX: But so many of them came from New York and all. You see, I had previously announced in a letter that there’s 134 turned in, but only seventy-two of them were valid.

HARVEY: I was up in Tennessee with him week before last, spent the week up there in Lawrenceburg [spelling?]. And he was asking me where my letter was, and I

said, "Listen, I signed a petition up in Washington, and it didn't say 'hang Nix' or anything else, just asking for a membership meeting." And I said, "My signature's on that. That's sufficient. You don't need that. You don't need my signature on a bill to say 'Hang Nix.'"

JIM: Now, Christy [spelling?] wasn't over there, Frank.

NIX: I bet you he went home to visit his people in--

HARVEY: He called me up last--Thursday? Yeah, last Thursday night just before I left [inaudible] Mississippi. He told me he had sickness in the family and that he was not going to be able to make it, and he wanted me to get a hold of Jim and have Jim talk to you before you went down there, because [inaudible]—

NIX: Well, let me ask—

HARVEY: --thing [inaudible] take care of that Jim and I could take care of it.

NIX: Mm-hmm. Let me ask you this on this on this four-to-seven. Only the steward voted, huh?

HARVEY: No, not necessarily. No—

NIX: Where's this Allen Duff?

HARVEY: [Interrupted; inaudible]--Wolf, and "Shotgun" Smith was one steward that didn't vote. McAvoy was—

JIM: He's talking about on the seven.

NIX: Smith didn't vote, McAvoy didn't vote, Walker didn't vote, and Steve Williams didn't vote—

JIM: --seven. I'll give you the seven that voted.

NIX: --and Allen Duff didn't vote.

JIM: Yeah, but here—let me give you the seven. I'll tell you who the seven was, because I looked them over real good.

NIX: All right.

JIM: McClemmons [spelling?], Bob Brown, this Bob-somebody that's out of St. Louis—this U.E. guy that's on that [inaudible—sounds like "stamp"] over there—

NIX: Bob Loggersman [spelling?].

JIM: Yeah.

NIX: Yeah. He's a phony and a communist at that.

JIM: That's right. I know that's right. I was telling Harvey—

NIX: He's a straight-out commie—

JIM: Yeah—

NIX:--Bob Loggersman [spelling?].

JIM: Then the other one is—

NIX: And McLendon has him in his hip pocket.

JIM: Right. He's right there. Then Faircloth, Chuck Jones, and Allen Duff.

HARVEY: And Allen turned around and [inaudible].

JIM: Isn't that the seven?

NIX: And Allen Duff voted?

JIM: Yeah.

HARVEY: He said right now he is going to vote against this resolution that Jim set down there, because—

NIX: Wait a minute—that's just six.

HARVEY: --because he didn't understand it. Says later on he might be, he might change his mind on it.

NIX: Who?

HARVEY: But right now he's going to be forced to—

JIM: Wasn't that seven that we named there?

NIX: Oh, counting Sullivan it would be.

HARVEY: No, and then--

JIM: No, Jess Long then.

NIX: Huh?

JIM: This guy, Jess Long, this new guy from over there.

NIX: Jess Long?

JIM: Jess—all the new stewards—huh?

HARVEY: Jess Young.

JIM: Yeah—Jess Young.

NIX: Jess Young?

JIM: Yeah.

HARVEY: Out of Pennsylvania.

JIM: See, the other guy turned his resignation in—

[HARVEY interrupts with inaudible comment.]

JIM: --and they elected this guy [inaudible—sounds like “at a staff conference”].

NIX: Mm-hmm. And I have no notice, other than somebody telling me that he's been elected.

JIM: Well, that's your seven.

NIX: Mm-hmm.

JIM: And Steve didn't vote or Sullivan.

NIX: And the others would be you and—

HARVEY: Me and Bob Bracken [spelling?] and Bill Wolf [spelling?].

JIM: Now, these minutes are supposed to go out and are supposed to reflect all this.

HARVEY: Along with the recommendation of the group, the recommended change to amend the bylaws.

NIX: Mm-hmm.

HARVEY: That's supposed to be article by article.

NIX: Mm-hmm.

HARVEY: You know, these recommended changes are supposed to say which—you know, which articles or sections that we're supposed to [inaudible—could be “amend” or “implement”].

NIX: Yeah. Well, they did just exactly what I expected them to, only they didn't have enough there to do it with. I thought surely with all that big effort, they'd be able to get more people from around there.

JIM: I thought they could get more—

[HARVEY makes inaudible comment.]

NIX: They're in miserable shape, you know it?

JIM: Yeah, I really thought they could get more over there.

HARVEY: I think Jim and I done a lot of—caused a bunch to do a lot of thinking up there in Washington, the way that we was raising hell down in headquarters.

NIX: Well, I'm sure you did, because what the effect of this is having so far. Now, we've got—without trying to go into a lot of all the evidence and all in this [inaudible]—we've got Red Smith hooked real good. Now, this stuff Sullivan sends out, for example, about getting T. Scott Walters in?

HARVEY: Yeah? He tried to do that--

NIX: Did you know that T. Scott Walters is in this very same court case that he's complaining about being paid for, showing up, supposed to be my business

representative, as the attorney for Bob Quick? And did you know that, in the record of that case, I made both of them admit that they were seeking jobs on the staff? And right after they tried to illegally kick me out, they were put on the staff. And I'm going to make T. Scott Walters a party in this case.

JIM: Yeah. [Both he and HARVEY try to talk while NIX is speaking.]

NIX: We're going to revise to make him a party. We're going to make him a party and an agent of Grand Lodge.

JIM: --advisor to the trial committee.

NIX: Hm?

JIM: They're going to use T. Scott Walters as advisor and counsel to the trial committee.

NIX: Oh, fine, fine. I hope they put that in the minutes.

JIM: It's in the minutes.

HARVEY: It's supposed to be in the minutes.

NIX: Advisor and counsel to the trial committee, huh?

JIM and HARVEY: Right.

NIX: Now, before he tried to kick me out of the I.E.M., and then he scabs on us for two and a half years, and now he wants to kick me out of this. [laughs] They gone win my case for me.

JIM: They're working at it, aren't they?

NIX: Yeah.

JIM: Yeah, they're working at it, right.

NIX: Won't even—

HARVEY: We're not even going down to New Orleans.

NIX: You're not?

JIM: No.

NIX: You know, I'm gone be busy tomorrow. I thought maybe I could get down there tonight, but I'm gone be busy getting this stuff out. And it's going to go out—it'll be in the mail by tomorrow night, and it's going out from the Certified Public Accountant's office, the same one I used in the original election.

JIM: Yeah. Can you go over there, then?

HARVEY: What do you think, Frank?

NIX: I'll probably go down there either late tomorrow night or—

JIM: That's real good. Now, old Ed Foster was with us down there--

HARVEY: Yeah, Ed—[inaudible]

JIM: --stayed in our room, see? And they know the whole thing, and old Ed was—

NIX: Well, I'm gone go down there, and I'm gone take some material with me, both on Brother Sullivan and some of the stuff that he's talking about—

JIM: Well, Charlie's—

NIX: I'm gone take some stuff there about Brother George Watkins, and I may take some about Brother Red Smith.

JIM: Yeah, and then—I tell you what, this Ed Foster's your friend all the way. He's got them [inaudible—sounds like “minutes” or “business”] agents all [inaudible—sounds like “lined”?], so you can—you'll do you some damned real good with them. And—

NIX: Well, I think I can—

JIM: --and you can talk to the group.

NIX: --I think old Sullivan may try to pull a meeting down there—

[Both JIM and HARVEY speak, inaudibly, at once.]

NIX: If so, he'll have his meeting out of the way before I could get down there, because I couldn't get down there before—

HARVEY: Ed Sullivan's going to try to [inaudible—could be “keep” or “kick”] Jim and I both out.

NIX: Yeah.

HARVEY: And, hell, we just decided that it'd be better—just let him blow his stack down there and make an ass out of himself without us even being there.

NIX: Yeah.

JIM: He's got so repulsive in the meeting that finally old Chuck Jones called him down, and some other guys called him down.

NIX: You know, when somebody is really making a liar out of him and really acquainting him with the facts, you know, he starts shouting, and he won't let you talk.

JIM: That's what he was doing when we were—he was screaming, and you could hear him, goddamn, you could hear him—

HARVEY: Chuck Jones told him not to get over-emotional. “Shut up!” Says, “You're getting over-emotional.”

JIM: Then, in the stewards' meeting, when they had the stewards' meeting, when I was taking them on over the bylaws, and he turned it loose on me; and they told him, they said, "You get out of here and shut up now. I don't need no more of this damn stuff on what you're doing—just get off of it."

NIX: What was he saying about you?

JIM: No, saying, "I just want you to answer one goddamn question. How in the hell can you support Franklin Nix with the things that he's done?" These guys said, "Goddammit, shut that up." He tried—he was trying to try your case down there, and we'd interrupt him and tell him that, by God, that was for the trial committee—

HARVEY: --told him that he was prejudicing the trial committee.

JIM: Yeah.

HARVEY: Says, "Hell, you're pre-trialing it."

JIM: That's right.

NIX laughs.

HARVEY: We brought it up, right in the meeting, and Bob joined us on that. He says, "I don't want to hear any of it—"

JIM: Bob Brown got up and—

HARVEY: --chairman of the trial committee.

JIM: Yeah. He starts [inaudible].

HARVEY: Yeah.

NIX: Mm-hmm.

JIM: So—

HARVEY: No, we've—I'll tell you one thing, we've at least got the bunch in there to where they don't even know which way they're going.

NIX: In this call for elections, you see, I've got—here's the thing about it. Everything I've done is legal.

JIM: This is right—

NIX: And I've got the strength of the law on my side, because the facts are I'm under a duty, number one, to hold an election. Now, they can scramble for those offices if they want them.

JIM: Right. And then the thing to do is to come out with a ticket.

NIX: Well, if you—do you know of anybody that ain't in Red Smith's office? These guys get a contract, and then immediately they—

HARVEY: Oh, jeez—I'll tell you. Jim and I were talking about--

NIX: Who's gone get a—

HARVEY: Chuck Jones—but I changed my mind on—

JIM: Shit, I wouldn't go with Chuck at all.

NIX: Well, Chuck hasn't got—he—Chuck wouldn't qualify under present bylaws, as far as three years' membership is concerned.

HARVEY: Well, of course, I—

NIX: I'll tell you a guy I'd like to—he's stuck with us all the way, and he wasn't down there, and he's with me a hundred percent, and he got twelve nominations the first time—and I don't know him.

JIM: Who's this?

NIX: But y'all do, because you were in the Midwestern territory—and that's George Vogel.

HARVEY and JIM simultaneously make enthusiastic, inaudible, affirmative comments.

NIX: Now, George Vogel is a hundred percent, and there was a move to nominate him; but somehow they got some misinformation, because at the time he was nominated, George was not a member. Now, that's the only reason that Sullivan got by without opposition. See, I got—you remember, I put out the word and said, "Nominate Sullivan." And the whole basis for Sullivan, now, "You haven't got but one thing to sell me, and that's loyalty."

HARVEY: Well, now—

NIX: "I know you haven't got any ability, because I've had to take over your assignments."

JIM: [Referring to Vogel?] He's a friend of mine—

HARVEY: [Referring to Vogel?] He's a friend of mine and Jim's both.

NIX: The one thing Sullivan sold me, he didn't deliver on. He stabbed me in the back. And I've never seen a guy like this. He was trying to hack the holes in the boat before it got him to the shore.

JIM: Oh, he's the worst I've ever seen in my life. There ain't no—I told him he could—after the thing was all over, I said, "Well, you had a lot of fun today, Sully." And he just grinned. And I said, "I want to tell you something, though, and you put this in your book. You just put her your pipe and smoke it. Before this goddamn fight's over,

you ain't going to be grinning like a goddamn [inaudible]. I'll tell you that. Because you're going to have so goddamn much hide and hair and blood off your goddamn ass that you are going to goddamn wish that you had a' done what I told you there, and that's withdraw the goddamn charges and go for unity in this organization."

NIX: You know what I'm gone do to him, soon as he notifies me of any date or anything like that, you know what I'm gone do?

JIM: No.

NIX: I'm gone put a federal injunction on him, out of Birmingham. And then continue with the election.

JIM: Yeah. Right.

NIX: I want to see him get in a federal courtroom and start shouting at the judge the way he's done—

JIM injects an inaudible comment.

NIX: --when he cut loose with that "I am the president" bit.

JIM: --Bobby Seale being gagged and handcuffed up there in Chicago, [inaudible] get worse treatment than Bobby Seale. [laughs]

NIX: [laughs] Yeah. How long did this meeting last?

HARVEY and JIM both speak at once, inaudibly.

HARVEY: Sully told me that it wouldn't last about fifteen minutes, but we went into—well, it was just about dark when it finished up.

JIM: I'll tell you, about 9:00, 9:30. I'd say from 3:00—

NIX: Last night?

JIM: -- [inaudible] they didn't have no goddamn fast meeting. We had us some goddamn real good ones all up and down that meeting, I'll tell you that.

NIX: [laughs] I suppose Mac got up and explained that the picket line he crossed wasn't a picket line?

JIM: Yeah. He did that.

[Both JIM and HARVEY make simultaneous, inaudible remarks.]

NIX: Well, if wasn't a picket line, then, why did he refuse to cross it the first time?

JIM: Yeah, well, he—

HARVEY: He gave a explanation, because one of the pickets was saying their strike is not against the I.E.M.; and so, therefore—

NIX: Wasn't against the I.E.M. the first time, but he made a big show out of not crossing it.

JIM: Yeah, right.

HARVEY: Anyway, that's the way—we just thought we'd better just kind of bring you up to date, Frank, and—

NIX: Uh-huh.

HARVEY: We're not going in—neither one of us are going into New Orleans—

NIX: Well, actually, I think this thing turned out a good bit better than I expected, and they're really set up now for a—since they're trying to delay—I never thought that Sullivan would try to stay in office until October, because I—he knows full well what my contentions have been on the length of these terms. I tried to point out to him in Washington; and boys, I'm telling you now, these bylaws and various provisions are illegal. Now, if you don't change them—

JIM: Do you want us to mail you a copy of this resolution that I have?

NIX: Yeah, if you will.

JIM: OK. We will. I got one right here, and me Harvey, we'll put some in there.

NIX: If you'll just put it in the mail to me, but I'm going ahead and get these ballots out tomorrow.

JIM: Yeah, right. OK, Frank, we'll—

NIX: And they'll be able—they'll just have to decide whether or not they gone participate in this election. And those that decide that they don't want to participate, they'll find that they're not officers in this union.

JIM: Right. You got the law on your side.

NIX: Mm-hmm.

JIM: That's right.

NIX: Well, I appreciate all the work that you did, Jim and—

JIM: That's all right.

NIX: Soon as I can get this mailing out, either if I can get it out—

JIM: I want you to know, and Harvey and I've talked about this over and over and over, I want you to know that you're the founder of the organization, and by God we appreciate what you've done. And if it hadn't a' been for you, there wouldn't be a goddamn thing, nothing here. There wouldn't be no contract, there wouldn't be no nothing, and these same—a bunch of these same guys who fought the organization

and voted against it and every damn thing else destroyed—now it's goddamn "Hang Nix." And--

NIX: Yeah. And the chief—the chief one of them all is the advisor to the trial committee, who, lo and behold, in a matter which wasn't any of his business--

JIM: Yeah. Right.

NIX: --turns up representing Bob Quick, when they filed that phony charge out of me, after they mailed their propaganda out of headquarters.

JIM: Yeah.

NIX: I just happened to bump into Bill McRae today, and he says, "I'm telling you this. They're winning your case, everything they do."

JIM and HARVEY laugh.

JIM: They're working at it.

NIX: He said, "You got a stronger—"

HARVEY: --talked about coming up from Dallas today.

JIM: Discussed the same thing.

HARVEY: We discussed the same thing.

JIM: Yeah.

HARVEY: So we'll see you then, Frank. And by then, of course [inaudible], and then they're going to get it mailed to McAvoy [inaudible]—

JIM: --trial is over, that he's elected as a secretary-treasurer pro tem.

NIX: Oh, have they notified Brother Red of this?

HARVEY and NIX: Oh, yeah.

NIX: Fine, fine. I've notified Brother Red that if he turns loose of any money to any other than the duly elected secretary-treasurer, he'll surely have the pleasure of paying it out twice.

JIM: OK, yeah. Right.

NIX: And incidentally, he stopped payment on that last dues check-off check. And here's—here's what this kind of stuff amounts up to. In four years' time, they would not let the staff meet. We signed that agreement, and last year, when we wanted to meet, they refused to meet; and I couldn't get these same guys to even file charges—a straight-out refusal to bargain. Between January and September they only met twice, and we had a demand on them to meet all the time. They took their time

about that. All right, then we signed an agreement on October the fifth, and they're supposed to furnish us with a corrected seniority list. We haven't got it yet.

JIM: Right.

NIX: They're supposed to furnish us with—

JIM: [inaudible] talked about that, too.

NIX: They're supposed to furnish us with copies--of printed copies of the agreement.

JIM: --and proofread them, and they had some—

HARVEY: They made two mistakes, and they had to send it back to the printer.

NIX: Who's been proofreading them?

JIM: Huh? McLendon.

NIX: Oh, they—

JIM: McLendon's proofreading them, and he's also been going over the seniority list.

NIX: Yeah? Well, we still haven't got it.

JIM: Yeah, right.

NIX: And so it's nigh on to eight or nine months later?

JIM: Right.

NIX: OK. Now, we have that kind of a situation. Yet, when they can go hot-footing it in to see Red with something against Nix, "Oh, yeah, you want a meeting? Why, sure! You can just meet anywhere you want." Instantly, see.

JIM: Yeah.

NIX: And when they want to chop off a dues check-off, without checking with me, without anything, without even knowing whether or not any charges have been filed, or anything--and no charges have been filed against me to this good day, and I've notified him by certified mail to that effect—what does he do? He stops payment on a check. I'm glad he did. I'm glad he did.

JIM and HARVEY laugh.

NIX: I'm glad he did. [Laughs] You see the case that's building up against them?

JIM: I see it.

NIX: Well, I'll probably get on a plane late tomorrow night down in New Orleans or first thing Tuesday morning. But I want to get this mailing out first.

JIM: Well, OK. We'll see you—

NIX: And I want you to know, boys, I can't tell you how much I appreciate what you're doing.

JIM: OK, Frank. We appreciate you, too.

NIX: I'll stay in touch with you. And you just watch, when the smoke clears, and you can put a date on the wall, you look for the date when the courts are going to order the reinstatement of two guys, because—

JIM: Bill Sewell and Franklin Nix, and I'm ready for it. OK.

NIX: I'll see you.

JIM: We'll see you, Frank.

NIX: Uh-huh.

JIM: 'Bye.

End of Phone Conversation

TRANSCRIPTION OF NIX'S DICTATED/RECORDED NOTES ON THE PRECEDING CONVERSATION:

The foregoing was a telephone conversation between Franklin Nix in Atlanta. returning the call of Harvey Christian and Jim Witcher—J. W. Witcher, to Mr. Christian's home in Norman, Oklahoma, on Sunday, May 24, at approximately 9:00 p.m.; and the discussion was in regard to the meeting called by J. W. Sullivan, which had been held in Dallas, Texas, the previous day, Saturday, May 23. Both Mr. Christian and Mr. Witcher were made aware prior to the telephone conversation that this conversation was going to be recorded.

End of Nix's Notes

Phone Call No. 4 (Recording picks up mid-sentence; perhaps this tape has been previously used and recorded over.)

PORTION OF CONVERSATION, IN PROGRESS, BETWEEN MR. NIX AND AN INDIVIDUAL WHOM HE REFERS TO AS "BILL"—POSSIBLY BILL McRAE?

NIX: . . . they were so afraid that we were going to fail back when times were so hard that he only paid his dues one month at a time. And McAvoy is the same guy that wound up on that fake illegal action against me, where he was reading material which had been supplied to him by Red Smith.

“BILL”: Well, Frank, I’ll tell you what [inaudible] George. I’ll go through with this. You get a hold of Jim Witcher—

NIX: I’ll do that. Now, will you promise me this, Bill? I know you have to play these things by ear. Demand to see the number of people who were requested to call me.

“BILL”: All right.

NIX: And look at the names, and look at the dates—I mean, copy them. Copy the dates, because by that you can establish, and we can establish, that at the time he sent out the call for a meeting, he did not have a majority of the members. Now, we have over 250 members. He sent no call whatever to the retired members and the laid-off members. And he didn’t send any call to me, so that’s fatal to his meeting call, because he never even sent the same notice out to all of the members. All of the members never even had an opportunity to respond to it, you see?

BILL: Okey-doke—I’ll do that.

NIX: But we need that. And he needs to be told at that meeting that charges have been filed against him. And also that it makes no difference about charges against him or charges against me. The facts are, the government is making a move right now to remove both of us from office simply because we have been in too long and that I have been directed to hold elections. And I’m going to hold them. And they need to know that. But I am not going to dignify Sullivan’s meeting by attending that meeting. You see, I’ve said it’s a rump meeting, and I ain’t gone be there. I’ll send you a letter. You gone be at Vernon?

BILL: No, I—

NIX: Where you gone be where I can reach you with a letter about day after tomorrow?

BILL: At the Anderson Motel in Cullman, Alabama.

NIX: Anderson Motel, Cullman.

BILL: Yeah.

NIX: Now, I'm on jury. I was in the courthouse—I was foreman of the jury today in a contested divorce case. We refused the divorce and gave the woman alimony [sic]. And so I don't know how I'll get tied up tomorrow; but if possible, I'll get a copy of the letter off to you tomorrow. And I wish you would get some copies of this two-page thing that Sullivan—

BILL: All right, I'll see [inaudible]. I don't know what happened.

NIX: The guys called me, or they write me; and they just assume I get all this. Well, you see, Sullivan, he's real cagey. You see, I send him a copy of everything I get out; but he sends me nothing.

BILL: OK, I'll double-check on that, Frank. I'm sorry I couldn't find it.
[inaudible]

NIX: Well, that's all right. But in any event, this whole thing is illegal, so far as this charge is concerned, because he hasn't got it filed right [inaudible—could be “and” or “in”] the bylaws. And this is the law, Bill. You cannot charge a guy with anything unless you're specific. And if your bylaws and constitution don't support it—and it won't support a vague charge like “misconduct” or something like that—the bylaws have got to state what kind of misconduct. [laughs]

BILL: Well, Frank, I tell you what I'll do. I'll see you down there Monday.

NIX: Are they planning any meeting, as such, in New Orleans?

BILL: I don't know. I haven't heard. Of course, I've been [inaudible].

NIX: I'm surprised they sent you that. But him trying to—how does Harvey? Is Harvey solid?

BILL: Yep.

NIX: Well, he was solid as he could be last time I heard from him, and that was in Washington. Oh, incidentally, that vote, you know?

BILL: Yeah.

NIX: They may not realize it, but that vote that we conducted back there, the bylaw propositions failed for the lack of numbers. But the vote to continue to pay for the litigation in this case and all carried.

BILL: Yeah. I know it.

NIX, laughing: So they'll fall on their face, but what they need to understand is that I'm not particularly trying to stay in office, but I'll guarantee them, I'm going to hold the election for Sullivan's successor, because he ain't president anymore, any

longer than it takes me to hold an election, because that's the duty I'm under right now. And that ought to give them a few things to think about in Dallas.

BILL: Okey-doke. And I will see you then, Monday, Frank.

NIX: Well, you remember this, Bill, in Dallas, that you don't have to have any charges. You just announce that you've filed them. We'll take care of things after that.

BILL: Okey-doke.

NIX: All right. Because I'm the proper guy under the bylaws to file them with, so far as Sullivan is concerned.

BILL: Well, I'll see you Monday, Frank.

NIX: OK. Look, you gone be in Cullman—let's see, what is this, Monday?

BILL: --[inaudible] noon Friday.

NIX: Oh, well, you'll be there—not only Wednesday, but you'll be there Thursday and Friday.

BILL: Yeah.

NIX: All right. I'll see you then, Bill, and it's good to talk to you.

BILL: OK, thank you.

NIX: Uh-huh.

HANGS UP. END OF CALL.

PHONE CALL NO. 5

SOUND OF PHONE RINGING.

RECEPTIONIST: Labor Management

NIX: Is Mr. McConnell there, please?

RECEPTIONIST: [Too faint to understand; sounds vaguely like an affirmative answer. Puts Mr. Nix on hold, then comes back on the line.] Are you there?

NIX: Mm-hmm.

RECEPTIONIST: Just a second. I thought I'd disconnected you. Just a minute. Sorry.

McCONNELL: McConnell speaking.

NIX: Mr. McConnell.

McCONNELL: Yes, sir?

NIX: This is Franklin Nix. How you doing?

McCONNELL: Well, good. How are you, Mr. Nix?

NIX: How's everything?

McCONNELL: I haven't heard from you in a 'coon's age. [Makes another inaudible comment; Nix talks over him.]

NIX: [laughs] No, you, low-down, dirty rascal. You come out telling me my LM-3 form was late. You never told me that these buzzards were waiting in your office.

McCONNELL: Well, they weren't waiting in there that day, but I knew that they were around after—

NIX: Yeah.

McCONNELL: They had already been talking to me a little bit.

NIX: Mm-hmm.

McCONNELL: And I was trying to get up there and tell you if there was anything that they could get you on, clear it right quick.

NIX: Well, as a matter of fact, I don't know whether you knew it or not, but—

McCONNELL: --whether they was going—

NIX: --but if you asked me about—

McCONNELL: --come and complain, too, and I thought, well, these boys mean business this time. They're riled up. And that's the reason I came to see you, to see if there was anything that was a little past-due there that you ought to have ready. And I knew that the LM was supposed—

NIX: No, that wasn't what was on their mind. If you had asked—

McCONNELL: Of course, not, but I wanted you clear so we couldn't touch you. That's what I wanted you to do.

NIX: Yeah. If you had asked me about a check or any records or—I would have showed you the whole thing. I would have showed you the check, I would have showed you the--

McCONNELL: I didn't want to see it.

NIX: --the minutes of the meeting—

McCONNELL: I didn't want to—

NIX: --that authorized it. I would have even showed you the balloting, which authorized it later on.

McCONNELL: [Laughs] I didn't want to see them.

NIX: Of course, you know, later on—

McCONNELL: You know me well enough to know that I speak pretty plain English.

NIX: [Laughs] First thing I know—

McCONNELL: All I wanted you to do was to [inaudible] you'd covered yourself, in case somebody come out there and started acting up. And [inaudible] --

NIX: You know, the first thing I knew—later on—was, let's see, "Owen Forrester, District Attorney" and John Morrow, an FBI agent.

McCONNELL: Yeah.

NIX: And, of course, I showed him my whole works, and I—

McCONNELL: Morrow's a very nice fellow.

NIX: But the first thing Owen Forrester asked Bill McRae—as a matter of fact, he called him before he did me—he says, "Have you ever heard of a fellow named W. J. Ussery?" [laughs]

McCONNELL: Yeah.

NIX: And Mr. McRae said, "Why, certainly. He's Assistant Secretary of Labor, and he's a member of this union." Well, I've been exhausting some remedies, Mr. McConnell, and what I want to do, as I pointed out to you in a letter—I wrote you a letter sometime way back, telling you that I'd see you in a few days—

McCONNELL: Yeah.

NIX: --but in checking over it, there wasn't any point in that, because you've got to exhaust remedies for ninety days.

McCONNELL: Right.

NIX: Well, the ninety days are up, now, and I just cracked a book or two; and some books tell me that you're supposed to file a complaint with the Secretary of Labor. And, I don't know, I could file one with the Secretary of Labor; I'm just wondering what—what do you do?

McCONNELL: On which particular phase of it? Now, because [inaudible] sincerely, with all the stir they've started, there'd be at least a thousand phases [laughs]. On what item did you want—did you--were you considering filing with the Secretary of Labor?

NIX: Well, the only thing really that the Secretary of—well, there's two or three things that the Secretary of Labor, of course, is empowered to do under the Act—but what I'm concerned about is the Title 4 protest of the conduct of the election--that is,

culminating in the election and all of the illegal things leading up thereto, which, of course, includes illegal changes in bylaws and stuff like that.

McCONNELL: Well, then, in connection to that election, let's see—that took place in the fall sometime, didn't it?

NIX: Yeah, they completed the election in—October the third, and I protested and made the final protest on it. I couldn't protest it until they completed it.

McCONNELL: Uh-huh.

NIX: October the eighth. And I've received no action at all on it, so I've exhausted—just exhausted the three months now.

McCONNELL: Uh-huh. And—let's see—and the way that organization is set up, it's *the* organization. There's nothing else to go to, is there? It has no hierarchy.

NIX: It has no parent.

McCONNELL: Uh-huh. It *is* the parent—

NIX: Yeah, it's an independent union.

McCONNELL: Uh-huh. [sighs] I guess you—I guess the time's come.

NIX: Well—

McCONNELL: But let's—

NIX: What are you doing this afternoon?

McCONNELL: Let's consider the details. Well, I'm all tied up the rest of this afternoon and Monday. I've got to leave. I'm going over to Augusta [inaudible], and I won't be back till Tuesday. And we're busy the rest of this afternoon.

NIX: Mm-hmm.

McCONNELL: Sorry to say. Getting ready for that project. We've got to go on Sunday so we'll be there at six o'clock Monday morning—how does that grab you?

NIX: Where's that?

McCONNELL: In Augusta. So I don't have any time for any other visits this afternoon.

NIX: Yeah.

McCONNELL: You say that time—the ninety—the three months—

NIX: Well, I won't be able to see anybody in the daytime next week or in—for some time to come, but I could get over that.

McCONNELL: What—now, the three months is up January the eighth. Does that—

NIX: The three months is up January the eighth.

McCONNELL: So you have one more month to file. OK. Well, in the—during the following week—during next week, we ought to be able to make some kind of a contact on it to discuss it a little bit.

NIX: Well, now, these—this—this is quite a—quite a file I've got built up on the thing, and it'll take some time to review it.

McCONNELL: Yeah, but what you want done right now is discussing—is to file a complaint on the election—

NIX: Yeah. And I—in looking over—I just blunder around, but I see where some complaints are filed directly with the Secretary of Labor. Just a letter of complaint stating the grounds.

McCONNELL: Yeah.

NIX: Now, is that supposed to be sent to the Secretary of Labor or to a regional office of the BLMR?

McCONNELL: Well, you can send it to either place. Most of them we get come straight to us.

NIX: Uh-huh.

McCONNELL: Because they've already ruled as if any agent of the Secretary of Labor receives it—

NIX: Then it's received by the Secretary of Labor.

McCONNELL: --it's considered as being received by him.

NIX: Uh-huh.

McCONNELL: But most of them come straight to this area office—

NIX: Yeah.

McCONNELL: --they don't even go to the regional office, come in here [inaudible].

NIX: Uh-huh. Well, now, all this stuff—

McCONNELL: --[inaudible] to have it in. It's received by the Secretary that day.

NIX: Uh-huh. All this stuff— Are you tied up, or can you talk for a minute or two?

McCONNELL: I can talk right now.

NIX: All this stuff that's—that, of course, I've built up—that's the record; that's the evidence. I don't want—I don't want to recount anything that voluminous. But all I've got to do is file a complaint and state plainly enough what I'm complaining about.

McCONNELL: Yeah, what was wrong insofar as that election was concerned—

NIX: Yeah. And then all this other stuff'll be—I don't have to include that or attach that? Because it's as thick as a Sears—

McCONNELL: Right. No. Don't even need to be—

NIX: --it's as thick as a Sears Roebuck catalog.

McCONNELL: That stuff doesn't even need to be in there—that's--

NIX: And that—those documents go to evidence, rather than to charge, anyhow.

McCONNELL: Yep. Well, they won't even—they would--even if you have a case here that went right on into federal court, they wouldn't--ninety-nine percent of that wouldn't be evidence in the case—

NIX: No, no.

McCONNELL: --because it's a different matter.

NIX: Well, I imagine I can pretty well recount the various steps and what I'm complaining about—

McCONNELL: All you need to do in this one is to tell what was, in this election, and in the conduct of the election, from the beginning of sending the notices, going through the nominations and the voting [inaudible] —

NIX: Well, it'll have to go beyond that, because the election is predicated on the illegal changes in the bylaws.

McCONNELL: Merely state what was illegal insofar as the [inaudible] is concerned.

NIX: You know what they went ahead and did anyhow? Got themselves an executive board with vice presidents on the executive board who are members of the executive board, supposedly [laughs]. No election whatever or nominations by all of the members of the local union [laughs]. And, of course, they never sent the ballots out to all the members. They just disenfranchised a whole bunch of members, including the retired members; and I'm looking at some legal decisions here that says you can't—you can't have a phony change in bylaws that takes away a vested right of the union member. But there's one thing that I was concerned about—about the charge, Mr. McConnell, was this. I'm looking at some labor reports here where they've

held—where they claim—and I don't know which districts it would be, courts of appeal—where, in some instances, just the Secretary of Labor on his own initiative went in, and courts, oh, they didn't like that in some places; and in other places, they said, well, he's got the power to do it. And then there's some areas that says, well, all you have to do is file a complaint; and then the Secretary can charge anything that comes out of his investigation.

McCONNELL: That's right.

NIX: Where other courts, however—

McCONNELL: Most of them—

NIX: Yeah, other courts, however, have—evidently, it must be just one or two, because I didn't—I don't know what the decisions are—I didn't look them up—they—they've held that--

McCONNELL: --idea of whatever you find wrong [inaudible], because they go on the theory that the man at the bottom of the heap—the ordinary member—

NIX: He's not gone be a lawyer.

McCONNELL: --he didn't—that's right. And not only that, but he's just going in and voting.

NIX: Uh-huh.

McCONNELL: Or voting his ballot by mail, as the case may be.

NIX: Uh-huh.

McCONNELL: He's had no opportunity to see the whole picture and didn't know what all was wrong, anyway; therefore, he couldn't be expected to name everything in detail that was wrong.

NIX: Yeah.

McCONNELL: Because he had no opportunity to know about it, even if he were versed in the law.

NIX: Well, I just want to draw it in sufficient detail to get away from the one proviso that I'm seeing here on some side of the courts, where the courts attempted—

McCONNELL: Mm-hmm

NIX: --the courts attempted to restrict the Secretary of Labor and attempted to confine the evidence only to the things complained of in the charge.

McCONNELL: We have some courts that still [inaudible], but generally speaking it runs the other way.

NIX: Well, I know the National Labor Relations Board, you can file a charge. And if they go in and investigate, and they find a whole bunch of other violations, the courts have backed them up a hundred percent. The complaint is—the charge is one thing, but the complaint, which is a different animal, which they issue, is issued after they have made an investigation.

McCONNELL: Well, what we've always—

NIX: And they have been pretty well upheld in their right to issue complaints on whatever violations their investigation finds.

McCONNELL: Well, what we've encouraged them to do is, anything that you know of that you know is wrong, or you have strong reason to believe it's wrong, state it in there—

NIX: Mm-hmm

McCONNELL: --but don't bother with your legal background. [Continues; inaudible as NIX talks at the same time.]

NIX: Well, let me ask you this.

McCONNELL: --and then if we find it, we can say, "Yeah, he mentioned that," you see.

NIX: Uh-huh. Well, I just want to make sure that the charge is drawn up sufficient to cover what the evidence will later show [laughs]. You see?

McCONNELL: The charges can be in the most illiterate, misspelled words in the world—

NIX: It can.

McCONNELL: --written in stub pencil, so that it is hardly decipherable, just so long as it names some things that were wrong. That's all you have to have on your charges--

NIX: Well—

McCONNELL: --as many things as you can think of, name them just in case you run into a judge who decides the other way.

NIX: All right. Now, what I'm going to do, because there's no point in meeting with you over this other stuff until the charge is filed, anyhow—and you don't have a formal charge form like the National Labor Relations Board—what I'll do, then, I'll write the charge over the weekend. Now, just—I'll do whatever—I'll do whatever should be

done. Should I address it to the Secretary of Labor in Washington? Or address it to you?

McCONNELL: That's all right to address it to the Secretary of Labor, but you can say in care of W. D. [either "Sexton" or "Saxton"], just mail it straight in here.

NIX: All right. I'll do that then.

McCONNELL: And then on your envelope, on the outside, simply address it to [Sexton or Saxton?] here.

NIX: Uh-huh

McCONNELL: And on the letter itself, address it to the Secretary, if you wish, and then in care of [Sexton or Saxton?].

NIX: All right. Well, I'll be doing that, and I'll be seeing you later, then.

McCONNELL: Remember, now, no particular rush on the thing. Just so you get it in during this [inaudible] month period.

NIX: Well, I'll get it in, I would say—

McCONNELL: Before the eighth of the next month.

NIX: Yeah.

McCONNELL: You have the next calendar month after your ninety—after your three months runs out. You've got the next month to get it in to us.

NIX: All right. Well, I'll do that, then, and I'll get busy on it and write it then, and send it in to the Secretary of Labor, care of your office.

McCONNELL: Yeah. And I'll be back in next week on Tuesday.

NIX: Yeah.

McCONNELL: All right.

NIX: All right. And we can go over it later sometime at your convenience.

McCONNELL: Good. OK.

NIX: All right.

McCONNELL: 'Bye, now.

HANGS UP.

End of conversation

TRANSCRIPTION OF NIX'S DICTATED/RECORDED NOTES ON THE PRECEDING
CONVERSATION:

The foregoing was a recording of a telephone conversation on Friday, January 15, 1971, at approximately 2:00 p.m., between Franklin Nix and Mr. Roger H. McConnell, a compliance officer with the United States Department of Labor, Office of Labor Management and Welfare Pension Reports, at 1371 Peachtree Street, NE, Atlanta, Georgia.

End of dictated notes

Phone Call No. 6 (Recording picks up mid-sentence; perhaps this tape has been previously used and recorded over.)

PORTION OF CONVERSATION, IN PROGRESS, BETWEEN FRANKLIN NIX AND UNKNOWN
INDIVIDUAL.

UNIDENTIFIED PERSON: . . . didn't know that.

NIX: [laughs] Well, of course, you were not—you were accused of stealing.

UNIDENTIFIED PERSON: In effect, yeah.

NIX: Mm-hmm.

UNIDENTIFIED PERSON: I wasn't on my assignment, and I said that I was.

NIX: Yet you were not given any opportunity whatever to refute this?

UNIDENTIFIED PERSON: No.

NIX: Or to—

UNIDENTIFIED PERSON: None. See, I was fired four fucking days and didn't even know it.

NIX: You got some rights of membership there that come into play under all kinds of decisions.

UNIDENTIFIED PERSON: I know it.

NIX: Well, one of the things I've got in this charge pending here is this illegal section, which the union used on [inaudible—sounds like "Dale Engle"?] because they

dominate the organization through it. I told them before, when they were going to put that in as union shop. The first thing they put in is a requirement to be an I.E.M. member.

UNIDENTIFIED PERSON: Yeah.

NIX: All right, now, I said, "Look, you don't have to look any further than me or Hubert Gammon or anybody else to realize that when you put in a contract that they can—that they can control you through the I.E.M. membership, then you done let everything outside the contract, because you got no protection." I said, "Because I'll never sign a contract with that in there. Because you're giving the employer, through his machinery, the right to control every man in the bargaining unit."

UNIDENTIFIED PERSON: Yeah.

NIX: Well, you see, in 1965, the Retail Clerks in the Retail Clerks staff organization—all the board ordered the Retail Clerks to cease and desist because they were using it the same way, from requiring a representative to be members of the parent organization. Of course, most people are—I mean, you would be, anyhow.

UNIDENTIFIED PERSON: Yeah.

NIX: But, you see, there's a great difference between the fact that all of you are, or there's a great difference between the constitution and putting it in the union contract. When you put it in the contract there, you can just throw the rest of the contract away, because they can get at you. If they can't get at you any other way, what they do, they get some jerk to prefer charges against you, see, and have a kangaroo court and then notify that you've—that we've had to fire so-and-so.

UNIDENTIFIED PERSON: I tell you what I've had to [inaudible], concerning that particular point that you just raised.

NIX: Mm-hmm.

UNIDENTIFIED PERSON: I have a pretty good group of people here in this Charleston area—there are not many—but they're a pretty good group. And what I have in mind—

NIX: Yeah, Tommy [inaudible last name—perhaps begins with "L"?] negotiated that first contract down there.

UNIDENTIFIED PERSON: Yeah, I know it. And what I was going to say is, I've got a real strong feeling about this—but if I'm not reinstated, I'm going to have my membership bring charges against me. And I'm going to go to trial before my own

membership. And I'm going to find out whether or not they think I'm guilty. And I'll need some representation, I'm sure. Because I'm telling you one goddamn thing, the charges they've got me charged with are so damned asinine, it just makes me sick. And I don't know what the deal is. I don't--

NIX: Well,--

TAPE CUTS OFF ABRUPTLY MID-CONVERSATION