Hoboken Historical Museum 2011.014.0001

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January 7, 2011

Prepared for Holly Metz

Research Report 1
Sweets Company of America, Hoboken, New Jersey and National Labor Relations Board

Report and Attachments

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Prepared for
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Submitted online to hollymetz@earthlink.net

Research Report 1
Sweets Company of America, Hoboken, New Jersey and National Labor Relations Board

Report Summary

Per your email directions, I looked for case file and decision information on the Sweets Company of America in Hoboken in the records of the National Labor Relations Board (RG25) at National Archives in College Park, Maryland. Of particular interest were the events surrounding and following the July 1939 strike by Local 460 of the Bakers and Confectioners International Union of the AFL against the Hoboken Tootsie Roll factory. I was able to find information on the 1939 strike and involvement of the National Labor Relations Board (NLRB). A 15-page report by a field investigator was especially detailed and interesting.

The 1939 information was in A1 Entry 155, Formal and Informal Unfair Labor Practices and Representation Case Files, 1935-48. There was no box number so I decided to order the box in which "Sweets Company" should be filed for each year between 1935-1946 when the files were chronological and then alphabetical (the deck clerk determining the box number).

Please note that under 1939, there are two case files for Sweets Company of America, which are eventually consolidated into Case No. II-C-2467 (Case No. II-C-2467 and Case No. II-R-1398).

In photocopying the materials in the appropriate files, I have maintained the integrity of the files as originally filed by the NLRB. I have not photocopied carbons of documents already photocopied in the individual files unless there are additions, corrections, or handwritten notes. I have photocopied informal memos and handwritten notes. In the case of duplicates between files, I have photocopied these so that there remains a copy in the order received for that file; the exception is the 15-page August 17, 1939 report which I photocopied only for the

folder/photocopies labeled Sweets Co. of America. Cast No. II-C-2467; I have inserted a sheet of paper with the second set of photocopies so that you can see where this report was located in the file.

Your letter also mentioned that there were company disturbances through the 1960s; information after 1947 was much more difficult to locate because most information is filed by case number and because NLRB began purging their records, saving only those cases they determined to be most important. Unfortunately, the Sweets Company of America does not appear in any of the published indexes I have consulted thus far. In trying to follow up on the 1939 case numbers I located, I was unsuccessful in finding anything further than the above mentioned files in Entry 155.

You will see in this report that I worked closely with archivist Tab Lewis, who the staff determined was the person most knowledgeable about Record Group 25. It was necessary to work with an archivist because the finding aid and associated MLR are poorly arranged and inaccurate and there was no descriptive pamphlet for the record group.

The following pages detail the information presented in the above summary.

Peggy J. Bucci

National Archives, College Park, Maryland (NA2)
Research Findings

Published Indexes to NLRB Materials

As stated in the report summary, the NLRB finding aid was poorly organized and incomplete. Few of the entries had box lists or any indices. I checked the available microfilmed indices for any references to the Sweets Company of America.

NARA Microfilm Publication A 3358, Index to NLRB Transcripts and Exhibits, 1935-1948
Roll 4, Public Service Electric and Gas Co. to Western Condensing Company
Current Location: NA2, Microfilm Reading Room, Cabinet 1B/Drawer 10

Initially the MRR staff did not think this microfilm was located in their facility as it was not in their standard collection guides. Eventually we found a notebook with a single sheet on this publication, listing its location.

I checked Roll 4 of NARA Publication A 3358. This is a microfilm of handwritten note cards in alphabetical order; however, there was no card for Sweets Company of America. Here is the placement of companies where I would have expected to find your company of interest:

Swayne & Hoyt CC Co.
Sweet Candy Company, a corporation, Salt Lake City, Utah 525, XXIII-R-11 R526
Albert L. Lohm
12.28.37 - 1 – 12.17.37 – 1 to 30 all
12.28.37 – 1 – 12.17.37 – 1 to 30 – 2nd & exhibits
No card for Sweets Company of America
Swift and Company

--the Sweet Candy Company is obviously not your company, but I recorded the data on the card in the event this might be useful in other files.

Also decided to check under *T* for Tootsie Roll, in the event anything was filed here but found nothing:
Tool Service Company
No Card for Tootsie Roll
Torrington Company

However, I did notice a company with a Hoboken tie-in and note it here per your possible interest in other Hoboken companies:
Todd Dry Dock Corporation (Hoboken Div.) 5863
2-R-4025; 2-R-4026; R-5668
7.16.43 – 2 – 7.12.43 – 1 to 107 (8) ALL
Received two sets and one folder of exhibits
--I followed up on these case numbers in the NLRB entry with these number ranges but there were no files with these numbers.
--as noted in my second report, I did find information on Todd Dry Dock in A1 Entry 155.

Guide to Federal Records, Record Group 25
Microfilmed Bound Briefs, Volumes 1-2,000, 1935-61, Reference Master Microfilm
Index Box 1 [contains index and volumes 1-56]
Current Location: NA2, RG25, Stack Area 530, Row 36, Compartment 46, Shelf 4

As you will recall, the online *Guide to Federal Records* for Record Group 25 references under 25.5.1 General Records "case briefs with an index for 1935-1947". There is no microfilm number listed here; there is no reference to this in the onsite finding aid; and this series was not known to the microfilm reading room staff [no microfilm listed under Record Group 25 in their standard directories]. Archivist Tab Lewis said that these records were accessed only every eight years or so, and no one knows them well. That said, he went up to the stacks to determine if the microfilm might be stored with the textual records and was able to locate them.

"Index for Volume 1-1,000 of NLRB Briefs & Records – 1935—1953"
--this is a microfilm of typed note cards arranged alphabetically. There is no card for Sweets Company of America. Here is the placement of companies where I would have expected to find your company of interest:
Swayne & Hoyt, Ltd.
No card for Sweets Company of America
Swift & Co.

Just in case this was filed under "Tootsie Roll" I checked *T* listings
Here is the placement of companies where I would have expected to find your company of interest:
Toledo Desk & Fixture Company
No card for Tootsie Roll
Top Mode Mfg. Co.

Formal and Informal Unfair Labor Practices and Representation Case Files

After studying the onsite finding aid, I determined that the following entry (arranged for 1938-1946 chronologically and thereunder alphabetically) might possibly be another way to access files of interest (particularly since I was unable to locate any case numbers in the microfilmed indices) and ordered boxes for each year range available which might contain a folder on the Sweets Company of America.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1935-48
Box 314, **1935-37**, Swayne and Hoyt, Agents thru Tascarelli Bros. Corp.
Current Location: NA2, RG25, Stack Area 530, Row 37, Compartment 41, Shelf 4
--no file for Sweets Company of America (checked for misfiles)
--checked folder titles: there were no other companies located in Hoboken, N.J.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-39
Box 1138, **1938-39**, Sweet Candy Company thru Swift and Company (PT.)
Current Location: NA2, RG25, Row 38, Compartment 3, Shelf 3
Folder: *Sweets Co. of America. Case No. II-C-919, New York, N.Y.*
Stamped STORED , CASE CLOSED, FORMAL FILE MADE
--all references here are to case filed by Bakery & Confectionary Workers International Union Local 405 against Sweets Company of America, 414 West 45th St., NYC, Charging "interference and coercion. Discriminatory discharge of one for union activity. Refusal to bargain collectively with above union" ca 1938
--skimmed documents; no mention of Hoboken

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48
Box 1138, **1938-39**, Sweet Candy Company thru Swift and Company (PT.)
Current Location: NA2, RG25, Row 38, Compartment 3, Shelf 3
Folder: *Sweets Co. of America. Case No. II-C-919, New York, N.Y.*
Stamped CASE CLOSED, STORED
--continuation of case described in first folder; skimmed, no mention of Hoboken

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48

Box 1138, **1938-39**, Sweet Candy Company thru Swift and Company (PT.)
Current Location: NA2, RG25, Row 38, Compartment 3, Shelf 3
Folder: *Sweets Co. of America. II-C-2467, Hoboken, N.J.*

Stamped CASE CLOSED, STORED

Photocopied the following:

Routing instructions (note: files under 2C2467)

October 7, 1939 Closed Case Report re strike by Bakery & Confectionery Workers International Union of America, Local Union #460 --petition received 7/6/39

September 23, 1939 Weekly Report on Pending Cases (please note that under case no. II-C-2467 in parenthesis is II-R-1398; also this case is for 2nd Region)

September 9, 1939 Weekly Report on Pending Cases

August 26, 1939 Weekly Report on Pending Cases

August 12, 1939 Weekly Report on Pending Cases

July 29, 1939 Weekly Report on Pending Cases

July 15, 1939 Weekly Report on Pending Cases

July 6, 1939 New Cases against Sweets Company of America, 1515 Willow Avenue, Hoboken, New Jersey, by Bakery & Confectionery Workers International Union of America, Local Union #460 AFL for "interference and coercion; discriminatory discharge of 16 for union activity resulting in strike 7/6/39"

September 28, 1939 memo from Elinore M. Herrick, Director to NLRB re Sweets Co. of America, II-C-2467 references September 27, 1939 contract which was supposed to be enclosed with this memo but is not

October 3, 1939 Order of Severance and Permitting Withdrawal of Petition re Case No. II-C02467 (Sweets Co. of America and Bakery & Confectionery Workers International Union of America, Local Union No. 460) and Case No. II-R-1398 (Sweets Company of America, Inc., and the Bakery and Confectionery Workers)

September 21, 1939 Order Directing Investigation and Hearing and Consolidation of Cases re Case No. II-C02467 (Sweets Co. of America and Bakery & Confectionery Workers International Union of America, Local Union No. 460) and Case No. II-R-1398 (Sweets Company of America, Inc., and the Bakery and Confectionery Workers)

September 16, 1939 memo to Mrs. Elinore M. Herrick, Regional Director Re Sweets Co. of America, II-C-2467; II-R-1398 "You are authorized to issue a complaint. . ."

August 21, 1939 telegram from Omer Elsasser, business agent, local 460, Secaucus, NJ to NLRB: "Imperative Board act re Sweets Company of America on charge of Local 460 B C W I U of America complaint pending in New York District Company seeks injunction in state courts against union please issue complaint" [transcribed in full]

August 17, 1939 memo from Elinore M. Herrick, Regional Director, 2nd Region, to Nathan Witt, Secretary, NLRB, re Sweets Company of America. Investigation by Maxwell Feller, Field Examiner [excellent, detailed

report of Sweets company labor relations history, unfair labor practices, union activities, refusal to bargain, list of important dates!]

July 25, 1939 from Elinore M. Herrick "Our memorandum requesting authorization to issue subpoena duces tecum apparently did not make it clear that we wishes [sic] to issue this subpoena for the purpose of checking on commerce information. Inasmuch as your July 20th memo authorizes such subpoena, we are serving a subpoena duces tecum calling for the necessary books and records to check commerce." [transcribed in full]

July 20, 1939 from Beatrice M. Stern "If it is a subpoena for commerce that you want, you are authorized to issue it. If it is for the investigation of the cases, I would suggest you send someone over to the plant. We do not like to issue subpoenas duces tecum on the merits until after we have issued a complaint." [transcribed in full]

no date, stamped received July 20 from Elinore M. Herrick, Regional Director 2nd Region to NLRB re "please issue authorization to serve subpoena duces tecum against" Sweets Company of America

August 4, 1939 Amended charge against Sweets Company of America re discharge of named employees because of their union activities

July 8, 1939 charge against Sweets Company of America re discharge of Named employees because of their union activities

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48

Box 1138, **1938-39**, Sweet Candy Company thru Swift and Company (PT.)

Current Location: NA2, RG25, Row 38, Compartment 3, Shelf 3

Folder: *Sweets Co. of America Inc. II-R-1398, Hoboken, N.J.*

Stamped CASE CLOSED, STORED

Photocopied the following:

October 7, 1939 Closed Case Report for Case No. II-R-1398 re Sweets Company of America

September 23, 1939 Weekly Report on Pending Cases [references Case No. II-C2467]

September 9, 1939 Weekly Report on Pending Cases

August 26, 1939 Weekly Report on Pending Cases

August 12, 1939 Weekly Report on Pending Cases

July 29, 1939 Weekly Report on Pending Cases

July 15, 1939 Weekly Report on Pending Cases

October 3, 1939 Order of Severance and Permitting Withdrawal of Petition re Case No. II-C02467 (Sweets Co. of America and Bakery & Confectionery Workers International Union of America, Local Union No. 460) and Case No. II-R-1398 (Sweets Company of America, Inc., and the Bakery and Confectionery Workers)

September 21, 1939 Order Directing Investigation and Hearing and Consolidation of Cases re Case No. II-C02467 (Sweets Co. of America

and Bakery & Confectionery Workers International Union of America, Local Union No. 460) and Case No. II-R-1398 (Sweets Company of America, Inc., and the Bakery and Confectionery Workers)

September 16, 1939 memo to Mrs. Elinore M. Herrick, Regional Director Re Sweets Co. of America, II-C-2467; II-R-1398 "You are authorized to issue a complaint. . ."

August 17, 1939 memo from Elinore M. Herrick, Regional Director, 2nd Region, to Nathan Witt, Secretary, NLRB, re Sweets Company of America. Investigation by Maxwell Feller, Field Examiner [I did not make a photocopy of this 15-page document as it is a carbon of the one in above folder]

July 25, 1939 from Elinore M. Herrick "Our memorandum requesting authorization to issue subpoena duces tecum apparently did not make it clear that we wishes [sic] to issue this subpoena for the purpose of checking on commerce information. Inasmuch as your July 20th memo authorizes such subpoena, we are serving a subpoena duces tecum calling for the necessary books and records to check commerce." [transcribed in full]

July 20, 1939 from Beatrice M. Stern "If it is a subpoena for commerce that you want, you are authorized to issue it. If it is for the investigation of the cases, I would suggest you send someone over to the plant. We do not like to issue subpoenas duces tecum on the merits until after we have issued a complaint." [transcribed in full]

no date from Elinore M. Herrick, Regional Director, 2nd Region to NLRB re "please issue authorization to serve subpoena duces tecum against" Sweets Company of America

July 11, 1939 Petition for Investigation and Certification of Representatives Pursuant to Section 9(*c*) of the National Labor Relations Act

Please note: checked folder titles for all folders in this box, and there were no other companies located in Hoboken, N.J.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48
Box 1690, **1940**, S&W Cafeteria of Washington, Inc. thru Swiftsure SS Co., Inc.
Current Location: NA2, RG25, Stack Area 530, Row 38, Compartment 14, Shelf 5
--no folder for Sweets Company of America
--no folders for any other companies located in Hoboken, N.J.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48
Box 2339, **1941,** Swan Rubber Company thru Swift and Company
Current Location: NA2, RG25, Stack Area 530, Row 38, Compartment 27, Shelf 7
--no folder for Sweets Company of America
--no folders for any other companies located in Hoboken, N.J.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48
Box 2942, **1942**, Swank, Hiram Sons thru Swift & Company
Current Location: NA2, RG25, Stack Area 530, Row 38, Compartment 40, Shelf 2
--no folder for Sweets Company of America
--no folders for any other companies located in Hoboken, N.J.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48
Box 3547, **1943**, Surface Combustion Company thru Swift and Company
Current Location: NA2, RG25, Stack Area 530, Row 38, Compartment 52, Shelf 4
--no folder for Sweets Company of America
--no folders for any other companies located in Hoboken, N.J.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48
Box 3999, **1944**, Super Sweet Feed Co. thru Swift and Co.
Current Location: NA2, RG25, Stack Area 530, Row 39, Compartment 6, Shelf 6
--no folder for Sweets Company of America
--no folders for any other companies located in Hoboken, N.J.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48
Box 4457, **1945**, Surface Combustion Co. thru Swift and Company
Current Location: NA2, RG25, Stack Area 530, Row 39, Compartment 16, Shelf 1
--no folder for Sweets Company of America
--no folders for any other companies located in Hoboken, N.J.

A1-Entry 155 Formal and Informal Unfair Labor Practices and Representation Case Files, 1938-48
Box 4949, **1946**, Sutherland Paper Co. thru Swift & Co.
Current Location: NA2, RG25, Stack Area 530, Row 39, Compartment 26, Shelf 2
--no folder for Sweets Company of America
--no folders for any other companies located in Hoboken, N.J.

For records after 1946, I need a case file number to look up the case (there are literally thousands of files). I looked in the following two books but had no luck finding a listing for Sweets Company of America, which would have provided a case file number. Archivist Tab Lewis believes that if there was no published decision, then there will be no case file (I am not as convinced of this given the fact that Sweets did not appear in the microfilmed indexes). Further, after 1947, NLRB began saving only selected case files; these are still voluminous and would require the pulling of hundreds of boxes to check.

NLRB Table of Cases Decided, Vols. 75-104, August 22, 1947-May 27, 1953
GPO: 1954

--no listing for Sweets Company of America; no listing in published decision, no case file
--listing for Todd Shipyards Corporation [1935-48 index had Todd Dry Docks, Hoboken listing]
2-RC-368, Dec. & Dir. Of E, Vol. 80, page 382
2-RC-1312, Dec. & Ord., Vol. 87, page 627
2-RC-2546, Dec. & Dir. Of E, Vol. 94, page 774
--FYI, Dec = decision, Dir = Direction, E = Election, Ord. = Order
--Tab searched the stacks for these cases and could not find them which, he said, means that they were not kept

NLRB Table of Cases Decided, Vols. 1-74, December 7, 1935-Aug. 21, 1947
GPO:1947
--no listing for Sweets Company of America; no listing in published decision, most likely no case file according to archivist Tab Lewis
--listing for Todd Shipyards Corporation (Hoboken Division):
R-5668, Dec. & Dir. Of E, Vol. 51, page 1211
R-5667, Dec. & Dir. Of E, Vol. 52, page 356
--Tab searched the stacks for these cases and could not find them which, he said, means that they were not kept

Please note: there is no published table of cases decision after 1947, although, for example, Entry 169A covers Selected Taft-Hartley Cases, 1947-1959 (1045 boxes) and Entry 169B covers 1959-60 case files (43 boxes).

You had also asked about regional records; however, the majority of these are dated pre-1939. There is an Entry 163, Selected Regional Case Files: Unfair Labor Practices ("C") Cases Filed 1935-1947. The MLR [master locator record] was very unclear on where these would be located but because I do have the 1939 case numbers (II-C-2467 and II-R-1398), Tab Lewis went to the stacks to try and locate these files but could not find them and believes they have been destroyed.

Recommendations for further research

1. On the advice of Archivist Tab Lewis, consult *Published Decisions of NLRB* to see if there is any listing for the Sweets Company of America. This is available in the Archives Library (does not appear in Library of Congress catalog)

2. I was checking the Library of Congress catalog for information on the NLRB and see that the Law Library has indexes to cases from 1936 through 2004 (*Decisions and orders of the National Labor Relations Board*), although from the listing it is unclear if the collection is complete. I would recommend checking all available indexes through 1960s (or date of your choosing), to see if there might be anything here on the Sweets Company of America.