

<b>DISPATCH</b>		CLASSIFICATION <b>C O N F I D E N T I A L</b>	DISPATCH SYMBOL AND NO. <b>ECMA 53351</b>
TO INFO	Chief, IO (Attn: <input type="checkbox"/> EE, COS/G	<input type="checkbox"/>	HEADQUARTERS FILE NO. <b>200-124-39/3</b> Field File: RLS/559
FROM	Chief, Munich Operations Group	DATE	<b>30 January 1961</b>
SUBJECT	<input checked="" type="checkbox"/> CAMOG/DTDORIC/QKACTIVE/Operations Transmittal of Memoranda	RE: "43-3" - (CHECK "X" ONE)	
		<input type="checkbox"/> MARKED FOR INDEXING	
		<input checked="" type="checkbox"/> NO INDEXING REQUIRED	
ACTION REQUIRED		<input type="checkbox"/> INDEXING CAN BE JUDGED BY QUALIFIED HQ. DESK ONLY	
REFERENCE(S)			
<p>Forwarded under separate cover are two papers which, if not already received through PBAFFIRM, should be of interest to Headquarters.</p> <p style="text-align: center;"><input type="checkbox"/>                      <input type="checkbox"/></p> <p>Attachments: A/s. (UNDER SEPARATE COVER)</p> <p>Distribution:</p> <ul style="list-style-type: none"> <li>2 - IO w/atts (USC)</li> <li>1 - EE w/o atts</li> <li>2 - COS/G w/o atts</li> </ul>			
DECLASSIFIED AND RELEASED BY CENTRAL INTELLIGENCE AGENCY SOURCES METHOD EXEMPTION 3026 NAZI WAR CRIMES DISCLOSURE ACT DATE 2007			
FORM 10-57 (40)	53	USE PREVIOUS EDITION. REPLACES FORMS 51-28, 51-28A AND 51-29 WHICH ARE OBSOLETE.	CLASSIFICATION <b>C O N F I D E N T I A L</b>
		<input type="checkbox"/> CONTINUED	PAGE NO. <b>200-124-39/3</b>

December 12, 1960

Director of Administration, Munich

Assistant to Director of Administration

Rundfunk Union in Deutschen Gewerkschaftsbund - Activities in AGL.

MUN 12, November 25, 1960

MUN 29, December 1, 1960

MUN 7, December 5, 1960

1. This union, of relatively recent origin (1952), is a small group within the Federation of German Trade Unions (Deutscher Gewerkschaftsbund - DGB); note reference to it in Mr. Hopkins's memo to the President of September 2, 1960. Its seat is in Hamburg, legal services office (Rechtsschutzstelle) is in Munich. It has formed regional organizations exclusively of German network employees in all of the present federal states with German network central offices (total of 9). Copy of its by-laws is attached.

2. The Rundfunk Union (RU) plays a dual rôle: it is both a trade union and an interest or pressure group. It represents the interests of its employee-members in their relations with management as well as the interests of the Rundfunk networks as a whole in their public relations. For example, in the current debate surrounding the introduction of the second German television program the RU has, in public statements and petitions, vigorously defended regional (states') Rundfunk prerogatives against federal "infringements" (cf. my memo of October 14, 1960). Thus, the RU appeals to all Rundfunk employees irrespective of their rank and, consequently, it has attracted as members an appreciable number of Rundfunk executives in high management positions.

3. The Rundfunk Union (RU) is, together with the DAG, a partner to all existing Rundfunk tariff contracts. It has more members in German radio networks than the DAG. The RU's total membership is believed to be about 8000 among the approximately 10,000 German Rundfunk employees (including Radio Bremen and Saarbrücken).

Some reasons for employees' preference of RU over DAG: (1) RU takes in as members radio employees regardless of nationality, position, and type of employment (including free-lancers); (2) RU leaves more room for Works Council's activities; (3) RU is specialized on radio networks, most of its regional officers are Rundfunk employees and therefore better able to understand members' problems; (4) RU makes every effort to place unemployed members into new Rundfunk jobs; (5) membership fees are lower than DAG.

4. The activities of the Rundfunk Union (RU) in AGL, which are restricted to the Munich operation, were begun by members of the Munich Works Council - the so-called initiative group; one of them (Wiedemann) is an old-time member. When they learned recently that AGL would agree to negotiations with the German White Collar Workers' Union (DAG) they asked the Rundfunk Union - Bavarian Regional whether it would help them organize a union cell in AGL. The RU is said to have been at first reluctant to the plan because of the special nature of AGL; it agreed eventually but only to counteract the DAG. In fact, the RU is not likely formally to request negotiations with us until we actually begin negotiations with the DAG. Pending this the RU is carrying on its activities in AGL as reported.

5. During its November 30 meeting the AGL-RU cell formally constituted itself; the elected officers: chairman (Krotki), secretary (Wiedemann), and cashier (Stephan). Altogether some 70 of our employees may have joined. That is more than the DAG now has members:

Location	estimated membership	
	DAG	RU
Lampertheim	40	-
Damenstiftstrasse	15	-
Munich Rest	<u>1</u>	<u>70</u>
	56	70

Please note that the DAG has lost members since earlier this year (cf. note dated March 1960 on DAG membership, as revised).

As said earlier present RU members are primarily emigres. Also, "several" Americans and British have joined; we don't know who they are, but we have an indication that they do not occupy important positions.

6. The AGL-RU officers intend to continue solicitation, but to stop short of a total membership of 200 so as not to become an independent local. It is said that especially our active emigres are interested in keeping the AGL group dependent upon the Bavarian Rundfunk local presumably in order to have more strength during the negotiations. RU negotiation will probably be the chairman of the Bavarian Rundfunk local, André, who is at the same a Bavarian Rundfunk employee (editor) and chairman of the Rundfunk works council (Personalrat).

7. Bavarian Rundfunk management says that its relations with the RU are good and that the RU officers are reasonable. Formal tariff negotiations with the RU are conducted always in the presence of the DAG representative in order to save time and avoid disagreement between the two unions.

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8. The information in paras 1,2,3, and 7 above is solidly factual; information in paras 4,5, and 6 may become subject to subsequent clarification and revision.

HWS/rr

Hans W. Schoenberg

Encl.: a/s

cc: Mr. Grunew  
Mr. Moeller

COMMITTEE RELATIONS WITH GERMAN TRADE UNIONS

January 3, 1961

Committee relations with German trade unions began in late 1958 with receipt of a letter from the Hesse Deutsche Angestellten Gewerkschaft (DAG) dated November 14, 1958, alleging union membership of a majority of our Lampertheim staff and inquiring if we were willing to conclude a union contract applicable to our employees in Lampertheim/Hesse. We refused on February 2, 1959 because we were

- (a) under no legal obligation to conclude a union contract, and
- (b) would voluntarily grant more favorable employment conditions than those offered by comparable enterprises.

We felt it was unlikely that our employees would derive benefits from a union contract which they did not already enjoy. We indicated a desire to cooperate with the union and therefore would meet with them for informal discussion whenever convenient.

Apparently DAG did not receive this letter since it repeated its inquiry rather aggressively on April 27, 1959. We replied referring to our previous communication and reiterating our willingness to meet with union officials. DAG then offered to forward a draft contract and proposed a preliminary meeting in Lampertheim in the presence of some of our employees. We made it clear to DAG on June 3 that in our opinion neither German laws nor other considerations called for conclusion of a union contract; consequently no useful purpose could be served if Lampertheim employees attended our meeting with DAG officials.

On July 10, 1959 DAG forwarded a draft of a contract which contained proposed general conditions of employment. It was to cover all Lampertheim employees but assured only union members of an enforceable claim to wages which would be fixed in a separate agreement. DAG suggested a meeting in Frankfurt later that month. We agreed to meet but refused to comment on the draft because of our disinclination to conclude a union contract. We also gave notice that we were negotiating a Works Agreement with our Works Council.

Paul Moeller met with DAG officials in Frankfurt on September 21. He restated our position and pointed out that it had always been ACL policy to grant its staff the most favorable terms possible under budgetary and other operational requirements, wherefore union pressure was unlikely to yield greater benefits for our employees. Consequently we could not perceive how a union contract could benefit our employees or ACL. He implied that only DAG would benefit because it would gain prestige. The DAG officials did not deny this; they asked us to consider a solution on the basis that ACL negotiate conclusion of a Works Agreement with the Works Council and thereafter conclude a union contract incorporating the provisions of the Works Agreement. The union contract would apply only to Lampertheim. We requested a letter to that effect.

Instead of sending us such a letter, DAG again requested negotiations for a union contract on December 8, 1959. We notified the union that we would take up the matter shortly after New Year's.

By letter of February 25, 1960 DAG Bavaria requested contract negotiations. The union advised us that the Munich local now had jurisdiction over Lampertheim; it served notice that Section 59 of the Works Constitution Act would invalidate the Works Agreement which we were about to conclude with our Works Council. In our preliminary reply of March 3rd we expressed our appreciation of trade unions in general, promised careful examination of this request but also announced that in our opinion Section 59 of the Works Constitution Act granted us full authority to negotiate and conclude a valid Works Agreement with our Works Council.

The Bavarian Ministry of Labor came into the picture with a letter in which it offered its good offices in bringing about contract negotiations between the American Committee and the DAG. Paul Moeller met with the responsible official on March 17th and explained that we were willing to meet but would refuse to conclude a union contract. ACL was guided in this respect exclusively by the desire of the majority of its employees, of whom 80% wanted a Works Agreement. Therefore, we were not inclined to conclude a contract which would apply only to a small group but which might deprive the majority of collective bargaining rights. The Munich official agreed that, as long as a majority of employees desired a Works Agreement, this decision would stand.

On June 8, 1960 we were advised by the U.S. Consulate General in Munich that the chairman of the Bavarian DAG had asked it to arrange a meeting. DAG desired to discuss the contract matter on principle. A meeting was held on June 15, 1960 at the U.S. Consulate General, the atmosphere of which was friendly throughout. DAG repeatedly admitted the legality of ACL's refusal to conclude a union contract; at the same time indicating that in the face of our refusal DAG might apply familiar union tactics to accomplish its purpose. Resorts to the courts was discounted, however. Eventually the compromise suggestion was made that one contract with DAG for its members and another contract with the Works Council for non-union employees be concluded. DAG promised to have its legal department examine the compatibility of this proposal with German law.

On July 14, 1960 DAG notified us that, in the opinion of the union's legal staff, these two agreements could not legally exist side by side; consequently, the request for the conclusion of a union contract was renewed.

On September 15, 1960 the Hessian Ministry of Labor informed us that DAG Hesse had asked it to assist in concluding a union contract. It proposed a meeting between the DAG and us under the Ministry's chairmanship. This meeting was held in Frankfurt on October 10, 1960. DAG Munich and DAG Hesse representatives were present and announced that DAG Munich would represent DAG in any negotiations. This meeting took place in a very friendly atmosphere. We restated our position that we were willing to conclude a union contract applicable only to union members, provided that our Works Agreement would remain valid for our non-union employees. We stated that we did not insist on this provision being part of such a trade union contract as long as it was understood and agreed by DAG. We agreed to reply to DAG letter of July 14, 1960 after further study.

On October 28, 1960 we replied to this DAG letter. We communicated a summary of our legal opinion to justify our position that the validity of our Works Agreement would not be affected by the conclusion of a union contract. We informed DAG that we assumed it was interested in safeguarding its members rights to collective bargaining and not in preventing employees, who are not union members, from exercising the collective bargaining rights accorded them by German law. We stated our fullest understanding of the tasks of free trade unions and expressed support of their objectives. We asked DAG to inform us when it would be convenient to begin negotiations.

On December 7, 1960 the Rundfunk Union wrote asking that we begin negotiations for conclusion of a union contract for those of our employees who come under German collective bargaining laws. We replied on December 19th along the lines of our reply to DAG and stated that we were prepared to enter into negotiations with the Rundfunk Union for a union contract to apply to its members who are in our employ.

RJC:eeb