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NOMINATION OF BOYD STEWART LEEDOM, OF
SOUTH DAKOTA, TO BE A MEMBER OF THE
NATIONAL LABOR RELATIONS BOARD



HEARING
BEFORE THE
COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE
EIGHTY-FOURTH CONGRESS
FIRST SESSION

ON
NOMINATION OF BOYD STEWART LEEDOM, OF SOUTH
DAKOTA, TO BE A MEMBER OF THE NATIONAL
LABOR RELATIONS BOARD

FEBRUARY 25, 1955

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HEARING
COMMITTEE ON
LABOR AND PUBLIC WELFARE

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NOMINATION OF BOYD STEWART LEEDOM, OF SOUTH DAKOTA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

FRIDAY, FEBRUARY 25, 1955

UNITED STATES SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D. C.

The committee met at 10 a. m., pursuant to notice, in room P-63 of the Capitol, Senator Lister Hill (chairman of the committee) presiding.

Present: Senators Hill (presiding), Neely, Douglas, Lehman, McNamara, Smith, Ives, and Goldwater.

Present also: Stewart McClure, staff director of the committee; and John S. Forsythe, counsel to the committee.

Chairman HILL. The committee will come to order.

This morning the committee will proceed with the consideration of the nomination of Judge Boyd Stewart Leedom, of South Dakota, to be a member of the National Labor Relations Board.

We will insert in the record at this point a short biographical sketch of the nominee.

(The biographical sketch is as follows:)

Legal residence: Rapid City, S. Dak., since 1929.

Official residence: Pierre, S. Dak.

Age: 48; born September 28, 1906.

Place of birth: Alvord, Iowa.

Marital status: Married December 29, 1927, to Irene Robertson of Rapid City, S. Dak. They have one son, 23, and two daughters, 17 and 8 years of age.

Early history: Came with his parents to western South Dakota in 1907, where the family settled on a homestead and his father, who was a country editor, ran a small newspaper, actually a homestead proofsheet. Has resided in South Dakota continuously until the present time, with the exception of about 2½ years spent in the Navy during World War II.

Education: Educated in elementary and high schools in South Dakota; pre-legal education in Black Hills Teachers College, Spearfish, S. Dak.; LL. B., University of South Dakota, 1929.

Experience and activity: From law school entered the practice of law in Rapid City, S. Dak. Engaged in general practice alone for about 5 years, then became a member of the law firm of Denu, Philip & Leedom in Rapid City, in which he continued to engage in general practice. Served as referee in bankruptcy for about 3 years. Became city attorney, Rapid City, S. Dak., in 1934 and served in that capacity for about 10 years, while continuing the general practice of law.

Served one term in the State senate, 1949-51, and was an unsuccessful candidate for the Republican nomination for Governor in the 1950 primary election. Was appointed by the Governor to a vacancy on the Supreme Court of South Dakota, the court of last resort in the State, in 1951. Was elected for the balance of the unexpired term on the court in November 1952, and reelected for a full 6-year term in 1954.

On assignment by the National Mediation Board, sat as a neutral member or referee with the National Railroad Adjustment Board in about 40 railway labor disputes in 1954, closing up the last of these cases in January 1955.

Has been active in church and civic affairs in the communities in which he has lived.

Organizations: Member of the South Dakota State Bar and American Bar Association; American Legion.

Religion: Methodist.

Political affiliation: Republican.

Chairman HILL. I notice we have our two good colleagues, Senator Mundt and Senator Case here with us this morning, and also Congressman Berry, of South Dakota. We are delighted to hear you. Would you proceed in any way you see fit.

STATEMENT OF KARL E. MUNDT, A UNITED STATES SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator MUNDT. Mr. Chairman, we are simply here to let the committee know that we are all very proud of the appointment which has been tendered to Judge Boyd Leedom. Judge Boyd Leedom is a remarkable young man of our State. He is 49 years old and he has been a justice of our supreme court for a number of years, following a very successful career as a lawyer out in Rapid City, S. Dak., which is the second largest city of our State.

We think he is a most fortunate selection because Judge Leedom brings to the National Labor Relations Board a judicial temperament, a realistic approach to the problems of life, and an excellent absence of prejudice of any kind on the subject matter which will come before the Board.

Judge Leedom comes from a State where the controversial problems which understandably sometimes develop between capital and labor are happily absent, because we have no large industrial institutions, and consequently we have no great labor organizations. The kind of problems that develop are problems which he has never had presented to him and on which he has not established any opinions and prejudices which might bother a judicial approach to the problems coming before the Board.

Indicative, it seems to me, of the high respect in which Judge Leedom is held is that immediately after his appointment was announced, Mr. Albert Maag, the president of the American Federation of Labor in South Dakota, which works and has for a long time on a merger basis with the CIO out there because it is the prevailing and predominant organization of labor in our State, issued voluntarily to the Associated Press and the United Press a statement paying high tribute to Judge Leedom. The same was done by the local labor council in his home town of Rapid City. At the same time the newspaper editors of the State were unanimous in saying that this was indeed a most fortunate choice.

I know you want to interrogate him, and I am simply here to say, as one humble Member of the Senate, we are mighty proud of this young man and we think he will be a mighty fine, objective addition to the National Labor Relations Board.

Chairman HILL. Thank you, Senator.

Senator Case, may we hear from you?

Senator NEELY. I wish to ask Senator Mundt a question.

Senator Mundt, I notice in an excerpt from a paper that was given me, that the labor organization of South Dakota has endorsed the

judge. I would like to ask whether this State association is affiliated with either the AFL or the CIO?

Senator MUNDT. Yes, it is. Mr. Maag is the president of the State AFL, and he has been for a great many years. But long before the AFL and the CIO merged at the upper levels in our State, what CIO labor there was worked in complete harmony with Mr. Maag's labor council, because as I say it is not essentially an industrial State or labor State; but they do have many local unions and some of the local CIO groups work with Mr. Maag's organization.

Chairman HILL. Senator Case, will you proceed?

STATEMENT OF FRANCIS CASE, A UNITED STATES SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator CASE. Mr. Chairman and members of the committee, it is a distinct pleasure for me to commend to your favorable consideration the nomination of Hon. Boyd Leedom, presiding judge of the State Supreme Court of South Dakota, for confirmation as a member of the National Labor Relations Board.

Judge Leedom is a man of the highest integrity and of great legal and judicial ability. He possesses a friendly personality that will serve him and his country well while performing the responsibilities of a member of the Board that deals with the complex and human problems in labor-management relations.

Reference has already been made by my senior colleague to the statement by Mr. Maag. I think that that was unusual enough that it warrants being placed in the record, and I should like to read just a couple of sentences.

Chairman HILL. Without objection, the entire story will go in the record; but you may read whatever part you see fit.

Senator CASE. Mr. Maag said:

Usually persons named for a position of this nature are selected from the highly industrialized States. In Mr. Leedom we have a person whose honesty, integrity, and impartiality cannot be questioned. He is a man of outstanding character, and fair in his dealings in our everyday life.

Harold Irish, who is the vice president of the State Federation of Labor and lives in Rapid City, Mr. Leedom's hometown, says: "I vouched for his integrity."

Then for myself I want to say this in addition: I have known Judge Leedom for more than 25 years. I have seen him under stress. I have never known him to be small or mean. He has enjoyed the confidence of people around him to a remarkable degree. May I give you one quick illustration?

In his hometown of Rapid City, S. Dak., where he practiced law for more than 20 years before going to the supreme court, Judge Leedom was known as an active layman in the Methodist Church. He was a member of the board of trustees for the hospital originally sponsored by the Methodist Church.

After he moved to Pierre, the State capital, he continued in his affiliation with the Methodist Church—but so broad are his sympathies and so general is the respect in which he is held that he was asked to serve on the board of trustees for the Catholic hospital in Pierre. And he has so served. The last I knew he was vice chairman of the board for St. Mary's Sisters Hospital in Pierre.

I do not know the exact origin of Judge Leedom's appointment to the National Labor Relations Board, but when I first heard of it as a possibility, I said, "There is an appointment that will be a credit to South Dakota and to the Nation."

So, I commend him to you without any reservation whatsoever. He does not come as a representative of, or advocate for, any special interest, class, or group. He has been an honest and upright judge. He will make a worthy and respected member of the National Labor Relations Board.

Chairman HILL. Are there any questions?

Thank you, Senator Case.

(The newspaper item is as follows:)

SOUTH DAKOTA LABOR LEADERS APPLAUD CHOICE OF LEEDOM FOR NLRB

PIERRE (AP).—A. J. Maag, Huron, president of the South Dakota Federation of Labor, said today: "Boyd Leedom's appointment to the National Labor Relations Board came as a surprise to us in the labor movement of South Dakota.

"Usually persons named for a position of this nature are selected from the highly industrialized States," Maag said.

"In Mr. Leedom we have a person whose honesty, integrity, and impartiality cannot be questioned.

"He is a man of outstanding character and fair in his dealings in our everyday life."

Harold Irish, Rapid City, vice president at large of the State Federation of Labor, said "I vouched for his integrity."

Leedom was nominated to the NLRB Tuesday by President Eisenhower and must be approved by the Senate.

Chairman HILL. We will have Congressman Berry.

STATEMENT OF HON. E. Y. BERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Congressman Berry. Thank you, Mr. Chairman and gentlemen of the committee, I do not have too much to add except to say that Judge Leedom was born and spent all of his life, I think, in my congressional district. I have known him for 35 years.

I just want to endorse heartily the things that these two Senators have said about the high ability and the high integrity of Judge Boyd Leedom.

Thank you.

Chairman HILL. Thank you; we appreciate that.

Will you come around and have a seat, please, Judge?

Is there anything you would like to say about yourself to give us a little information? I believe we have your biographical sketch. Is there anything you would like to add to this, or would like to say?

STATEMENT OF BOYD STEWART LEEDOM, OF RAPID CITY, S. DAK., NOMINATED TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

Judge LEEDOM. Gentlemen, I think the complete story is there. There are details that could be added.

Chairman HILL. You were born down in Iowa, I believe?

Judge LEEDOM. I was born in Iowa. At the age of 8 months the family moved to western South Dakota where my father homesteaded,

and I have spent my entire lifetime from 8 months on in South Dakota. That is, except for 2½ years that I served in the Navy.

My Navy service was uneventful. I was here in Washington with the Bureau of Aeronautics for nearly the complete period. Then I went back to my general practice in South Dakota.

Chairman HILL. Was your practice pretty much of a general nature?

Judge LEEDOM. A very general nature, and I think perhaps most of you gentlemen would say that I was a country lawyer. Out there we think Rapid City is a pretty big city.

Chairman HILL. You did not specialize in representing either corporations, on one hand, or labor on the other hand?

Judge LEEDOM. We did not. We took any case where the client had any money and the case seemed to be an honorable case. It made no difference from what phase of the economy it came.

Chairman HILL. Have you had any experience in any matters dealing with labor-management relations?

Judge LEEDOM. You might say none dealing directly with labor-management relations. The thing that would come closest perhaps is the experience I had on an assignment with the National Railway Labor Adjustment Board, sitting as a neutral arbitrator in Chicago last year. I sat on about 40 labor disputes in the railway industry.

Chairman HILL. How were you selected for that assignment?

Judge LEEDOM. That assignment came from the National Mediation Board here in Washington.

Chairman HILL. You sat as the determining man on the case, did you not?

Judge LEEDOM. That is right, sir. The neutrals are called in only when the regular members deadlock. There are 5 members of the regular Board from labor, and 5 from management, and when they deadlock on cases they call in neutrals; and it seems to be a rather common practice to assign State court judges as neutrals. I had such an assignment.

Chairman HILL. Did your decisions have to be acted on by the National Mediation Board?

Judge LEEDOM. No, sir. Our decisions, except to be taken into court, are final on the National Railway Adjustment Board.

Chairman HILL. Are they taken into the Federal court?

Judge LEEDOM. They go into the Federal court. I mean the award; if the award is not executed, action can be taken in the Federal court to have the award executed.

Chairman HILL. You go there to get an injunction?

Judge LEEDOM. You can go there and get an injunction or you can go there and get affirmative action on the award.

Chairman HILL. Were most of your decisions carried out without having to go into Federal court?

Judge LEEDOM. They all were, sir, so far as I know.

Chairman HILL. In other words, there was no Federal court action requested after your decision, sir; is that correct?

Judge LEEDOM. That is correct.

Chairman HILL. Are there any other questions, gentlemen?

Senator SMITH. I would like to ask one question.

Judge Leedom, I notice that you were elected for the balance of the unexpired term on the court in November of 1952, and reelected

for the full 6-year term in 1954. I assume, then, you plan to resign from the court if you get this appointment?

Judge LEEDOM. That is my plan, sir. If I am confirmed, I plan to resign.

Senator SMITH. I have no other questions, Mr. Chairman.

Senator NEELY. Judge, while the committee was investigating the qualifications of Albert C. Beeson for an appointment, he was asked whether he approved or disapproved of the manner in which Robert Denham, the General Counsel for the Labor Board, had prosecuted the International Typographical Union. He answered in effect that he felt that when the union refused to abide by the decision of the Board and went into court to contest that decision, it was in rebellion, in effect, against the Government.

From what I see before me, I do not think you have any such ideas as that, but I want to make sure about it.

Do you feel that any group that has a controversy before the Board under the Taft-Hartley law would in effect be rebelling against the Government if it appealed from your decision to the courts, on the law of the land?

Judge LEEDOM. No, sir.

Senator NEELY. I would not think so. Frankly, if you did, I could not vote for you. I just wanted your answer in the record about that. I do not think anybody but Mr. Beeson will ever say that, and I did not think you ought to say it. I did everything I could to prevent his nomination. If you had that view, I could not vote for you, and I am glad to hear that you do not have that view.

Chairman HILL. Have you any questions, Senator?

Senator DOUGLAS. I think the judge should be congratulated for his very frank statement that his 2½ years spent in the Navy were uneventful.

Chairman HILL. That is praise from Caesar, because the distinguished Senator from Illinois was out in the Pacific with the Marines.

Judge LEEDOM. I understand.

Senator LEHMAN. I have no questions.

Chairman HILL. Senator Goldwater?

If there are no further questions, then, we are very much obliged to you.

The committee will go into executive session.

(Whereupon, at 10:20 a. m., the committee adjourned.)



