



Taft-Hartley Law Exposed!

By J. ALBERT WOLL and HERBERT S. THATCHER
(Members of the law firm of Padway, Woll, Thatcher, Glenn and Wilson, serving as general counsel for the American Federation of Labor)

This is the fourth of a series of articles to be published by the AFL Weekly News Service in refutation of an article appearing in the Saturday Evening Post which praised the Taft-Hartley law to the skies. Author of the Post article was J. Mack Swigert, law partner of Senator Robert A. Taft—enough said:

NO. 4—THE "SO-CALLED 14 PRIVILEGES" OF THE TAFT-HARTLEY LAW (Continued)

2. "Protection from Union Threats and Violence"
This section of the Post articles discusses the new "right" set forth in the law, namely, the right of employes to refrain from any and all union activities and from joining a union. The author states that this gives individual employes full freedom of choice and prevents "roughneck" intimidatory tactics by union representatives forcing employes to join unions against their will. This is said to equalize the protections against interference with freedom of choice by either the employer or the union.

The fact is that for every instance of any intimidatory tactic by a union representative there were a thousand instances of intimidatory or coercive practices by employers who, as shown by the LaFollette Committee reports, in addition to wholesale use of their weapon of discharge, in many instances expended thousands of dollars to fight unionization, maintained arsenals, and carried on their payroll armies of vigilantes and labor spies. To speak of equalizing protections against interference with choice is preposterous.

Further, the record does not show that local police or local peace laws are inadequate to cope with the isolated instances of physical intimidation cited by the article as justification for the newly granted "rights."

For these reasons it can only be concluded that the real purpose behind the so-called protection against union interference with the right not to join a union is designed primarily to drive a moral and psychological wedge between the worker and the organization established for the mutual aid and protection of workers. Further, the broad language of the restriction which prohibits unions from "restraining" or "coercing" employes in the exercise of the right not to join may well lead to board or court determination that customary and peaceful organizing practices of unions are forbidden.

3. "Ouster of Unsatisfactory Union"

The third "privilege" bestowed upon workers is asserted to be the privilege of employes to get rid of any union which they do not like by the filing of decertification petitions. The fact is that this privilege existed under the old Wagner Act. Employes dissatisfied with one organization could, and in thousands of instances did, select another organization, independent or nationally affiliated, and at the end of the contract period obtained an election and made the change. To charge, as does the Post article, that this was impossible in closed-shop situations ignores the doctrine of the Rutland Court case previously mentioned under which the old board had ruled that no employe could be discharged under a closed shop simply because of his desire to change his union affiliation.

It is greatly significant that the new law seeks as an end result the ousting of unions and the discontinuance of existing collective bargaining relationships. This purpose, directly opposite to the purpose of the original Wagner Act which encouraged such relationships as a means of achieving worker protection and industrial peace, is evidenced not only by the decertification provision but also in other sections of the act.

For instance, under the new law an employer can now petition and obtain an election whenever any individual claiming to represent 30 per cent or more of the employes asks for bargaining rights. Thus, the timing of elections can very easily be deter-

mined by the employer and not by the petitioning union through the simple expedient of having some individual, acting as an employer stooge, claim bargaining rights on behalf of some group of employes, whereupon the employer files the petition even though the bona fide union attempting to organize the plant is not ready for an election. If a "no-union" vote results, another election cannot be held for 12 months, and thus organization can be forestalled for indefinite periods.

Another very outrageous example of how existing bargaining relationships can be discontinued is seen in the section which prohibits striking employes from participating in elections. Suppose a union which has been duly certified as exclusive representative for employes calls a perfectly valid strike as, for instance, in protest against employer breach of an existing contract or in protest over a wage cut, and the employers breach of an existing contract or in protest over a wage cut, and the employes unanimously respond to the strike call. Under the act the employer is free to hire scabs to replace the striking employes. These scabs can then claim bargaining rights and the employer can demand an election. In any such election the employes out on a legitimate strike are forbidden to vote, and thus at any time that a strike is called the employer can use the strike for the purpose of terminating a previously existing bargaining relationship. Again it is clear that any Congress which had in mind the encouragement of the collective bargaining relationship and the protection of employes in their economic struggle for better wages and hours could not have inserted in the law the various methods to forestall or extinguish bargaining relationships. If it is a privilege to return to the era when workers tried to bargain on an individual basis, in majestic, if poverty-stricken, aloofness from fellow employes, then the Taft-Hartley law does confer privileges, and the workers of this country, "as unknown heirs," have received their "legacy."

NLRB DECISION FAVORS FEDERAL LABOR UNION

Washington, D. C.—The National Labor Relations Board rendered its first decision affecting a Federal Labor Union, chartered directly by the American Federation of Labor, in the AFL's favor.

The board ordered two challenged ballots to be counted to determine the results of a collective bargaining election among employes of the Blue Star Airlines, Inc. Rio Grande, N. J. AFL President William Green and Secretary-Treasurer George Meany paved the way for board action in the matter when they signed the non-Communist affidavits required by the Taft-Hartley law. They acted following the decision of the AFL convention to designate them as the only officers of the AFL and to strip the AFL Executive Council members of their status as AFL vice-presidents.



Merry Christmas to all

EVERY holiday has its significance, but none can compare with Christmas. It is the one time of the year when self-seeking gives way to selflessness, and all are united in one common attitude of good will towards our fellowmen.

INDUSTRY IS WARNED ON ANTI-LABOR LAW

New York City.—Dr. George W. Taylor, professor of industry at the Wharton School of the University of Pennsylvania and a former member of the War Labor Board, warned that industry as well as labor may be harmed by the Taft-Hartley law.

Dr. Taylor's warning came in an address to the recent convention of the National Association of Manufacturers before which many speakers rose to praise the law and the successful efforts of the NAM in assuring its passage.

Taking a slightly different approach to an analysis of the law, Taylor asserted that it may turn out to be "a restriction of the collective bargaining rights of both employes and employers."

Under the law, he said, the government "assumes a greater responsibility for controlling industrial relations than ever before seemed necessary."

"Since political power rather than economic power now becomes the final arbitrator, the new labor policy as it evolves may prove to be more detrimental to industry than to organized labor," Taylor asserted.

FOOD CO-OPS BEAT CHAIN STORE PRICES IN EAST

New York City.—Food co-operative stores are competing successfully with the large food store chains in the east. This was revealed in a shopping comparison in four eastern cities.

In Boston, the co-op bill was ten cents less than the chain store bill. In New Haven the co-op total was 20 cents less. In New York the co-op was five cents behind the chain and in Washington the totals were the same.

GREEN ENDORSES MARCH OF DIMES DRIVE; URGES AFL SUPPORT APPEALS FOR AID

Washington, D. C.—AFL President William Green endorsed the coming annual drive for funds to be launched by the National Foundation for Infantile Paralysis.

Commenting upon the well-known March of Dimes campaign, Mr. Green, in a letter to all unions and state federations of labor affiliated with the AFL, said the "working men and women of the nation are conscious of the fact that this is a most worthy cause and is deserving of the support of all classes of people."

The March of Dimes drive for 1948 will get under way on January 15 and end on January 30, the birthday of the founder of the Foundation for Infantile Paralysis, the late President Franklin D. Roosevelt. The campaign is under the direction of the Franklin Delano Roosevelt Birthday Memorial Committee.

In his letter urging support for the fund's appeal, Mr. Green emphasized that contributions made by working men and women will help care for the victims of infantile paralysis in homes of other members of the trade union movement. He added:

"I commend this worthy cause to your favorable consideration and urge that all organizations affiliated with the American Federation of Labor, as well as the individual members of the American Federation of Labor, contribute in as large a way as possible to the appeal for funds for the National Foundation for Infantile Paralysis, Inc., which is being made by the Franklin Delano Roosevelt Birthday Memorial Committee."

USES REPORTS 528,000 JOB PLACEMENTS; OCTOBER PEAK MONTH FOR VETERANS

Washington, D. C.—Job placements in non-agricultural occupations made by public employment agencies totaled 528,000 during October, the United States Employment Service announced.

Of this total, veterans were placed in 179,300 jobs, a new peak for the year. Handicapped persons numbering 30,800 were placed in jobs during the month, the USES report said.

"The favorable labor market conditions which prevailed in October were reflected in employment service activities. The reports received from 1800 local offices of the State Employment Services showed significant gains in counseling interviews and employer visits."

"Counseling interviews rose 13 per cent over September to 113,000. Counseling interviews with veterans rose 9 per cent amounting to 60,200. The volume of employer visits increased sharply in October, rising 10 per cent over September. Employer visits in October totaled 209,600—the highest postwar level."

"Non-agricultural placements showed a slight decline following September's unusually large increase, but continued at higher levels than at any other time during the year."

"Placements in construction continued upward to 73,400, a new postwar high. All occupational categories of workers, except the unskilled, registered placement gains, with professional and managerial showing the largest relative increase. Placements of service workers (118,400) topped all previous levels in the postwar period. Placements of clerical and sales workers (56,200) and skilled workers (36,000) were the highest of the year."

ILGWU "ADOPTS" 62 WAR ORPHANS

New York City.—The AFL's International Ladies Garment Workers Union, Local 62, voted to "adopt" 62 war orphans in European countries.

Louis Stulberg, manager of Local 62 and a vice-president of the ILGWU, announced that the union decided to give \$18,600 to provide for the care and feeding of the group of children for a year.

More than 800 members of Local 62 endorsed the program when it was recommended by the union's executive board at a meeting here. Local 62 is the ILGWU's undergarment and negligee workers' unit, whose more than 17,000 members are virtually all women.

The money, according to the current plans, will be raised through voluntary contributions by Local 62 members, with the union guaranteeing that the full sum will be forthcoming. The money will be distributed in Italy, France and other countries through relief agencies, the union said, adding that it will go to maintain children's homes already set up to care for orphans.

Local 62 pointed out that its members will keep in personal touch with the children benefiting by their efforts. The plan, described as the first mass program of its kind, requires \$300 a year to provide for each child.

SEASONAL FARM DECLINE CAUSES EMPLOYMENT DROP

Washington, D. C.—Civilian employment dropped 609,000 to 58,594,000 in November because of a seasonal decline in farm work.

The Census Bureau reported the total was the smallest since last May. Non-agricultural employment, however, rose 26,000 to a record of 50,609,000.

SURVEY REVEALS INDUSTRY FAVORS OLDER WORKERS FOR LOYALTY, PRODUCTION

New York City.—Encouragement for America's older workers is provided in a report stating that they are considered by industry to be more loyal, absent less, and just as productive as younger employes.

This was the conclusion reached in a report of a survey conducted by a New York State Joint Legislative Committee on Problems of the Aging.

Investigators for the committee begin their study two months ago with the knowledge that in about 30 years half of America's citizens will be over 45. Fifteen per cent will have passed the 65 mark. Acute medical, social and economic problems will result from this state of affairs. Through the committee, New York State is now preparing the answers to future questions, the report indicates.

In the study a thousand employers responded to questions. Large and small, they reached the overwhelming conclusion that old employes—from a dollars-and-cents point of view alone—are an asset and not a liability. They found old persons more experienced, more conscientious and distracted than younger workers.

The committee found that three out of four employers queried believed older workers produced as much as younger ones; only one out of eight thought youth had the edge when it came to productivity. Seventeen per cent thought the oldsters were more loyal and conscientious than the younger employes, while 80 per cent termed the former as loyal.

In the face of findings like these the report says, "the big job ahead is for industry to do a personnel engineering job on its older workers so it will know exactly what kinds of jobs the elderly can perform best. This involves not only scientific testing of old folks but also a breakdown of the duties of the thousands of different jobs in industry."

For its immediate objectives the committee will seek to discover to what extent industry discriminates against the aged and to single out the possibilities for encouraging the development of private pension systems. It will also look into the possible need for revising the workmen's compensation law to encourage the hiring of older persons.

TRACY URGES ACTION TO GET VOTES IN '48

Chicago.—Dan W. Tracy, president of the AFL's Brotherhood of Electrical Workers, urged political action and an intensified drive for new members as the means of insuring defeat of labor's foes.

Speaking before a regional meeting attended by over 300 representatives of the union, Mr. Tracy concentrated on these two major appeals for future action:

1. The best way to fight the Taft-Hartley Act is to organize more vigorously than ever before. "Let's push a drive for political action." "Every member of our organization should register so as to be qualified to vote in the 1948 election." The IBEW chief-tan declared. "Get your friends and members of your families to register, too."

"If we keep building our organization and if we turn out solidly at the polls in 1948, we will give the enemies of labor an answer they will never forget," Tracy said.

Delegates thunderously cheered Tracy and laid plans to achieve these goals in their home communities.