Green Endorses Truman Measure

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lems, while the opposition of labor—which opposed it—was based upon a practical and experimental knowledge of said problems.

Free collective bargaining and sound labor-management relationship is a large part of the basis upon which a sound national economy rests. When the exercise of this right is denied either to labor or management, by legislation or otherwise, the national economic structure is seriously affected. Labor cannot be reconciled by merely telling it that legislation which it knows to be bad is good for it. Why should labor be denied the right to engage in free collective bargaining and to negotiate an agreement with employers, acceptable and satisfactory to both? The Taft-Hartley law makes it a crime for labor and management to do this. This one feature in the Taft-Hartley law has created widespread bitterness, resentment and even rebellion among the membership of organized labor throughout the nation. The resentment of labor in the United States to the Taft-Hartley law is as uncompromising and rigid as was the opposition of our forefathers, the colonists, to Great Britain when it imposed upon them government without representation, and to the working men and women of Great Britain when Parliament passed the Trades Disputes and the Trades Union Act of 1927. Therefore, may I appeal to this committee, to the members of the Senate and to the Congress of the United States to decisively repeal the Taft-Hartley law in its entirety.

I respectfully supplement this request by urging you on this occasion to re-enact the Wagner Act with amendments which would be constructive and acceptable. Such action should provide for a minimum of interference on the part of the government in management-labor relationships and in collective bargaining.

At a recent meeting of the Executive Council which was concluded on February 8, careful and analytical consideration was given to each section of Senate Bill 249. This was followed by unanimous approval of each section of said bill, including Title II—Mediation and Arbitration which provides for the re-establishment of the United States Conciliation Service in the Department of Labor. For more than 30 years the Mediation and Conciliation Service was an integral part of the Department of Labor. The Mediation and Conciliation Service made an excellent record during all those years in preventing industrial disputes and in the settlement of industrial controversies through mediation and conciliation. Labor feels that the Department of Labor is really the clearing house for industrial problems and is firmly convinced that all agencies having to do with labor problems, labor controversies and labor-management relations should be located within the Department of Labor. Labor deplored the action taken when the Mediation and Arbitration Service was created as an independent agency. It now appeals to Congress to return it to the Department of Labor.

I assure you, in approving this bill, the Executive Council was moved by a deep consciousness of tis obligations to serve the public interest, to promote labor-management co-operation, and to establish and maintain free collective bargaining, all of which is essential to the preservation and maintenance of a sound national economy. I therefore express to this committee and to the members of the 81st Congress the definite approval of the American Federation of Labor of Senate Bill 249 with the following slight amendments which are as follows:

Section 105 of the present bill, pages 4 and 5, purports to eliminate the further exercise of board and federal court jurisdiction in all matters in which the jurisdiction of the board or of the federal courts has been or could have been invoked under the Taft-Hartley Act, unless jurisdiction in such matters is retained in the board or federal courts by the provision of the present bill.

The language of this section, however, could be made more expressive of this intent to remove liabilities imposed by the Taft-Hartley Act. As written this section bars actions or proceedings under the "National Labor Relations Act, as amended by the Labor-Management Relations Act, 1947." (The Taft-Hartley Act.) The Taft-Hartley Act. however, contains five titles. Only Title I amended the earlier National Relations Act. Thus, as presently written, the bill would bar only those actions or proceedings authorized under Title I of the Taft-Hartley Act. It would, not for example, bar actions or proceedings instituted under Titles II and III of the Taft-Hartley Act, such as civil damage suits against labor organizations, injunctions in national emergency cases or criminal prosecution against labor organizations and their officers for violation of the ban on union contributions and expenditures made in connection with federal elections. Such damage suits and criminal prosecutions are presently authorized by Title III of the Taft-Hartley Act. Injunctions in national emergency cases are presently authorized by Title II of that act. I suggest that the provisions of Section 105 of the present bill be clarified so as to leave no doubt that not only Title I, but Titles II and III of the Taft-Hartley Act, are embraced within the language of Section 105.

I should like to call the committee's attention to another clarifying change that should be made in Section 105 of the present bill. The exact language of this section cancels the jurisdiction only of the board and federal courts to entertain certain proceedings authorized by the provisions of the Taft-Hartley Act. Section 303(a) of the Taft-Hartley Act, however, makes it unlawful for any labor organization to engage in certain types of secondary boycotts and jurisdictional disputes and Section 303(b) authorizes any person injured in his business or property by reason of any violation of Section 303(a) to sue, not only in the federal courts, but "in any other court having jurisdiction of the parties" (which would seem to include state courts) and to recover damages and the cost of the suit.

Since it appears most likely Section 105 of the present bill intended to foreclose all liability imposed by the Taft-Hartley Act and enforceable in any court, federal or state, the provisions of this section should be made more definite by express language embracing within its coverage damage suits instituted in state courts or "in any court having jurisdiction of the parties."

Section 405 of Title IV of the present bill, pages 21 and 22, states that the provisions of Titles II and III of the bill shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended.

It is quite evident that the sponsors of the present bill, in proposing Section 405 were of the opinion that the National Labor Relations Act, as it existed prior to its amendment by Title I of the Taft-Hartley Act, eliminated from its coverage individuals employed by an employer subject to the Railway Labor Act. Because of this, and since Title I of the present bill is a reenactment of the original National Labor Relations Act, with certain amendments, it was, no doubt, felt unnecessary to extend the proviso of Section 405 to Title I of the present bill.

The National Labor Relations Act, prior to its amendment by the Taft-Hartley Act, however, did not by any express language exempt from its provisions individuals employed by an employer subject to the Railway Labor Act. Such exemption was, of course, not necessary since the National Labor Relations Act did not contain any unfair labor practices on the part of labor organizations or employes.

It is suggested, therefore, that it be made definite in the present bill that individuals employed by an employer subject to the Railway Labor Act are completely exempted from the coverage of the present bill.

Section 108 of the present bill, pages 10 and 11, makes it an unfair labor practice for "an employer or a labor organization" to terminate or modify a collective bargaining unless a 30-day notice of termination or modification is given to the United States Conciliation Service. The notice required of a labor organization is no notice to an employer, but to a governmental body. Clearly this section is designed to aid and assist the United States Conciliation Service in carrying out the purposes of its being, as set forth in the Title II of the present bill. That being the case, the severe penalties that may attach to an unfair practice should not be made applicable to a failure to give the 30-day notice (which failure, by the way, may be unintentional, but nevertheless punishable). Under the present wording of the section, it might be possible for the board to order cessation of the strike engaged in without such notice, or to penalize the strikers as by condoning their discharge.

I am of the opinion that the purposes of Title II, "Mediation and Arbitration," the United States Conciliation Service, of the present bill can best be carried out if Section 108 of Title I is eliminated entirely as an unfair labor practice and it is made a matter of "public policy" under Section 204 of Title II of the present bill that a 30-day notice be given of an intention to terminate or modify a collective bargaining contract. I am certain that labor organizations affiliated with the American Federation of Labor will be happy to co-operate with the United States Conciliation Service by giving this notice and that it is entirely unnecessary to force the giving of this notice by making a failure to do so, an unfair labor practice.

While there is no objection to the requirement that notice be given it would appear that the possible penalties are entirely too drastic for what might be mere inadvertence. Accordingly, if Section 108 is not removed as an unfair labor practice, as suggested, this section should be amended to provide that failure to give such notice shall subject the offender to a cease and desist order requiring only the giving of notices then and in the future.

Concerning myself with the language of Section 108, as now written, I believe it needs clarification. It makes it an unfair labor practice "for an employer or a labor organization" to fail to give the required notice. It thus appears that the penalties of an unfair labor practice will attach to both parties even in a situation where both parties got together and by mutual agreement and without industrial disturbance modified a collective bargaining contract or terminated one by entering into a new agreement, but failed to notify the United States Conciliation Service 30 days beforehand. I doubt very much that the sponsors of the bill desire section 108 to be applicable in such a situation.

Section 204 of the present bill, pages 14 and 15, places a "duty" on employers and employes to exert every "reasonable effort" to make and maintain collective bargaining agreements for definite periods of time concerning (1) rates of pay, hours and terms and conditions of work; (2) adequate notice of desire to terminate or change such agreements; (3) abstention from strikes, lockouts or other acts of economic coercion in violation of such agreements; and (4) procedures for the peaceful settlement of disputes involving the interpretation or application of such agreements. It also imposes the "duty" of participating "fully and promptly" in meetings undertaken by the United States Conciliation Service to aid in settling disputes.

The purpose of this section is to encourage making and maintaining of collective bargaining agreements containing the four provisions enumerated above and to aid in the settling of labor-management disputes. This is a commendable purpose. Such objective should be sought however by the voluntary and co-operative action of parties to collective bargaining agreements. It should not be imposed by government compulsion.

There s danger that the term "it shall be the duty," appearing in Section 204, lines 15 and 16 of page 14 of the bill, might be deemed to make the specified duties mandatory in nature and so authorize injunctions or damage suits in state or ever federal courts in case of failure to perform such duties. This construction would involve the possibility of injunction suits in early stages of negotiations and even a possibility of compulsory arbitration. I do not think that that is the intention of the sponsors of the present bill.

I therefore suggest that the phrase "it shall be the duty of employers and employes and their representatives" be eliminated from Section 204 of the present bill and that the first four lines of Section 204 (lines 13 to 17 inclusive on page 14) be redrafted to read that it is the "public policy" of the United States, in order to prevent or minimize labor "public policy" of the United States, in order to prevent or minimize labor disputes affecting the free flow of commerce or threatening consequences injurious to the general welfare that employers and employes and their representatives "should" do the things enumerated in Section 204(a) and (b).

Section 205 of the present bill, pages 15 and 16, states it is the public policy of the United States that a collective bargaining agreement "shall" provide procedures for the referral of disputes, growing out of the interpretation or application of the agreement, to final and binding arbitration. This section is expressive of public policy only and apparently is not designed to place a mandatory duty upon parties to an agreement to provide therein the procedures mentioned. To make this more certain, I suggest that the word "shall" contained in the third line of this section (line 10, page 15) be changed to "should."

Sections 301, 302 and 303 of the present bill deal with national emergency work stoppages. I have examined these sections and the other sections of the present bill and am happy to find no language, which in my opinion, provides for the use of injunctions in these emergency work stoppages. My views concerning the use of injunctions in labor disputes are well known. Those I represent are unequivocally and adamantly opposed to their use in such situations and if the present bill contained a provision for the use of injunctive sanctions in these emergency work stoppages, we would oppose it with all the force and vigor at our command.

If these suggestions are adopted and the bill is passed, I believe Congress will have established the foundation for a national labor policy based primarily on faith in the free collective bargaining process as the principal means of achieving industrial peace and economic stability with a minimum of federal interference or interjection into realms more properly supervised by local authorities. The bill will encourage collective bargaining instead of pretending to do so while actually discouraging collective bargaining and sponsoring individual bargaining as did the Taft-Hartley Act. It was because of this attempt to promote diametrically opposed theories that the Taft-Hartley Act was bound to fail.

I hope that this committee will give serious consideration to the foregoing suggestions. If the chairman or the committee members have any questions, I will be glad to answer them.

The Bible is not only the world's best seller, but is also the world's best read book.

Millions of people read it daily. Are you among them? Thrice happy is the person who reads, believes, and practices it.

"Faint not—fight on! Tomorrow comes the song."