Sp Files: Jan 4, 1960
Wash DC

Address by Senator Hubert H. Humphrey

before the

Greater Washington Central Labor Council

January 4, 1960

Since the Congress adjourned in August of last year, I have had the privilege of meeting with a good number of trade unionists in many states throughout the land. And at all such gatherings, the main topic of conversation was the Landrum-Griffin Bill which passed the Congress this past year. Members of the trade union movement were stunned, and understandably so, at the passage of such a harsh and one-sided piece of legislation. I was asked time and time again, "Senator, just what did happen? How as it possible that after the election of so many labor supported candidates in 1958 that the Congress could pass a piece of legislation as bad as Landrum-Griffin?"

Tonight I would like to [redacted] answer this important question. There have been a great number of explanations as to why Landrum-Griffin passed the Congress. There have been accusations from some

quarters that labor's friends refused to stand by labor on this crucial issue. Others have pointed the finger of criticism at the organized labor movement itself on the grounds that it didn't present a united front. In my opinion, such criticisms are unjust and unfounded. I do not think that the Landrum-Griffin Bill passed because labor's friends in the Congress refused to stand their ground. Nor do I think that the American labor movement was to blame. And furthermore, I see nothing to be gained by labor's friends in the Congress becoming involved in a shouting match over who is labor's best friend and who didn't stand by the labor movement, nor in the labor movement itself placing the blame on members of the trade union movement. Such dissension and division in the labor movment and among the friends of labor in the Congress can have only one result -- that is, to play right into the hands of the anti-labor forces who want nothing more than to split our ranks and [redacted] make it possible to pass even more stringent anti-labor legislation.

Before discussing the actual passage of the Landrum-Griffin Bill,

COPY

let us go back to 1958. That year the Senate Labor Committee after long and thorough hearings, reported out the Labor-Management Reporting and Disclosure Act of 1958, better known as the Kennedy-Ives Bill. This bill was reported out by a vote of 12 to 1 and it's interesting to note that the only dissenter was Barry Goldwater of Arizona who felt that the bill did not go far enough in curbing what he called the "excessive powers" of the labor movement. The Kennedy-Ives Bill was a good bill and an effective bill designed to correct the abuses in the handling of union funds that had come to light during the McClellan hearings. The bill required unions to report their financial operations to members and to the Secretary of Labor; barred bribes and embezzlement in labor-management relations and the handling of union monies; curbed employer "middlemen"; limited trusteeship powers of international unions over locals; provided criminal penalties for union misconduct; and gave the Secretary of Labor power to investigate the reports

and to subpoena witnesses and records. The Kennedy-Ives Bill passed the Senate by a vote of 88 to 1 after five full days of debate and 22 rollcall votes on amendments. Only one major amendment -- a proposal continuing the nonCommunist oath for union officials and extending it also to employers -- was passed over the opposition of the bill's sponsors. And yet, although the Kennedy-Ives Bill passed by such an overwhelming vote with only Senator Malone of Nevada being in opposition to it, the bill still failed to pass the House and to become law. Why was this? The reason was very simple. The anti-labor forces, in and out of the Congress, were not satisfied with a bill designed to eliminate corruption in the field of labor-management relations. What they really wanted was a bill to cripple the American labor movement, and if they couldn't have that, they would rather have nothing at all. When an attempt was made to bring up the bill in the dying days of the 85th Congress, a motion to suspend the Rules and pass the Kennedy-Ives Bill was defeated by a vote of 190 to 198.

COPY

And who were the members of the House who voted against bringing up this Labor-Management reform measure? The opponents were the anti-labor forces in the House, a coalition of Republicans and Dixiecrats. Here was a good bill designed to get at the abuses which had come to light and to get out the crooks and racketeers who had betrayed the trust of the American labor movement. It was a bill that had the backing of the AFL-CIO. As George Meany said in a wire to the House leaders, on this bill, "The Executive Council of the AFL-CIO believes that the legitimate interest of the public, the decent elements in the labor movement and in management will be best served by passing" the Kennedy-Ives bill now. And so this bill failed thanks to the efforts of the Republicans and Dixiecrats who were more concerned in having an issue to browbeat the labor movement with than in passing responsible and equitable legislation.

In 1959 with the staff of the new 86th Congress, a new effort was made to pass a fair and proper bill to eliminate corruption in the labor-management field. The AFL-CIO publicly stated that it

favored the enactment of a fair Labor-Management Reform Bill.

The Senate Labor Committee reported out a bill quite similar to the Kennedy-Ives bill which had been rejected by the Republican-Dixiecrat coalition in the House the year before. The main provisions were the requirements that there be detailed public financial accounting by unions, employers and middlemen and with stiff penalties for any violations. This bill, as you know, passed the Senate in April by a vote of 90 to 1, the lone dissenter being Senator Goldwater of Arizona who said that the bill was too weak and didn't get at the real abuses in the labor movement. It should be noted that every pro-labor Senator supported this measure, not a single one was recorded as being in opposition to it. This testifies to the fact that it was a fair measure and one designed to get at the real root of the trouble.

But once again, when the bill got to the House the same pattern was repeated as the year before. Once again, the Republicans and Dixiecrats joined in an unholy alliance and rammed through in place of the Senate passed bill the punitive Landrum-Griffin Bill. The bill

not only weakened certain of the anti-racketeering sections of the Senate bill, but it went beyond the bounds of legitimate reform legislation and imposed needless restrictions on normal, legitimate trade union activities.

The Landrum-Griffin bill was punitive, not reform legislation. It was passed by a coalition of Republicans and Dixiecrats under the leadership of Republican minority leader Charles Halleck and Graham Barden of North Carolina, Chairman of the House Labor Committee.

Organized labor should never forget that it was the Republican-Dixiecrat coalition which passed Landrum-Griffin, for the purpose of tying labor's hands and making it more difficult to organize -- especially in the South. It should also not be forgotten that the House Democratic leadership fought hard to defeat Landrum-Griffin. Speaker Sam Rayburn personally went on TV to point out that Landrum-Griffin was designed to hurt labor and that it should be defeated. Majority Leader John McCormack did all in his power to line up votes to beat the bill also.

I publicly announced that if the Landrum-Griffin bill came to the Senate I would vote against it. It was ill-advised legislation which would jeopardize the American labor movement.

When the Senate-House conferees met to try and iron out the differences between the Senate and House bills, they were successful in removing several of the restrictive provisions of Landrum-Griffin. It is important that the improvements over the House bill which were made at the insistence of the Senate conferees be noted.

First. No-man's land: The Senate insisted upon an amendment which prevents the NLRB from declining to exercise its existing jurisdiction and thereby depriving employees of the protection of the National Labor Relations Act. The Landrum-Griffin bill would have allowed the Board to surrender unlimited jurisdiction to the States, 35 of which provide no protection to the rights to organize and bargain collectively. The conference report prevented further cession. The current standards of the NLRB assure the widest effective exercise of Federal jurisdiction in the history of the National Labor

Relations Act.

Second. Organizational picketing: The House bill would have forbidden virtually all organizational picketing, even though the pickets did not stop truck deliveries or exercise other economic coercion. The amendments adopted in the conference secured the right to engage in all forms of organizational picketing up to the time of an election in which the employees can freely express their desires with respect to the choice of a bargaining representative. When the picketing results in economic pressure through the refusal of other employees to cross the picket line, the bill would require a prompt election. Purely informational picketing cannot be curtailed under the conference report, although even this privilege would have been denied by the Landrum-Griffin measure.

Third. Secondary boycotts: The secondary boycott provisions of the House bill would have curtailed legitimate union activities. Accordingly, the Senate conferees insisted that the report secure the following rights:

(a) The right to engage in primary strikes and primary picketing

even though the employees of other employers refused to cross the picket line.

(b) The right of employees to refuse to work on goods farmed out from an establishment in which the employees are on strike.

(c) The right to appeal to consumers by methods other than picketing asking them to refrain from buying goods made by nonunion labor and to refrain from trading with a retailer who sells such goods.

(d) The right of labor unions representing employees in the apparel and clothing industry to refuse to work for a jobber or contractor who subcontracts parts of the process of production to nonunion subcontractors. This guarantee, the writing of which into statutory legislation was opposed by the House conferees for 2 weeks, is absolutely essential to the stability of these industries. The bill made special mention of the industry because it has peculiar problems.

Fourth. Hot cargo: The Landrum-Griffin bill extended the "hot cargo" provisions of the Senate bill, which the Senate bill applied

only to Teamsters, to all agreements between an employer and a labor union by which the employer agrees not to do business with another concern. The Senate conferees insisted upon a qualification for the clothing and apparel industries and for agreements relating to work to be done at the site of a construction project. Both changes were necessary to avoid serious damage to the pattern of collective bargaining in these industries.

Fifth. Economic strikers: The conferees adopted the substance of the provisions of the Senate bill reversing the Taft-Hartley rule that economic strikers who have been replaced should not vote in an NLRB election. This is a highly important change, for the Taft-Hartley prohibition had, in the words of the President of the United States, opened the door to union-busting practices.

Sixth. Prehire agreements: The conference report incorporated the provisions of the Senate bill authorizing labor unions and contractors in the construction industry to negotiate prehire agreements. The Landrum-Griffin bill contained restrictive and unworkable

provisions on this point.

Seventh. Employer reports: The conference provision adopted the substance of the Senate bill dealing with the reports to be filed by employers and labor relations consultants, the purpose of which is to disclose to the Government and public opinion any repetition of the unsavory practices brought to light by the McClellan committee. One of the important consequences of these reports will be the full disclosure of sums of money spent by employers to finance "front" organizations distributing propaganda designed to prevent further union organization.

The Landrum-Griffin bill contained a provision whereby if an employer gave $10,000 to a labor relations consultant and asked him to do what he could to see that a union was not organized in his plant, the labor relations consultant could then do anything he wanted with the money, however coercive or corrupt, without the employer's reporting the payment, provided only that the employer was not a party to the consultant's conduct. This was a hole a mile wide in the employer reporting section which was closed by the conference report.

Eighth. Membership lists: The House bill would have required a labor union to open its membership lists to any candidate in connection with an election of officers. Although this requirement might be fair in the case of bona fide condidates, it created grave dangers that stooges would obtain the membership lists for subversive organizations or commercial use. The Senate conferees added the safeguard of limiting the right to one inspection within 30 days prior to an election, without making copies of the list.

As can be seen from this review, the final version of the bill as worked out in Conference was a substantial improvement over the anti-labor Landrum-Griffin bill. This is not to say that I approved all the features of the final bill, I certainly did not. But I was convinced that this was the best bill we could get under the circumstances which prevailed.

These facts must be kept in mind. The House would not accept a more moderate measure -- the Republican-Dixiecrat coalition simply had a majority of the votes. There was also the real possibility that we did not have sufficient votes in the Senate to defeat a motion

to

to accept in toto the Landrum-Griffin bill. Faced with these unpleasant facts, labor's friends in the Senate were convinced that the wisest course of action was to accept the compromise bill. Of the 7 Senate conferees on the bill, 4 were labor endorsed and had fine labor records: Senators Kennedy, McNamara, Morse and Randolph. All but Senator Morse approved the compromise bill and recommended that we accept it. They did their very best to improve the bill. It was their judgment that it was the best we could get. All of labor's friends in the Senate agreed, except for two, that this was the wisest course of action. The AFL-CIO also felt that it was too risky to wage a floor fight -- we simply didn't have the votes!

As one who has supported the labor movement for so many years, I was naturally disappointed that the more moderate and effective original Senate bill was not accepted. The real damage was done when the Republican-Dixiecrat coalition pushed through Landrum-Griffin in the House. From that point on, the Senate and organized labor were on the defensive. The anti-labor forces in the House held the

whip hand and they knew it.

We who are labor's friends in the Senate did everything possible to improve the House bill. We did end up with a less punitive measure. In view of the tremendous and costly propaganda campaign waged by anti-union forces to pressure the Congress to pass a "killer" bill, it is in a sense amazing that we were able to gain the improvements which we did.

There are a good many features of the Landrum-Griffin Act which should be amended or repealed. As you know, this is an extremely complicated Act. Even the labor lawyers can't agree on what all the language means. And it is apparent that it is going to require Court decisions on many of the sections before we do know just what the law actually means.

I would like to point out, however, a few of the Sections which I think are unfair and unwise, and which deserve to be studied and considered with the end in view of passing corrective legislation.

First, the bonding provisions of Landrum-Griffin are far too

stringent and may very well prove a tremendous financial burden for the unions. I am hopeful that we can pass legislation so as to make this provision less onerous.

Secondly, the No-man's Land provision needs to be reconsidered. In the original Senate version it was provided that state agencies other than Courts could assert jurisdiction in cases over which the National Labor Relations Board declined to exercise jurisdiction, but that such state agencies must apply and be governed solely by Federal law. Federal law should apply. Most states do not have any laws to protect unions against unfair labor practices or to require employers to recognize unions. Therefore, unless Federal law is applicable, we are penalizing the smaller unions in making it virtually impossible for them to press unfair labor charges and to be recognized as a bona fide union.

Third, I feel very strongly that a union should have the right to inform the public by way of publicity picketing that an employer is handling products of another employer with whom the union has a primary dispute. Under the ~~Landrum Griffin~~ recently passed Act such publicity picketing is prohibited.

There was no such prohibition in the Senate version and there is no reason why a union shouldn't have the right to inform the public of the facts of the situation.

Fourth, the Landrum-Griffin bill extended the "hot cargo" prohibition beyond the trucking industry. It made it apply to all industries, although there was little if any evidence presented to the Congress of any abuses of "hot cargo" agreements in industries other than trucking. Senate conferees were able to have the exceptions written in for the construction industry and the apparel and clothing industry, but I see no reason why only these few industries should be exempted. Certainly, in many industries, "hot cargo" agreements serve a most legitimate and justifiable purpose.

Fifth, the revised Landrum-Griffin Act prohibits recognition and organizational picketing "where the employer has lawfully recognized in accordance with this Act any other labor organization ----." Many students of labor law maintain that this restriction on picketing will only encourage employers to set up phony unions. I think this argument has a great deal of merit and is one which the Congress should carefully consider.

Afterall, we do not want to be encouraging phony rather than legitimate unions.

And, sixth, I believe very strongly that in the building trades industry, picketing should be permitted against a particular sub-contractor with whom the union is having a dispute, even if the effect of such is the refusal to work on the part of other workers at the site who are hired by other sub-contractors with whom the union has no dispute. As you know only too well, this type of picketing known as situs picketing, is illegal under the Taft-Hartley secondary boycott provisions. I am hopeful that the Congress during this session can consider situs picketing and pass legislation to remedy the situation.

Steel Dispute

I am pleased that settlement was finally reached this morning in the steel dispute. I am firmly convinced, however, that agreement could have been reached long ago if the President had but made use of the powers inherent in his high office.

Many weeks ago I suggested that the President appoint a fact finding board made up of leading citizens and that he assign such a board the task of studying the situation and to report its findings and recommendations to the President and the public. The board's findings and recommendations would not have been binding upon the parties, but they would have done much to clear the air and bring the parties to terms. Unfortunately the President did nothing until the situation reached the point where an emergency threatened, and then he applied the emergency dispute machinery of the Taft-Hartley law playing into the hands of the steel corporations and only delaying rather than precipitating a voluntary settlement.

Even though settlement has been reached, there is still a need for Congress to study new legislative proposals to deal effectively with national emergency disputes. The Taft-Hartley provisions are far too rigid and one-sided.

Management knows that under Taft-Hartley, if it holds out long enough the government will come to its aid and force the workers back into the plants against their will. Such procedure simply impedes rather than encourages settlement. Any legislation designed to deal with emergency disputes should be based on the principle of encouraging free collective bargaining rather than substituting for it settlement by government dictation.

I have been disturbed by some of the proposals which have been made such as compulsory arbitration. Granted, this is one way of settling disputes, but it is not the way it should be done in a free and democratic society such as ours. Under our political and economic system it is the role of government to encourage voluntary settlements arrived at through the traditional give and take of the bargaining table.

Let us not forget that the system of collective bargaining as developed over a period of many years in this country has proven remarkably successful in settling the differences between labor and management. Such a system is compatible with a free country such as ours. I want to see legislation which will encourage free collective bargaining, rather than have the government act as a big brother and force a settlement on unwilling parties.

What we need is legislation designed to protect the public interest while at the same time preserving free collective bargaining. [redacted]

Neither management or labor should be in a position, under the laws of the land, so as to be able to anticipate the President's next move in times of an emergency situation. [redacted]

[redacted]

I would favor legislation, for example, for fact-finding boards which would make findings and recommendations to the President and the public-at-large. Such boards through focusing public attention on the facts and on recommendations for an equitable settlement, could not help but facilitate a voluntary settlement.

Congress must be careful to guard against the adoption of any legislation which is motivated by the desire to punish either labor or management. Its prime concern should be to devise machinery whereby the public interest is protected and the free collective bargaining process is promoted rather than restricted.

Minnesota
Historical Society

www.mnhs.org