SUMMARY BY SENATOR STROM THURMOND(D-SC) ON THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE BILL OF 1958, ON JUNE 19, 1958.

On June 17, after five days and nights of floor debate, the Senate passed the labor reform bill of 1958. The bill, as passed by the Senate, contains many badly needed provisions.

It provides that all labor organizations shall file detailed reports concerning their internal organization and financial transactions with the Secretary of Labor. These reports are to be public information and the membership of the unions must be furnished copies of these reports. The sanctions of the Taft-Hartley Act, which denied non-reporting unions access to the National Labor Relations Board, were abandoned, and fines of $10,000 against non-complying unions, along with fines and imprisonment of non-complying union officers, were substituted for the sanctions.

Trusteeships, which investigations have proved to be instruments of the worst abuses, have been limited to 18 months duration. During this 18 months period, the administration of the trusteeship is subjected to close scrutiny by the Secretary of Labor through the medium of detailed reports.

The bill provides that all union officers shall be elected by secret ballot and the terms of officers are limited in duration. Office holding by persons convicted of felonies and use of union funds to promote an individual candidacy in union elections are prohibited. Provisions are also made in the bill for investigation by the Secretary of Labor of complaints of conduct of union elections.

The so-called labor relations consultants, many of whom have been responsible for the most flagrant abuses, are subjected to regulation and reporting. Legitimate activities in this field are not interfered with, but those who have been guilty of practicing extortion under the guise of legitimate activity in this field could, under the bill, be properly dealt with.

The bill also undertakes to change certain provisions in the Taft-Hartley Act. One amendment which I managed to have placed in the bill would prohibit unions from continuing their extortion racket in connection with truck unloading fees. This, I believe, is the best provision in Title 6 of the bill, which embodies amendments to Taft-Hartley.

The Communist affidavit required by union officials was retained, and the labor leaders' cry of discrimination has been dealt with by requiring employers also to file the affidavit.

Much of the strength of this bill was added after it was drafted and reported by the labor sub-committee. The changes were incorporated both in the full Committee and on the floor of the Senate.

The bill, as reported by the full Committee, contained a provision which replaced the Taft-Hartley language denying a vote to replaced economic strikers with the broadest type of language. This language, which the Committee reported, would have allowed these strikers to vote at any period during a strike even though they were guilty of unlawful practices such as mass picketing and violence. By amendment on the floor, in the way of a compromise, the status of the law was returned to that existing under the Wagner Act, thereby allowing the National Labor Relations Board to determine who should and who should not vote in a National Labor Relations Board election.

The Committee bill also contained a section which authorized a so-called "pre-hearing" election. This provision, in effect, would have allowed the National...
Labor Relations Board to hold a certification election without giving to the parties a hearing to determine whether a question of representation existed. I introduced an amendment to strike this section from the bill and the amendment carried over determined opposition. Mr. George Meany, President of the AFL-CIO, has asserted that my amendment was, "a direct result of lobbying by reactionary groups seeking only to frustrate legitimate union activities." Nothing could be further from the truth. There was no lobbying whatsoever in connection with my amendment, and, in fact, I am convinced that few people were aware of this provision in the bill. Further, I believe its inclusion was an attempt to quietly and surreptitiously sneak through this change in the law without the Senate and the public being aware of this proposed abandonment of procedural due process. Actually, my amendment only retains the status of existing law. If providing a hearing to the parties concerned, prior to a certification election, is an attempt to "frustrate legitimate union activities," then Mr. Meany's definition of legitimate union activities must certainly differ substantially from my definition of that term, and that of the Senate.

The bill still retains undesirable features despite my efforts and those of like-minded Senators to delete them. One of these features is a redefinition of the term "supervisor" to include a substantially larger number of employees than is included under the definition as it exists in the Taft-Hartley Act. This provision, I fear, will be absolutely unworkable and will create endless confusion as to which employees would be subjected to compulsory unionism. Another undesirable provision remaining in the bill is the so-called building trades section. While some change in the law may be needed in this respect, the Senate bill's language goes entirely too far. It would permit an employer to execute pre-hire agreements with building trade unions regardless of the fact that they did not represent a majority of employees within the scope of the bargaining agreement, and, in fact, whether they represented even a substantial number of employees within the bargaining unit. Our efforts to strike these undesirable provisions from the bill were defeated.

The no-man's-land between State and Federal authority was dealt with, but, in my opinion, inadequately. The Watkins amendment, which would have allowed the States to assert jurisdiction in any field in which the National Labor Relations Board declined jurisdiction, was the correct solution, but a majority of the Senate rejected this approach. In lieu thereof, an amendment was adopted which requires the National Labor Relations Board to take jurisdiction in all cases covered by the Taft-Hartley Act, and provides that the National Labor Relations Board may cede jurisdiction to a State in certain cases, provided the State has laws and administrative machinery in this field which are not inconsistent with the Federal law and machinery in the same field.

The bill falls short of meeting the recommendations of the McClellan Select Committee on Labor-Management Relations in several respects. I offered amendments and vigorously supported others to overcome these shortcomings, but the opposition prevailed.

There is no control and regulation of union funds in the bill as passed. This, in my opinion, is one of the major inadequacies of the bill. As I pointed out in the debate, union funds are used predominately for purposes other than collective bargaining. These fund uses, in many instances, are in direct conflict with the desires of the union members. For instance, I pointed out that labor unions contribute approximately one-third of the budget for the Americans for Democratic Action, whose socialistic programs are inconsistent with the beliefs of an overwhelming majority of the citizens of our country. The Americans for Democratic Action advocate such things as admission to the United Nations and diplomatic recognition of Red China, compulsory health insurance, unilateral cessation of nuclear bomb testing, Federal aid to education, and the abomination
of all Southerners - enforced fraternization of the races. Another organization to which the labor unions contribute substantially is the National Association for the Advancement of Colored People. I will never be convinced that these contributions are consistent with the desires of Southern union members. Unfortunately, the Potter amendment, which would have controlled such ultra-vires donations and expenditures, was defeated by a vote of 51 to 30.

The bill, while providing for the secret ballot election of officers, fails to give union members a direct voice by secret ballot on such important issues as the terms of the collective bargaining agreement, the question of whether or not to strike, and the provision of their constitution and by-laws, including the amount of dues and initiation fees. The amendments which would have provided these prerogatives were also defeated.

Other badly needed amendments I supported, but which were defeated, were prohibitions against secondary boycotts and organizational picketing.

Enclosed herewith is a copy of a statement I made on the Potter amendment, which would have allowed union members to obtain a refund of their dues used for purposes other than collective bargaining. This is taken from the Congressional Record of June 16, 1958.

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