(original)

STATEMENT OF SENATOR STROM THURMOND (D-SC) ON THE SENATE FLOOR UPON INTRODUCTION OF TAFT-HARTLEY AMENDMENT, MAY 8, 1958.

MR. PRESIDENT:

I send to the desk a bill for appropriate reference.

At the time of enactment of the Sherman Antitrust Act, Congress specifically rejected a proposal to write into the Act an exemption for labor organizations. Again, when Congress passed the Clayton Act amendments to the Sherman Act, it refused to grant antitrust immunity to unions. Nowhere in any of the subsequent amendments to the antitrust laws, or in any of the Federal labor laws, is there to be found any provision giving antitrust immunity to labor unions.

In spite of this, the Supreme Court in United States v. Hutchison, 312 U. S. 219 (1941), read into the antitrust laws a Congressional intent to exempt labor unions. The Court reasoned that the provisions of the Clayton and Norris-LaGuardia Acts limiting Federal Courts, in the issuance of injunctions in labor dispute cases, evidenced a desire by Congress to free unions from antitrust restraints. On this basis the Court concluded that "So long as a union acts in its self-interest and does not combine with non-labor groups, the licit and the illicit are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular union activities are the means."

Thus, by this act of judicial legislation, the Supreme Court freed the unions to engage in all types of activities in restraint of trade, which, if engaged in by any other persons or groups, would be grounds for both criminal and civil prosecution under the

antitrust laws.

Because of this immunity, labor unions have been able to go beyond their legitimate purposes, and in some fields have acquired economic dominance, which poses a threat to our free enterprise system. In many industries they have eliminated, for all practical purposes, any effective competition at either the production or marketing levels. They can keep products out of the market at will; they can control prices and limit production. In some industries, dominant unions have the life and death power to decide what firms may do business, and what firms are to be put out of business.

The purpose of this bill is simply to reaffirm the Congressional intent of both the Sherman and Clayton Acts, that labor unions are not to be considered exempt from their prohibitions against restraints of interstate commerce. It is intended to place labor unions in exactly the same position under the law as all other citizens or groups in our society. This legislation would in no way impair the accomplishment by labor organizations of their legitimate functions of collective bargaining, but would supply a buffer against economic aggrandizement.

Mr. President, I sincerely hope that the Labor subcommittee will give serious consideration to this bill during its current hearings. The American public has a right to expect the Congress to take action for its protection without further delay. We must discharge our responsibilities if we are to hold the confidence of the public, which confidence is vital to our continued success as a nation.

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