

STATEMENT BY SENATOR STROM THURMOND (D-SC) ON ERVIN-THURMOND AMENDMENT TO LABOR REFORM BILL, APRIL 25, 1959.

The jury-trial amendment offered by Senator Ervin and me was necessary despite the modification of the McClellan "Bill of Rights," since there remained, in other sections of the bill, provisions for the Secretary of Labor to bring actions for injunctions in the name of the United States. Section 3691 of Title 18 of the United States Code provides that there shall be no jury trial for contempt in an action brought in the name of the United States. The language of the McClellan amendment was modified to eliminate actions by the United States, but the provision of the original bill which so provided was not so modified. The amendment offered by Senator Ervin and me, and adopted by the Senate, insured jury trials in any contempt action for violation of injunctions provided for in this bill.

This amendment was essential even had the McClellan "Bill of Rights" not been adopted. It was made neither more nor less essential by either the adoption or modification of the McClellan amendment. The power to convict without jury trial for contempt was part and parcel of the bill as reported by the Committee, and indeed, was one of the innumerable weaknesses of the bill that has been corrected by the Senate with floor amendments.

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