Weekly News Letter

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Fed. San Diego Convention

More than 2,000 elected delegates from AFL-CIO organizations throughout the state are expected to descend on San Diego the week of August 10 to 14, for the 1959 convention of the California Labor Federation, AFL-CIO.

The convention will be called to order at Conference Hall in Balboa Park in the southern city at 10 a.m., August 10, when President Thomas L. Pitts pounds the gavel which will signify the opening of the largest state labor convention in the nation.

State Secretary-Treasurer C. J. Haggerty said in San Francisco that more than 130 resolutions had been submitted by affiliated organizations for consideration by the delegates. Subjects which will draw the attention of the estimated 2,000 delegates range from the broadest problems of international affairs to the details of internal operation of the state AFL-CIO movement.

Under the provisions of the California Labor Federation constitution, the convention is the supreme governing body of the state labor organization.

Although the deadline for submission of resolutions by local organizations was Monday, July 27, it is anticipated that at least another 25 to 50 resolutions will be submitted by various state craft councils which will meet in San Diego on the week-end just prior to the opening of the convention.

Statements of policy on broad issues affecting the welfare of labor and the public will also be submitted for consideration of convention delegates by the 36-member executive council of the state AFL-CIO organization.

Prominent speakers on both state and national level have been scheduled to address convention delegates during the week-long session. Lieutenant Governor Glenn Anderson and State Attorney General Stanley Mosk will address opening sessions on Monday, August 10.

Governor Edmund G. Brown, who was unable to accept an invitation as opening session speaker because of the scheduled conference of governors in Puerto Rico, will fly in from the Governors' Conference to

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House "Labor Reform" Bill Unacceptable: Haggerty Flies to Washington, D.C.

The so-called labor-management reform bill reported last week to the floor of the House of Representatives by the House Committee on Education and Labor is "unacceptable" to the AFL-CIO.

The condemnation of the bill was contained in a statement issued by AFL-CIO President George Meany, who warned that organized labor would not "silently acquiesce in injury," to honest trade unionism, "under the guise of dealing with corruption."

In response to a call for mobilized action by President Meany, C. J. Haggerty, secretary-treasurer of the California Labor Federation, AFL-CIO, this Wednesday flew to Washington, D. C., to work with the national office against the measure, which, according to the state AFL-CIO leader, "penalizes the many for the errors of the few."

Haggerty is scheduled to take up the unacceptable reform bill in detail with members of the California delegation in the House of Representatives.

Upon leaving for Washington, the state AFL-CIO leader and veteran of many tough state legislative sessions in Sacramento said:

"I am confident that when members of Congress have the opportunity to sit down and read this so-called reform bill, they will agree with organized labor that it contains many provisions which will grievously harm legitimate unions.

"It is my purpose to inform California Congressmen that labor in this state wants anti-corruption legislation as much as legislators do, but not at the expense of satisfying anti-labor prejudices, which have been written into the so-called labor measure. I am sure that no member of Congress from California would consciously permit a public climate against corruption to be twisted into a drive to weaken the trade union movement."

The growing defects in the House committee-reported "labor management reform measure" have been detailed in a statement to Congress issued by President Meany. The following are some of the major criticisms:

- The so-called "bill of rights" written in on the Senate floor is "unnecessary and unworkable" and "injects confusion and uncertainty into the conduct by unions of their own internal affairs.
- By granting broad exemptions to employers and labor relations consultants from reporting requirements, the measure "has negated the usefulness of reporting as a deterrent to crime."
- The section on trusteeships, while an improvement over the Senate version, contains a "major and unacceptable defect" which subjects unions to "diverse and frequently conflicting" state and federal laws.
- The organizational picketing section provides "an incentive for corrupt and unscrupulous elements" on both sides to engage in "sweetheart" contracts by permitting an employer to block picketing by one union "simply by recognizing . . . another union."
- The provisions on union elections protect "the company spy or Communist agent pretending to union candidacy for the sole pur-

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Here's What's Wrong with the House 'Labor Reform' Bill, H.R. 8342

The following is slightly condensed version of AFL-CIO Pres. George Meany's statement giving the federation's opposition to the labor-management bill reported by the House Labor. Committee:

The bill which the House Labor Committee has just reported is unacceptable to the AFL-CIO.

Despite the valiant efforts of some members of the committee to prevent the reporting of the punitive bill, this bill, under the guise of labor reform does grievous harm to legitimate unions.

The bill does not meet the test which the AFL-CIO believes must be applied to this legislation.

We have repeatedly made clear our determination to seek legislation which will get at the crooks and to oppose legislation which will do harm to the legitimate trade union movement. We have repeatedly pointed out that there are forces seeking to capitalize upon the corruption issue and determined to use it as a vehicle for the passage of punitive legislation disguised as a labor reform measure.

The AFL-CIO wants honest, effective labor-management reform legislation.

The AFL-CIO will not, however, silently acquiesce in injury to the legitimate trade union movement under the guise of dealing with corruption.

We have been urged, advised and counseled to "accept" this measure even though we know its specific and inherent dangers. As a matter of practical expediency, we have been told that if we don't accept this package, worse damage will be done to the labor movement. We cannot agree to the doctrine that principle should be sacrificed for expediency.

We have been advised and counseled that the "people demand legislation this year, no matter what kind of legislation it be." This we have been told is a politi cal reality and that politicians must heed the voice of the people.

We do not for a moment consider the public a moronic body demanding a measure which will hamstring free democratic trade unionism under the guise of getting at the crooks.

We must recall to both parties the fact that the AFL-CIO, in testimony before both platform committees in the summer of 1956, urged the adoption of public disclosure statutes to cope with the possibility of corruption in the handilng of welfare funds. This was some time before the McClellan committee came into existence. In March 1957 we urged the extension of this principle to union funds generally.

Nor have we been content with just urging platfrom language. We have appeared before the committees of both Houses in support of legislation which was strong, meaningful and enforceable. It was that kind of bill, with some few exceptions, which was reported to the Senate floor after long and careful study.

It is tragic that on the floor of the Senate this measure was transformed into a weapon for the harrasment of the union movement—a weapon which the House committee has only slightly blunted.

We share with the distinguished columnist Mr. Walter Lippman the feeling that "the Senate, which was set to enact a very useful bill, was stampeded by political demagogues who want an issue and not a bill. The result is that unless the mischief can be undone in the House, a brilliant opportunity will have been lost.

"It is still conceivable that the labor reforms can be saved if the leadership in Congress and if the President in the White House want to save them. But they must reckon with the demagogues who do not want a bill because it would deprive them of an issue to beat their breasts about."

We do not believe the fight is lost. We are convinced that those who truly believe with us that federal legislation can meet the problem of corruption and yet not destroy legitimate union activities will amend this bill on the floor of the House of Representatives so as to achieve a measure that could legitimately bear the title "reform legislation."

In principle we are opposed to writing legislation on the floor. It was exactly this tactic which changed the Senate bill into punitive legislation. But the majority of the House committee failed in its task. In response to pressure, the majority conceived a bill only slightly better than the Senate version and have reported one which could only be classified as anti-labor.

Therefore, we believe that it is essential for members of the House to support amendments designed to improve this measure by restoring it to its proper concept.

So that there will be no misunderstanding of our position, the following is a summary of the AFL-CIO's bill of objections to the measure reported by the House Committee on Education and Labor.

BILL OF OBJECTIONS

Title I—Rights of Union Members:

The committee has retained, although in a somewhat less objectionable form, the so-called "bill-of-rights" inserted on the Senate floor in haste, confusion and ignorance.

While the committee omitted much of the loose and demagogic language as well as the broad, drastic criminal penalties of the Senate bill, it failed to come to grips with the fact that such a title is unnecessary and unworkable.

The rights purported to be protected by this section are already protected either by other titles of the bill or by the courts under doctrines worked out over the years in accordance with the traditional evolution of common law. On the other hand, the committee's proposal injects confusion and uncertainty into the conduct by unions of their own internal affairs which can only be resolved after years of litigation. Every local union official and business agent in the country will be acting at his peril in performing the most routine task in administering the affairs of his union. Every chairman of a local union meeting will be acting under shadow of a court suit each time he makes a ruling on the conduct of the meeting. We, of course, do not object to the principles involved. Most, if not all, union constitutions fully recognize and implement them. But it is one thing for a voluntary association to do this and quite another to compel it by law to do so.

Some of these provisions are so general as to be susceptible of almost any interpretation. Others are so detailed as to inhibit obviously reasonable and proper union practices.

Title II—Reporting and Disclosure:

The AFL-CIO has repeatedly urged reporting and disclosure—the goldfish bowl concept—as the realistic vehicle for deterring corruption.

For this method to be effective however, it must be applied with equal justice to all the parties to labor-management relations—union officials and their agents, management officals and their agents, and so-called labor consultants and their agents.

The deterrent would be, of course, the fact that disclosure of all activities would act to prevent corruption. This deterrent power evaporates with each exception to the rule and the House committee has exempted employers and labor relations consultants from reporting everything except that already illegal. In fact, the House committee has made reporting by employers and labor relations consultants the merest sham. The House committee has negated the usefulness of reporting as a deterrent to crime, obviously responding to the will of employers who want to carry on anti-union activities and which have sometimes encouraged, if not inspired, corruption in the ranks of the trade union movement.

Title III—Trusteeships:

While for the most part the changes made here by the House Committee are an improvement over the Senate bill's title dealing with trusteeships, a major and unacceptable defect remains. Despite the whole new body of federal substantive and procedural law established by this title, unions would continue to be subject to the diverse and frequently conflicting body of state rules. Unions should be able to measure their conduct in establishing and maintaining trusteeships according to a single standard, and not be subjected to the sometimes impossible task of conforming to the differing requirements of federal and state regulation. If federal rights and remedies apply, they should be exclusive.

Title IV—Elections:

In the provisions dealing with elections, which we have long supported, the committee has included a dangerous and self-defeating provision.

By including "the right to inspect and copy" the unions' membership rolls, the committee provides protection for the **pro forma** candidate for office who is in reality a company spy or a Communist agent, pretending to union candidacy for the sole purpose of obtaining membership lists for nefarious purposes.

Title V—Safeguards for Labor Organizations:

Operating from a premise with which we certainly agree and which we have consistently supported, that union office is a sacred trust, the committee has proceeded to establish standards of fiduciary responsibility which could only lead to widespread confusion and the multiplicity of litigation.

The prime responsibility of the union officer is to advance the interest and welfare of the members. The prime concern of the banking official is to enhance the value of the property he holds in trust.

A union does not exist for the purpose of making money. It exists as a mechanism through which its members can combine to promote their mutual improvement, both as employes and as members of society generally, and both materially and in other ways.

One of our main objections is that the reach of this fiduciary concept as expressed in the bill is not determinable and the property of many union activities now considered as normal union functions is shrouded with the blanket of uncertainty and confusion.

Under this provision, union officers may be hailed into court for making legitimate expenditures, such as charitable contributions which have been approved by a majority of members.

The specifications under which union members are barred from holding union office are not equated by the provisions disqualifiying individuals from holding labor relations positions in corporations. Labor history is replete with instances in which employers, especially in heavy industry, have used ex-convicts as goons in labor relations disputes. The disqualification should apply to all officers, directors, and employes engaged in labor relations activities for an employer.

Adding to the list of specified instances which bar a union member from union office is "assault which inflicts grievous bodily injury." What this means is subject to variable interpretations for the stautory language of the several states differs markedly. More importantly, injustice would invariably follow if, for example, it should be interpreted that a black eye suffered in a picket line scuffle involving excitable individuals could bar a man from union office or from a labor relations position with an employer.

Title VI—Miscellaneous:

This title retains a "States' Rights" proviso which is, at best, a vague statement of anti-union prejudice, and at worst, a device for compounding the confusion already engendered elswhere in the measure.

Title VII—Taft-Hartley Amendments:

The committee's wise choice of a simple, sound solution to the "No Man's Land" problem and its wise provision giving voting rights to economic strikers does not mean that the committee's judgment in this title has been uniformly sensible.

It eliminated a desirable provision in the Senate bill designed to make it clear that service assistants in the communications industry are not "supervisors" excluded from the protections of the National Labor Relations Act.

It made the pre-hearing election provision illusory by raising an extraneous issue —and it failed to correct the serious defect in S. 1555 which repeals present consent election authorization.

Although the so-called "hot cargo" provision has been somewhat improved by making clear it does not force union members to cross lawful picket lines against their will, the provision still remains objectionable in principle. In the crucial area of transportation by common carrier, it strikes a mortal blow at long-recognized right of unions to appeal directly to employers to assist the union in removing sweat-shop conditions in an industry by refusing to deal with unfair, anti-union employers.

The "hot cargo" provision is simply intended to keep union people from using one of their most traditional methods of improving the lot of the workers. It is another prime example of an attempt to eliminate one of labor's effective economic weapons under the guise of fighting racketeers. The "hot cargo" provision has very little to do with labor reform.

The committee has unintenionally, we are sure, provided an incentive for corrupt and unscrupulous elements on both the union and employer sides to engage in collusive deals and "sweetheart" contracts. This is done by providing that an employer could prevent picketing by one union simply by recognizing and contracting with another union.

A principal purpose of orangized picketing is to persuade workers to join unions. Such activity is clearly legitimate, since organized workers cannot maintain their hard-won wages and working conditions if non-union employers are free to depress those standards and labor is prevented by law from advertising that fact.

The Supreme Court has repeatedly upheld organizational picketing as a valid exercise of the fundamental right of free speech. The Hobbs act, a federal statute, already imposes severe criminal penalties for abuse of the right to picket. The committee bill imposes an additional criminal penalty for extortion picketing. The additional restriction on picketing contained in this bill can only further burden honest trade unions performing legitimate and reasonable functions.

Codes of Ethical Practices:

The committee chose to kill Title V of S. 1555, designed to encourage unions and employer associations to subscribe to codes of ethical practices. It thus discourages the voluntary self-policing efforts of the labor movement to rid its ranks of crooks and gangsters.

Virtually alone, without support from Congress, and often in the face of scorn from other quarters the labor movement has endeavored to develop its own principles and procedures for dealing with corruption and unethical practices within its own ranks. Certainly such efforts deserve support. Certainly it would serve the public interest to encourage employer associations to take similar action, for unethical conduct, to say the very least, has pervaded the ranks of employers to an unsavory degree.

Such voluntary efforts cannot entirely eliminate the need for federal legislation, as the AFL-CIO has repeatedly stated. But they can, if successful, considerably reduce the need for such legislation. Certainly recognition of the merit voluntary efforts is in the national interest. The only purpose served by the committee's destruction of this concept is to conceal the fact that employer associations have refused or failed or been unable to engage in any similar self-policing activities; or

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FORM 3547 REQUESTED

Farm Labor Organizing Drive Action to Block Bracero Exploitation

Recognizing that Mexican nationals are being imported in excessive numbers to displace domestic farm workers, leaders of the AFL-CIO farm labor organizing campaign last week moved to block the importation of an estimated 15,000 Mexican nationals to harvest the San Joaquin $20 million tomato crop.

Efforts of the farm labor organizing campaign have been directed toward preventing farm employers from unilaterally establishing an artificial low "prevailing rate" for imported Mexicans that would drive away domestic workers seeking a fair return for their labor.

In a letter to the State Farm Placement office, Ed Williams, president of the AWOC's (Agricultural Workers Organizing Committee) Stockton division, said "Unilateral wage fixing by growers' associations is clearly contrary to the provisions of Public Law 78, and contrary to a policy directive recently issued by the California Department of Employment. This directive states: 'Careful field work will be done to see that the prevailing wage represents a level which will attract and retain domestic workers'."

Organized labor has repeatedly charged that there has been collusion in the past between farm organizations seeking Mexican labor and the state Farm Placement Service in determination of prevailing rates.

The importance of the action taken by the AWOC was underscored this week by the announcement of dismissal charges against William N. Cunningham, Assistant chief of the Farm Placement Service, by Director of Employment, John E. Carr.

Carr said, "This is the first action taken to correct abuses in the Farm Placement Service . . . more may be forthcoming."

The AFL-CIO organizing committee is recommending that "the prevailing rate" be set at 18 cents per 50-pound box in the first picking of an average tomato field. The Tomato Growers Association in the San Joaquin Valley on the other hand, is said to be moving to obtain a prevailing rate of 12 cents a box on the first pickings, which is considered far below the rate which will attract domestic workers.

Norman Smith, overall director of AWOC, said the strategy of filing rate recommendations was necessary because requests for contract workers must be submitted at least a month in advance of harvest, adding "at that time, of course, there is and can be no 'prevailing rate' for the crop activity. The government has just accepted whatever the growers intend to offer as the so-called prevailing wage. The Mexican national program is thus a self-starting and self-perpetuating arrangement."

House 'Labor Reform' Bill

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pose of obtaining membership lists for nefarious purposes."

- Standards of fiduciary responsibility for union officers "could only lead to widespread confusion and the multiplicity of litigation" because they are "shrouded with the blanket of uncertainty and confusion."
- Specifications barring some union members from holding office on the basis of criminal records are discriminatory unless applied equally to all officers, directors and employes engaged in labor relations activities for an employer.
- The so-called "hot cargo" provision, while "somewhat improved" over the Senate bill, remains "objectionable in principle" because it "strikes a mortal blow at the long-recognized right of unions" to appeal to employers not to deal with unfair, anti-union firms.

San Diego Convention

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address convention delegates on Wednesday afternoon.

Among other convention speakers are: President Clark Kerr of the University of California; Ewan Clague, U. S. Bureau of Labor Statistics Commissioner; Roy Simpson, Superintendent of Public Instruction; John F. Henning, Director of the Department of Industrial Relations; John E. Carr, State Director of Finance; Joseph Kennedy, President of the Northern Area of the National Association for the Advancement of Colored People, and Peter McGavin, who will address the convention delegates as the personal representative of AFL-CIO president George Meany.

Here's What's Wrong

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in any method for putting their own house in order.

The elimination of the tripartite advisory committee to the Secretary of Labor charged with administering the act is certainly ill-advised. Since this bill represents an excursion by Congress into new and uncharted fields, such an advisory committee, representing employers, workers and the public, could contribute substantially to constructive administration of the act.

Conclusion:

During the debate on the floor of the House of Representatives, it is possible that this measure can be restored to its original concept—a bill which would get the crooks and not damage legitimate unions.

We urge every member of the House to adopt that as his goal. Anything less would be unworthy of the House of Representatives; anything else would be destructive of democratic organizations and voluntary associations which are the very life blood of a democratic nation.

We look with confidence to the House of Representatives for the achievement of justice and the adoption of legislation which can honestly be called "reform legislation."