Steel Injunction 'Political Payoff' by Ike, Mazey Charges

UAW SOLIDARITY

INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

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WASHINGTON — President Eisenhower's use of a Taft-Hartley injunction to halt the 116-day steel strike was a "political payoff to the steel companies," UAW Secretary-Treasurer Emil Mazey charged at the convention of the AFL-CIO industrial union department here.

A total of $214,450 was contributed to Eisenhower's re-election campaign in 1956 which came from officials of United States Steel, National Steel, Armco, Bethlehem, Inland and Jones & Laughlin, Mazey said.

George Allen, constant golfing companion and card-playing crony of Eisenhower, is a member of Republic Steel's board of directors, a company which contributed $16,300, Mazey pointed out.

Eisenhower spent a vacation in Palm Springs at an estate owned by Allen, Mazey declared, and the two flew back to Washington together in a government-owned plane.

"This association with officials of a steel corporation during the steel strike is extremely bad taste, to say the least," Mazey said.

George M. Humphrey, former Secretary of Treasury and a frequent vacation host at his Georgia estate to Eisenhower, is chairman of National Steel Corp., Mazey added.

Evidence that Mazey had touch a sensitive White House nerve came with a quick, name-calling retort from James Hagerty, Eisenhower's press secretary, who called the charge "demagoguery."

Mazey's remarks came while IUD delegates considered a resolution of strong

Continued on Page 8

Labor Honors Harry Truman

KANSAS CITY, Mo. — "This is one of the greatest honors of my life. You overwhelm me."

These were the words of former President Harry S. Truman as he received the AFL-CIO's 1959 Murray-Green Award at a dinner attended by some 1,200 AFL-CIO members, community leaders from Kansas City and a half-dozen midwestern states, and top officials of AFL-CIO unions.

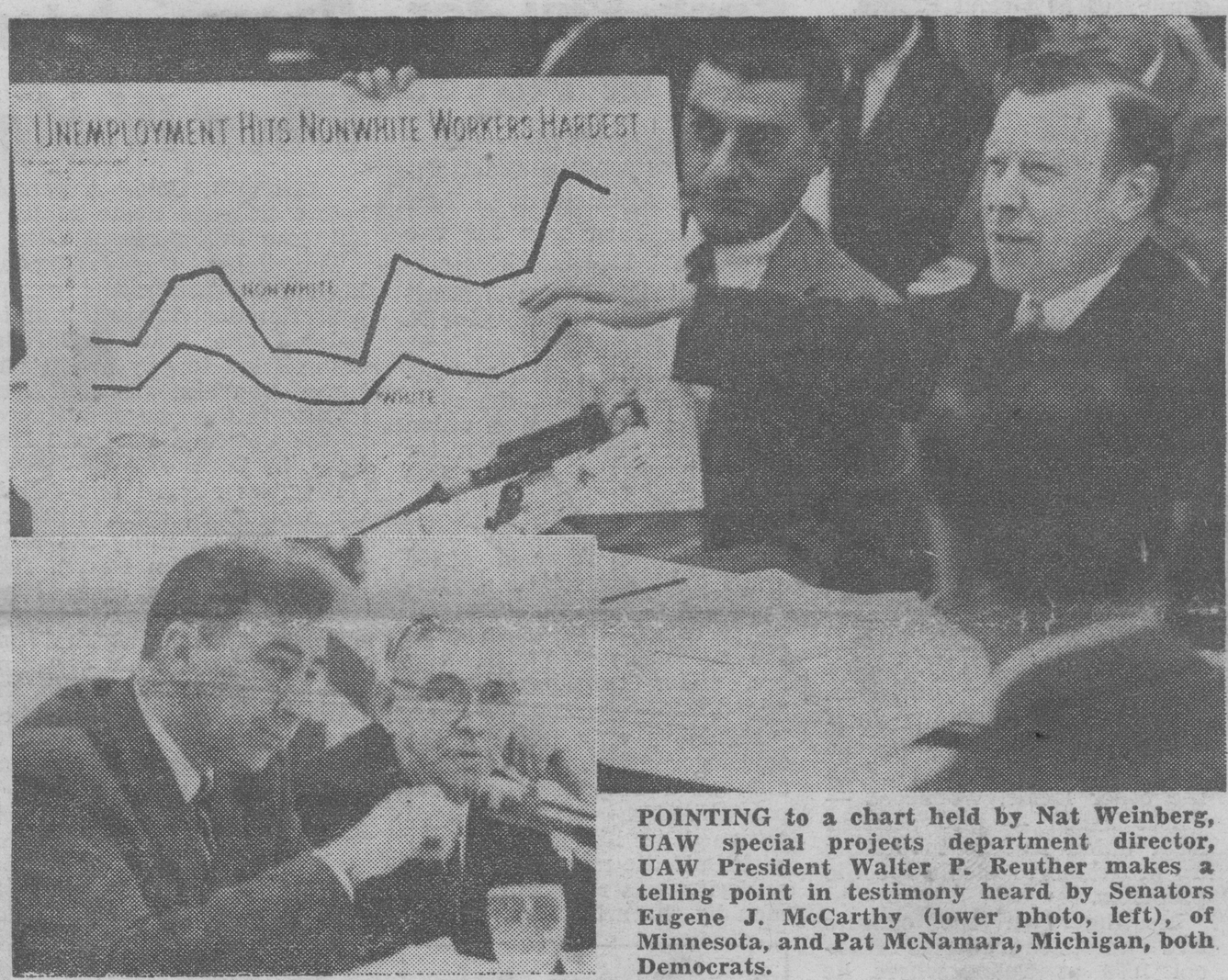
Representing UAW was a large group headed by Secretary-Treasurer Emil Mazey and Region 5 Director Ted Hawks.

The award included the Murray-Green medallion and a check for $5,000. The money, Truman told the audience, would go to the building and maintenance fund of the Harry S. Truman Library in the former President's nearby home town of Independence.

The award was given Truman, in the words of the AFL-CIO Executive Council, "for his outstanding contributions to the health and welfare of all Americans and people everywhere during his years in the White House as well as during the years of his active retirement."

FOR HEALTHY ECONOMY:

Full Employment Urgent, UAW Warns Senators



POINTING to a chart held by Nat Weinberg, UAW special projects department director, UAW President Walter P. Reuther makes a telling point in testimony heard by Senators Eugene J. McCarthy (lower photo, left), of Minnesota, and Pat McNamara, Michigan, both Democrats.

The UAW has urged a special U.S. Senate committee to push for speedy enactment of a basic 10-point program to attack unemployment as a national problem, aid unemployed workers and their families, and help restore the economic health of depressed communities.

In sharply-pointed testimony, UAW President Walter P. Reuther spelled out the union's proposal to the U.S. Senate Special Committee on Unemployment Problems. Sen. Eugene J. McCarthy (D., Minn.) is chairman of the group which has been studying unemployment conditions throughout the U.S.

Declaring the nation needs, above all, a sense of urgency about reaching and maintaining full employment and full production, Reuther listed three goals he said should be basic in any national economic policy. These are:

1: "A full employment economy in which involuntary unemployment will be reduced to the minimum which is incidental to dynamic change and growth."

2: "Insure that alternative job opportunities are provided without undue delay to the victims of such unemployment as does exist."

3: "As long as a person is willing to work, neither he nor his family should be made to suffer severe economic hardship simply because the economy is not able to provide work for him."

Reuther observed these goals will not be reached overnight. "The only way we will ever hope to reach them, however, is by starting now to move toward them as quickly as we can," he said. "We have not been doing that in recent years."

Taking note of past arguments that meeting these national needs would be "too costly," the UAW president said full employment, a more rapid rate of economic growth, and steps toward closing the numerous tax loopholes "can raise more than enough to cover the increased federal expenditures to meet our national needs."

Full employment and

Continued on Page 8

IUD Calls for Counter-Offensive As Reactionaries Take Aim at Labor

WASHINGTON — A five-point program to put the American labor movement on the offensive was placed before the third constitutional convention of the AFL-CIO industrial union department by UAW President Walter P. Reuther as he warned that anti-labor forces are aiming at industrial unions as their "target for extinction."

In a convention keynote speech before some 400 delegates representing 68 international unions, Reuther, IUD president, said reactionaries were "emboldened by success" with the passage of the punitive Landrum-Griffin bill, which he charged was "an attempt to weld into the economy the near-sweatshop industries that still exist in the nation."

Points in the five-point program were:

● Develop internal machinery to resolve jurisdictional disputes, based on the plan adopted by the AFL-CIO convention, details of which are being worked out:

● Organize the unorganized. "I want every union in the AFL-CIO to grow stronger," Reuther said. "I want every union to prosper. I want the membership of every union to get the benefits of a stronger union at the bargaining table."

● **Establish maximum coordination and cooperation on the collective bargaining front through "practical mechanisms," and work out within the framework of the united labor movement a common defense fund "so that any union taken on will have the support of the whole labor movement."**

● Intensify political action to elect more liberal, pro-labor legislators. "I hope the labor movement will say to the Democratic Party leadership, 'Make up your minds. You can't have Eastland and Howard Smith and our support, too," Reuther said.

● Do more to educate union members and the general public about what the union movement really stands for and accomplishes. "The hucksters, the people who rig the television shows, the people who coin these fancy

Continued on Page 8

On the Inside

You will find news about your region — and maybe you — on pages 2 and 7. And, as a special supplement, Solidarity has printed the complete, official text of the Landrum-Griffin Act. It's on a four-page insert so you can slip it out of the paper and file it, if you want to.

A Brilliant Dissent by a Great Jurist: See pp. 4-5

Get Ready Now for '60, Aircraft Locals Warned

DALLAS, Tex. — UAW Vice President Leonard Woodcock stressed the need for full and united preparation for rapidly-approaching 1960 aircraft negotiations in a series of fact-filled meetings with leaders of Texas and Oklahoma aircraft locals which culminated here.

At the same time, Woodcock spelled out key reasons why members in the auto and other sections of UAW will be giving all-out support to the union's aircraft workers in their contract talks next year. He did this at a meeting with leaders of Local 276 representing General Motors' Buick-Olds-Pontiac plant workers at Arlington, Tex.

Woodcock, director of UAW's National Aircraft Department, met in rapid-fire succession with leaders of Local 1093, representing Douglas Aircraft workers at Tulsa, Okla.; Locals 218 and 317 representing Bell Helicopter employees at Hurst, Tex.; Locals 390, 967 and 1081 whose members are Temco Aircraft workers at Grand Prairie, Greenville and Garland, Tex., and Local 893 representing Chance - Vought employees at Grand Prairie.

With Local 893 scheduled to be the first in the aircraft industry to go into negotiations in 1960 — its contract with Chance Vought terminates March 18 — Woodcock told its leadership:

"Whatever happens in Chance Vought will have an affect on the Boeing negotiations involving the Machinists Union later that Spring. And that, in turn, will affect the negotiations that follow at North American Aircraft, Douglas, Lockheed and the others."

Pointing out that UAW and the IAM, both the leading unions in the aircraft industry, will be working in close cooperation through all these negotiations, Woodcock also explained "as matters to be reckoned with" such contract items as severance pay, sick leave pay and other provisions.

In addition to similar discussions involving negotiations and contract provisions with the other locals, Woodcock — where asked — also assisted local union leaders in setting up programs to tackle specific problems.

Meeting with the officers and committee members of Local 1093 at Tulsa, where he also spoke at a membership meeting, the UAW Aircraft Department director took up in-plant problems for which, he stressed, solutions must be found.

He went into the rapid rate of layoffs at the plant and also reviewed plans for in-plant organizing campaigns aimed at unorganized workers. At the same time, he discussed the approaching negotiations.

KANSAS CITY, Mo. — UAW Secretary - Treasurer Emil Mazey discussed problems confronting the union at a special meeting here last week with Kansas City area local presidents and financial secretaries.

Boosts by the Bunch Gained In Region 8

BALTIMORE, Md. — A long string of pay-boosting contract settlements was announced here this month by E. T. Michael, director of UAW Region 8.

They cover members of UAW Local 1124 at the General Cable Co., Pinellas Park, Fla.; Local 1110, Motor Wheel Corp., Newark, Del.; Local 423, Wilson Cabinet Co., Smyrna, Del., and Amalgamated Local 907 at International Harvester and at Fruehauf Trailer, both at Norfolk, Va.

Here are important gains in the settlements:

1: Local 1124 won immediate average wage increases

E. T. MICHAEL

of 22½ cents an hour across the board in a new three-year agreement covering about 75 workers, Michael said.

The increases are made up of individual rate adjustments ranging from 15 cents to 45 cents an hour, effective immediately, he added.

The local also worked out an insurance program for the workers and their dependents which will be fully paid by the company, the Regional Director said. This includes life insurance, sickness and accident, hospitalization and surgery.

The new contract also provides a pension plan, 6½ paid holidays this year and 7½ in 1960, and back pay ranging from $60 to $156 per worker based on the wage increase.

2: Members of Local 1110 won a 15 cents an hour wage increase across the board under a wage reopener of their current two-year contract, Michael said. The company is a Chrysler Corp. supplier.

3: A new two-year agreement providing wage increases of seven to 10 cents an hour this year and six to nine cents more in 1960 was negotiated by Local 423 with the Wilson company at Smyrna, Del.

The agreement also provides an additional paid holiday, making a total of seven; substantial increases in hospitalization insurance at no cost to the employee; a 30-minute paid meal period when a worker is on the job more than 10 hours in a day, and an additional three days vacation for workers with three to five years' service.

4: Local 907 won a seven cents an hour wage increase across the board for members employed by International Harvester at Norfolk, Va.

5: Local 907, an amalgamated local, also won a seven cents an hour wage increase, effective this year, and an additional eight cents an hour to become effective in 1960 for workers at Fruehauf Trailer in Norfalk, Michael added. The new contract runs to 1961.

AT THE BARGAINING TABLE during their negotiations for a new contract are the committee representing UAW Local 842 and officials of the Fairchild Aircraft Co. at Hagerstown, Md. They are (seated, left to right) Paul Fitez, company personnel manager; Joseph Baylis, Fairchild director of industrial relations; Bob Doran, Local 842 committeeman; Pauline Spessard, committeewoman; Jim Stern of the UAW Aircraft Department; and George Smith, president of the local and committee spokesman. Standing (left to right) are Bill Basford, local bargaining committee secretary; Earl Stouffer, committee chairman; Bob Carbaugh, committeeman, and Emery Metz, committeeman. Region 8 Director E. T. Michael also participated in the negotiations.

Jobs Back, Back Pay for Two at Hayes

BIRMINGHAM, Ala. — Back pay awards totaling about $2,100 plus reinstatement to their jobs have been won for two UAW Local 1155 members employed at the Hayes Aircraft Co. here, Region 8 Director E. T. Michael reported.

Each had been fired for "insubordination" when the company "cracked down" on union members in retaliation for Local 1155's 50-day strike this summer, he added.

The awards went to E. L. McClain who received $1,258 and J. L. Traweek who got approximately $800, Michael said. Other cases which stem from the "crackdown" period now are under consideration, he added.

McClain's only penalty, the arbitrator ruled, should be a one - week suspension without pay while Traweek was ordered returned to his job but only with half the pay he lost. Full seniority was restored to both men by the arbitrator.

Tex Bosses Ask For Union Guide

AUSTIN, Tex.—It may be that they're just trying to save themselves a lot of work.

They look at things from the opposite point of view, too.

But the Texas Manufacturers Association has asked the State AFL-CIO here for 6,000 copies of the union-compiled voting record to hand out to its members.

"They see the 'wrong' votes as right and the 'right' votes as wrong, anyway," commented one unionist.

Colorado Court Rules:

Bosses' Interests Served When Worker Takes Shower

DENVER, Colo.—A perspiring worker who takes a shower before he goes home really is helping his boss, the Colorado Supreme Court has decided here.

The Court, overturning an 18-year-old workmen's compensation doctrine in this state, ordered the State Industrial Commission to pay benefits to James Divelbiss who had been injured in the company shower at the Colorado Fuel and Iron Corp. in Pueblo.

Divelbiss slipped and fell in the shower room where he had gone after finishing his day's work as an open hearth furnace helper. The base of his spine was injured by the fall.

Testifying that at the time he was soaked with perspiration and covered with dust, the worker told the Court that just about everyone in h department took a shower each day before going home.

Noting that the trial court and the commission had held the injuries did not result "out of and in the course of the employment" as required in the compensation law, the Supreme Court nevertheless decided that "bathing was reasonably incidental to the employment itself" because of the nature of the job.

"The fact that the employer provided showers and that nearly all employees find it necessary to use them is persuasive evidence," the Court stated.

"The health of the employee is of interest to the employer. The employer's interest was actually here served."

INDIANAPOLIS — Edgar L. Barnard, president of International Harvester Local 98 here, has been named to the local United Fund's allocations advisory committee.

Struck 3 Days, Plant Agrees To 11c Package

SPRINGFIELD, Tenn. — A three-day strike at the Ainsworth Precision Products Co. here brought a settlement valued at 11 cents an hour for members of UAW Local 1151, Region 8 Director E. T. Michael reported.

The "package" settlement included an eight cents an hour wage increase acrross the board for members of the local which had been certified only last July as bargaining representative for the 350 Ainsworth workers, Michael said.

The strike started last month after negotiations were deadlocked as a result of the company's refusal to agree to a union security contract clause or any improvements in the agreement, the Regional Director said.

The settlement, reached Nov. 7 and ratified by Local 1151 members the same afternoon, provides the maximum union security permitted under Tennessee law.

In addition, the agreement also provides that Ainsworth will pay the entire cost of the insurance program. Night shift premiums were increased about 50 per cent. Liberalized rules also were agreed to on vacation and holiday pay.

With Ainsworth a supplier of steering columns to the Ford Motor Co., Michael said, the union's National Ford Department cooperated with his office on handling problems involving the stirke.

Local's Humanity Fund Appeal Brings $500

HURST, Tex. — The Prime Minister of Morocco gave UAW Local 218 a $500 check for a charity drive here after hearing about the union's efforts to help spread freedom and fight poverty in the world.

The donation came while Prime Minister Abdallah Ibrahim visited the Bell Helicopter plant here when Local 218 President George Cayce was on a public address hookup during opening day ceremonies for the the "Humanity Fund" campaign.

After listening to Cayce introduce wheel-chaired youngsters touring the plant under Salvation Army auspices, the Moroccan Prime Minister asked to meet the local union president.

Telling Cayce he had been deeply interested in people's needs "ever since I joined a union when I was a small boy," the Prime Minister asked if the local union "knew most of the world is in poverty and if we were concerned about the work of the International Confederation of Free Trade Unions."

"I told him we were very concerned in helping that work," Cayce said. "And I told him what we in the UAW are doing about fighting poverty and trying to spread freedom in the world.

"We need more education for all people, I said, and added we are making some progress, doing the best we can, because we are fighting to be good citizens.

"A television station reporter was listening, and so I also pointed out that what I, as a local labor official, was doing and saying wouldn't be seen or read about anywhere in Texas because ordinarily we get only half-thruths or no-truth at all from the state's newspapers which are anti-labor.

"The Prime Minister then told me that he was a laboring man and a union man, too, and he liked our program.

"The only way to have a strong, free country, he added, is to be concerned with our neighbors' needs and have strong labor unions.

"A few minutes after I was back at the microphone, his check was handed up."

UAW Gives Books To 10 Schools

ST. LOUIS, Mo.—Ten sets of UAW's Labor Bookshelf have been presented to the Board of Education for the city's high schools, Region 5 Director Ted Hawks announced.

The presentation was made last week after school librarians had okayed the gift. Additional sets may be given to other St. Louis schools by UAW locals in the area, Region 5 education representative John O'Hara said.

It's All In The Contract

Credit, a fellow once said, goes to the guy who convinces the world, not to the man who had the idea first.

That's the way it was a couple of weeks ago with the Big Three.

To have heard them tell it at the special Senate Committee hearing on unemployment, they've started more programs to help their workers than a frog has warts.

A listener just might get the idea, too, that they've done it all pretty much by their lonesome.

No matter what the program—SUB, pensions, separation pay, apprenticeship, area hiring, broadened seniority, job transfers, preferential hiring, training, job preference — you'd have to dig pretty deep through the testimony to find any indication from the companies that UAW had to propose, negotiate, struggle for and win these.

In every case, the broad principle was proposed by UAW first. Then the program was hammered out in the give-and-take across the bargaining table.

But as one after another principle became part of the contract, the companies invariably would brag about it.

They seem to have bragged so much and so often that it looks as if they now believe the programs were their very own.

For example, here's what Louis G. Seaton, vice president in charge of personnel for General Motors, said about SUB — the same SUB that, UAW members recall, GM bitterly opposed in 1955:

In 1955, said Seaton, the supplemental unemployment compensation plan was "put into effect at General Motors." Not "negotiated." Not "agreed on." But "put into effect" — as if GM had done this just on its own, out of the goodness of its corporate heart. That isn't the way workers who were there remember it.

And, Seaton added:

"Since 1958, the SUB plan also has provided for separation payments for employees laid off longer than 12 months . . . These plans are incorporated in agreements with unions representing our employees."

UAW members also remember 1958 clearly — as clearly, for instance, as Texans for years have remembered the Alamo.

They remember that separation pay was added to the contract in 1958. They remember that this happened after about four months of working without a contract — after about six months of negotiating with GM leading the Big Three in saying "no" to every union proposal — and after one of the roughest negotiations periods in union history.

Or, listen to Chrysler vice-president John D. Leary telling the committee "what we" — meaning the corporation —"have done to lessen the impact of layoffs on our own employees."

Emphasizing that he was discussing "some of the steps taken by Chrysler" — "changes in collective bargaining agreements to help minimize the effects of unemployment; efforts by Chrysler to train present employees to assume new job responsibilities, and transfers of operations" . . . Leary moved off the track for a few words to note that UAW had a part in the agreement.

Then he patted the company on the back for:

1: Seniority. He described how it had been broadened. But it was broadened because UAW proposed this and insisted on it. Chrysler, concerned with the problem, too, then worked with the union to arrive at mutually-agreeable provisions in collective bargaining.

2: An area labor pool for laid-off employees affected by transfers of operations. Here, too, the company tried to take credit for the area pool when the fact is that it was proposed by the union.

3: Transfers permitting workers to fill jobs open at other plants if they are qualified. UAW started pressing for this years ago, and brought it up repeatedly before finally obtaining it in the agreement.

4: Employees carrying their right to fringe benefits with them when they accept work at another plant — liberalized pensions providing early retirement —separation pay—apprenticeship gains —these and other advances also were pointed up by Leary with the strong implication they were company accomplishments.

But in each case, they, too, were proposed first by UAW and won in collective bargaining.

And the union had to fight hard for every one.

Speaking for Ford, Malcolm L. Denise, vice president in charge of labor relations, travelled along the same road of words as his counterparts at the other companies.

And to a large extent, the type of points he made was the same.

Ford, said Denise, "has adopted many specific programs and policies to minimize unemployment among Ford employees and to alleviate the effects of unemployment on them."

But the programs were adopted only because UAW brought them up and pressed hard for them to meet the needs of UAW members employed by Ford and other companies.

Declaring that automation has increased Ford employment, Denise said improved technology has resulted in more workers being employed on specific operations at the company.

But Ford put these workers on jobs making products formerly bought from suppliers. Ford jobs went up; the suppliers who lost the work laid employees off.

And that emphasizes the principle made by Denise for solving the nation's unemployment problem.

"The principle contribution we, or any business organization, can make to the solution of unemployment," said Denise, "is to provide employment opportunities."

But the economy — and the unemployed and their families — can't wait for jobs to trickle down.

GESTURING in an emphatic exchange with Senators is GM's Lou Seaton, the corporation's vice president in charge of personnel.

APPRAISAL, advice or analysis—Ford's Malcolm Denise (center) and Chrysler's John Leary (right) had their heads together just as Denise got up from the witness chair and Leary prepared to sit down. At left is another Chrysler Corp. representative.

TOP GM BRASS HUDDLED outside the hearing room shortly before Seaton testified. In the group with Seaton were corporation labor relations, legal, financial and other technical experts and two GM public relations officials.

'I Would Reverse T

WILLIAM O. DOUGLAS

Walter P. Reuther—

I urge every delegate to take the dissenting opinion of Justice Douglas and read it, study it, understand its deeper meanings, because we cannot win this struggle against totalitarianism which will give the human family higher and higher standards of material comfort at the price of enslaving the human spirit. We can't win that struggle unless we understand the deeper meaning as set forth in the opinion of Justice Douglas' dissent.

What did he say? He said in his learned way that in our system of values people come before property. And he quoted the great and distinguished jurist, Justice Brandeis.

Here is what Justice Brandeis said many years ago when this same issue was before the American people. He said that the injunction was used against labor "to endow property with active militant power which would make it dominant over men."

Is this a new idea which Justice Brandeis dreamed up? This is the ancient struggle in the history of the human family as it marched out of the wilderness. It was the struggle to establish, to exert and to extend the simple and fundamental concept of human rights over property rights.

This is what is involved in this historic struggle. It is more than 5c an hour or 10c an hour. It is a fundamental question of sovereignty. Are people to be sovereign over property or is property to be sovereign over people?

This is what the whole struggle of the human family has been about. And this struggle is marked by the high points of human history, by the Magna Carta, by the Bill of Rights.

These are the struggles that are being eroded, that are being compromised and corrupted by a society that somehow has made the tragic mistake of believing that every value of any importance can be equated with a dollar sign.

And Bill Douglas in his historic decision attempts to get these values in their right relationship.

Walter P. Reuther
—from his keynote speech
to the IUD convention.

Arthur Goldberg—

And while this case is closed, in American judical history great dissents have a habit of establishing themselves. It was a great dissent by a grandfather of one of the Justices of the Supreme Court, present Justice Harlan, that there could be no such thing as separate but equal facilities. It was a great dissent which after many, many decades became the law of the land.

While we accept the Supreme Court decision, and we accept it without reservation, we accept it in light of our judicial history in the United States. And I think the last word has not yet been said in this great conflict, and it has not been said . . . in the judicial history of the United States.

Arthur Goldberg, general counsel
of the United Steelworkers, in a
talk before the IUD convention.

It is plain that the President construed the word "health" to include the material well-being or public welfare of the nation.

When the Attorney General moved under Section 208 for an injunction in the District Court based on the opinion of the President and the conclusions of the Board of Inquiry, the union challenged the conclusion that "the national health or safety" was imperiled, as those words are used in the act.

The District Court found otherwise, stating five ways in which a continuance of the strike would, if permitted to continue, imperil "the national health and safety".

* * *

Assumption Disputed

Here again it is obvious that "national health" was construed to include the economic well-being or general welfare of the country. The Court of Appeals, in sustaining the injunction, was apparently of the same view.

This seems to me to be an assumption that is unwarranted.

I think that Congress when it used the words "national health" was safeguarding the heating of homes, the delivery of milk, the protection of hospitals, and the like.

There were those in the Senate who wanted to go so far as outlaw strikes "in utilities and key nation-wide industries" in order to protect the "public welfare."

Reference was, indeed, made to strikes in industries "like coal or steel" among those to be barred in "the public interest." But the Senate did not go that far. The Senate bill reached only situations where there was peril to the "national health or safety." The House bill went further and included cases where there was peril to "the public health, safety, or interests."

The Senate view prevailed, that version being adopted by the conference.

* * *

To read "welfare" into "health" gives that word such a vast reach that we should do it only under the most compelling necessity.

* * *

We should hesitate to conclude that Congress meant to restore the use of the injunction in labor disputes whenever that broad and all-inclusive concept of the public welfare is impaired. The words used—"national health or safety"—are much narrower.

"If national health" includes the public welfare, injunctions will issue whenever any important industry is involved —whether it be steel or automobiles or coal or any group of industries where one union makes collective agreements for each of the component unions.

It is a fact of which we can take judicial notice that steel production in its broadest reach may have a great impact on "national health." Machinery for processing food is needed; hospitals require surgical instruments; refrigeration is dependent on steel; and so on.

Whether there are such shortages that imperil the "national health" is not shown by this rec less these particularized findings are made be made out for founding the injunction o peril to the "national health."

* * *

Impact of Steel

Nor can this broad injunction be sustai rested solely on "national safety." The heart court's finding on this phase of the case is in "certain items of steel required in top priorit sile programs are not made by any mill now available from an inventory or from impo findings, already quoted, are also generaliez

One can not find in the record the type the steel needed for defense, the name of which those products are produced, or the names of the plants that will have to be reope military need.

We do know that for one and a half y mid-1959 the shipments of steel for defens counted for less than 1 % of all the shipmen steel mills.

If 1,900 men, or 5,000 men, or 10,000 duce the critical amount the Defense need, what authority is there to send 500,0 to work?

There can be no doubt that the steel s "substantial" portion of the industry. Henc quirement of section 208 (A) of the act is sa

But we do know that only a fraction of of the struck industry goes to defense nee know, however, what fraction of the industr to produce that portion.

Without that knowledge the district capable of fashioning a decree that will sa national "safety," and still protect the righ

Will a selective reopening of a few mills meet defense needs? Which mills are these? practical to reopen them solely for defense pur *they have to be reopened for all civilian* purpo

This seems to me to be the type of inqu cessary before a decree can be entered that the rights of all the parties.

* * *

Section 08 (A) gives the district court " enjoin" the strike. There is no command that 100% of the strikers when only 1% or 5 them are engaged in acts that imperil the nati

We are dealing here with equity pra has several hundred years of history behind not lightly assume that Congress intended Federal judiciary a rubber stamp for the P

His findings are entitled to great weight with my brethren accept them in so far as nat is concerned.

But it is the court, not the President, tha

Report on Washington:

What We Can Expe

The first session of the 86th Congress, operating under the triple handicap of a GOP-Dixiecrat majority, the veto bludgeon of the President and the absence of an impending election accomplished little and left nearly all its work to be done in the short session which begins Jan. 6, 1960 and ends before the party conventions.

Some of these conditions will be improved for 1960: Senators and Representatives in the coming session will have the 1960 election to spur them on to establish a liberal record to present to the electorate.

This fact in itself may have the effect of weakening the conservative coalition and welding the liberals into a hard-fighting, successful majority on major issues.

President Eisenhower may be hesitant to use his veto for fear of re-confirming — just before the campaign — the image of the Republican Party as the enemy of welfare legislation.

New hope has been raised for successful Congressional action on vital legislation by the banding together of House liberals in a new effort designed to study and promote liberal legislation these representatives campaigned on in 1958.

The lack of communication and cohesion among Democratic liberals in the last session was apparent in contrast to the smooth hand-in-hand operation of the conservative coalition.

The renewed campaign in the House may furnish the glue necessary to hold together a liberal group informed enough and strong enough to change the House rules and to muster majorities big enough to make Presidential vetos politically unwise.

In the Senate no similar drive has been announced but individual liberal Senators, smarting under the do-nothing label slapped on the Democratic 86th Congress, are fighting mad and ready for battle.

Some of them who are prospective candidates for the Presidential nomination will certainly be motivated to distinguish themselves for liberal leadership in the coming session.

All of these facts raise liberal hopes for at least more and better legislation by Congress in 1960 than was enacted in 1959.

It is unl hopes can b a push fro citizens clubs, unio social actio ganizations they speak

With pu hard work Congress of unfinis

Below is of urgently processed awaiting ac

1. Adequate islation pro mum:

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This Decree...'

Major Excerpts from the Dissenting Opinion of Supreme Court Justice William O. Douglas On the Steel Strike Injunction

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resident, that is entrusted by Article III of the Constitution to shape and fashion the decree.

If a Federal court is to do it, it must act in its traditional manner, not as a military commander ordering people to work willy-nilly, nor as the President's administrative assistant.

If the Federal court is to be merely an automaton stamping the papers an Attorney General presents, the judiciary function rises to no higer level than an I. B. M. machine.

Those who grew up with equity and know its great history should never tolerate that mechanical conception.

An appeal to the equity jurisdiction of the Federal District court is an appeal to its sound discretion. One historic feature of equity is the moulding of particular cases.

Equity decrees are not like the packaged goods this machine age produces. They are uniform only in that they seek to do equity in a given case.

We should hesitate long before we conclude that Congress intended an inunction to issue against 500,000 workers when the inactivity of only 5,000 or 10,000 of the total imperils the national "safety."

That would be too sharp a break with traditional equity practice for us to accept, unless the statutory mandate were clear and unambiguous.

* * *

Plainly there is authority in the District Court to protect the national "safety" by issuance of an inunction.

But there is nothing in this record to sustain the conclusion that it is necessary to send 500,000 men back to work to give the Defense Department all it needs for the nation's "safety."

If more men are sent back to work than are necessary to fill the defense needs of the country, other objectives are being served than those specified in the statute. What are these other objectives? What right do courts have in serving them?

What authority do we have to place the great weight of this inunction on the backs of labor, when the great bulk of them affected by it have nothing to do with production of goods necessary for the nation's "safety" in the military sense of that word?

Labor injunctions were long used as cudgels—so broad in scope, so indiscriminate in application as once to be dubbed "a 'scarecrow' device for curbing the economic pressure of the strike.

The crop of evils that grew up during those regimes was different in some respects from those generated by this decree. The problems of vagueness, of uncertainty, of detailed judicial supervision that made police courts out of equity courts are not present here.

Not the same indiscriminate leveling of those within and those without the law is present.

The injunction supplies all the force of the Federal Government against men whose work has nothing to do with military defense as well as against those whose inactivity imperils the "national safety."

It is not confined to the precise evil at which the present act is aimed. Like the old labor inunctions that brought discredit to the Federal judiciary this is blanket injunction broad and all-inclusive, bringing within its scope men whose work has nothing whatsoever to do with the defense needs of the nation.

Being wide of the statutory standard it has, to use the words of Mr. Justice Brandeis, all the vices of the injunction which is used "to endow property with active, militant power which would make it dominate over men."

I cannot believe that Congress intended the Federal courts to issue injunctions that bludgeon all workers merely because the labor of a few of them is needed in the interests of "national safety."

* * *

When we uphold this injunction we force men back to work when their inactivity has no relation to "national health or safety." Those whose inactivity produces the peril to "national health or safety" which the act guards against and only those should be covered in the injunction.

The rest—who are the vast majority of the 500,000 on strike—should be treated like the employers are treated. They should continue under the regime of collective bargaining and mediation until they settle their differences or until Congress provides different or broader remedies.

When we assume that all the steelworkers are producing steel for defense when in truth only a fraction of them are, we are fulfilling the dreams of those who sponsored the House bill and failed in their efforts to have Congress legislate so broadly.

Though unlikely, it is possible that, had the district court given the problem the consideration that it deserves, it could have found that the only way to remove the peril to national safety caused by the strike was to issue the broad, blanket injunction.

It may be that it would be found impratcical to send only part of the steel workers back to work. The record in this case, however, is completely devoid of evidence to sustain that position.

Furthermore, there is no indication that the district court ever even considered such a possibility.

I am unwilling to take judicial notice that it requires 100% of the workers to produce the steel needed for national defense when 99% of the output is devoted to purposes entirely unconnected with defense projects.

I would reverse this decree and remand the cause to the district court for particularized findings as to how the steel strike imperils the "national health" and what plants need to be reopened to produce the small quantity of steel now needed for the national "safety."

There would also be open for inquiry and findings any questions pertaining to "national health" in the narrow sense in which the act uses those words.

Expect of Congress in 1960

It is unlikely that these hopes can be realized without a push from rank and file citizens and the political clubs, unions, parent groups, social action and church organizations through which they speak to the Congress.

With public support and hard work we may expect Congress to act on the list of unfinished business.

Below is a top priority list of urgently needed, partially processed legislation now awaiting acution:

1. Adequate Civil Rights Legislation providing as a minimum:

a. Support for the Supreme Court's 1954 decision requiring school integration with "all deliberate speed" by giving the Attorney General the authority to act on his own initiative to insure every citizen equal protection of the laws and giving authority and direction to the Secretary of Health, Education and Welfare to assist local districts in complying with that decision.

b. Insurance to every citizen of the actual exercise of the right to vote, if necessary by establishment of federal voting registrars and federally operated elections.

2. Area Redevelopment Bill, passed by the Senate and pigeonholed in the House. It is hoped that Senator Eugene McCarthy's Special Senate Committee on Unemployment Problems now holding hearings throughout the country and expected to report in February 1960, will help blast free this bill and others bearing on the nation's economic health.

3. Federal Unemployment Compensation Standards Bill, increasing the amount and extending the duration of weekly benefits, now stuck in the House Ways and Means Committee, for lack of one or two votes.

4. Increase of the Minimum Wage to at least $1.25 an hour and extension of the Wage-Hour Act coverage to 8 million presently unprotected workers.

5. Medical Care for Old Age and Survivors Insurance Beneficiaries provided in the For- and Bill, awaiting further House Ways and Means Committee hearings and action.

6. Federal Aid to Education, to provide funds for school construction and increased teachers' salaries.

7. Housing. Resume a national program of two million housing units a year to rehouse America in good homes and neighborhoods at fair prices and rents;

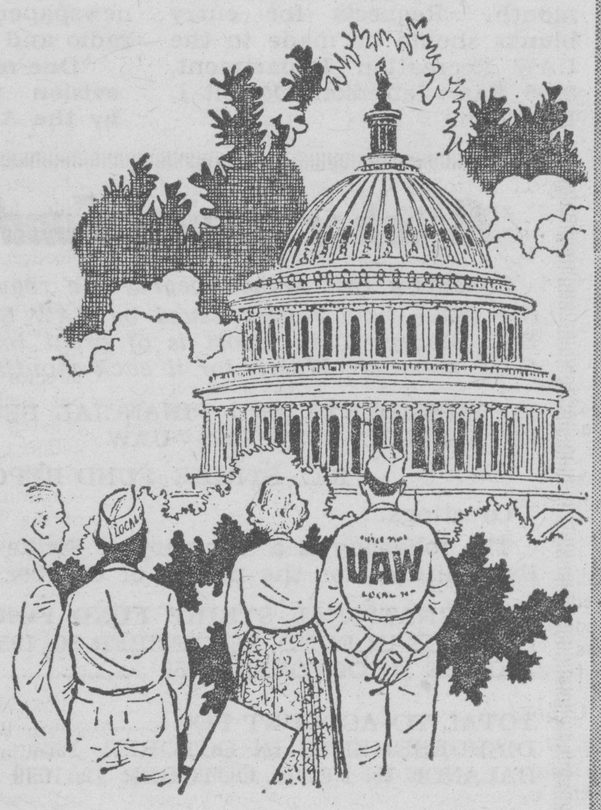
Build at least 200,000 low-cost public housing units per year, with provisions for retired workers or their dependent survivors;

Provide for relocation of families displaced by slum clearance projects;

Provide low-interest, long-term credit for cooperatives and other non-profit groups under government-guaranteed mortgages.

8. Closing Tax Loopholes which now cost more than $9 billion in lost revenues.

9. Amendment of the Labor and Management Reporting and Disclosure Act of 1959 to correct its obvious anti-labor provisions and to prevent hardship on democratic unions.



Canadian Business Publication Bares Landrum-Griffin Intrigue

TORONTO, Ont.—A conservative Canadian publication has laid bare the political intrigue which resulted in the "labor reform" act in the U.S.

It's doubtful if any news media in the United States—apart from the labor press—came out as frankly in a roundup view of recently forged American labor legislation as did the "Financial Post," the Canadian businessman's weekly.

The story datelined Washington bore a prominent title which just about told the entire story: "How Lobbies Wangled Tough U.S. Labor Law."

Following are major portions of the "Financial Post" article:

"Details of the most successful business lobby in years are coming out of Washington in the wake of the new U.S. tough labor law.

"Now with the tough labor law under their belts, U.S. business groups are talking of trying once again to push through 'right-to-work' laws in state legislatures . . . .

"Here is the story as it began coming out this week, of exactly how U.S. business pulled off a 'yes' vote in Congress on the tough labor law:

"The major organizations involved were the National Association of Manufacturers, the U.S. Chamber of Commerce aided by most of the local and state organizations, the American Farm Bureau Federation, the American Retail Federation and the National Small Business Men's Association . . .

"They decided early this year that 1959 was THE year to try for tough labor legislation.

"They banked heavily on the revelations of labor racketeering made public by the Senate Labor Rackets Committee.

"The groups of business organizations first listed the 120 members of the House in marginal districts, that is those who won by 55% or less of the popular vote and who had never voted on a labor bill.

"Step number two was to refine this list, eliminate those who were known to be solidly for or against strong labor reform legislation.

"Step number three was to further refine the list to those who were in favor of some reform but not committed to either a tough or moderate measure. They were presumed, however, to lean toward a moderate labor measure . . . .

"The refining brought the list down to 54 names. The full power and influence of the business groups were concentrated on these 54 Congressmen.

"The first job now was to pour propaganda into the districts represented by these Congressmen.

"This was done with the aid of local branches of the various business groups through newspaper advertisements, and radio and television.

"One major tool was a television program sponsored by the Armstrong Cork Co.'s Circle Theatre called "Sound of Violence.'

"It was an April network show with an estimated audience of 25 million.

"It ended with a strong plea by Sen. John McClellan, chairman of the Senate Labor Rackets Committee, for tough labor laws to prevent union hooliganism.

"This program was run as a summer repeat on July 8. At this time, local branches of the National Association of Manufacturers and other trade associations told their members when and where the show could be seen.

"Workers were advised to watch it. The Texas Manufacturers Association, for instance, advertised the viewing time and stations for half a dozen Texas cities.

"The Lumbermen's Industrial Relations Committee in the U.S. Pacific Northwest did the same thing in Oregon and Washington.

"When it was discovered the show was not scheduled in 27 key Congressional districts, arrangements were made to get some of the stations to run the program as a public service or as a program sponsored by some business organizations.

"About five million letters were sent out urging people in the critical areas to watch the program.

"The business drive really got up steam when the tough Landrum-Griffin labor bill was introduced in the House.

"Certainly the business groups put heavy pressure on President Eisenhower who made his unusual television address urging adoption of the Landrum-Griffin bill.

"At the same time, brief tape recordings and television film clips were made with the authors of the bill and run frequently either sponsored or as a public service by stations in most of the crucial districts.

"When the vote came in the House, it was 229 to 201 for the tough labor law.

"Of the 54 target Congressmen at whom all this effort was aimed, 23 had been persuaded to vote for the bill.

"This was nine more than the 14 vote margin of victory."

Look at the Record

A 46-page pamphlet analizing the record of the first session of the 86th Congress has been issued by the AFL-CIO department of legislation.

Called "Labor Looks at Congress — 1959," the pamphlet gives a step-by-step legislative history of the Landrum-Griffin Act and records key roll call votes in the House and Senate.

Like to Bowl? Now Read This

Union bowlers are preparing to roll into the Ninth Annual UAW International Bowling Tournament starting the weekend of Feb. 13-14, Olga M. Madar, UAW Recreation Department director, announced.

The tournament, sanctioned by the American Bowling Congress and Women's International Bowling Congress, will run concurrently each weekend until April 23-24, except for the Easter holiday weekend of April 17-18.

With competition open to all AFL-CIO members, events will include team singles and doubles. Handicaps are to be determined on a 70% basis, the difference between average and 200, Miss Madar said.

With both a men's and women's division, there is an entry fee of $5 covering prize fees, bowling and tournament expenses, she added. Prize fees are to be returned 100% and trophies will be awarded winners in each event.

Defending team champions are Elkhart, Ind., UAW Local 612 in the Men's Division and Allentown, Pa., UAW Local 677 in the women's division. More than 3,000 bowlers from 160 local unions in the U.S. and Canada competed in 1959 for a prize fund totaling approximately $20,000.

Entry blanks and detailed information on the tournament will be sent all UAW locals and 1959 bowling participants this month. Requests for entry blanks should be made to the UAW Recreation Department, 8000 East Jefferson, Detroit 1, Michigan.

Gal Workers' Committees Urged by IEB

UAW locals were urged to establish women's committees "for the purpose of promoting greater understanding of the UAW's policies and programs and further the objectives of our union within communities" in a resolution adopted by the international executive board meeting in Detroit.

The resolution was one of several referred to the board by the convention on which the IEB acted.

The resolution also called for protection of the seniority rights of women workers, inclusion of 'equal pay for equal work' clauses in contracts which do not as yet have them, and continuation of area and regional conferences to discuss problems of women workers.

Another resolution approved by the IEB called for a "needed overhaul of the United States' and Canadian social security systems."

It pledged the UAW to call upon the second session of the 86th Congress "for immediate favorable action" on the Forand Bill, and to demand "significant improvements" in the Canadian federal old age pension, including benefits "reasonably related to the cost of decent living and payable without a means test."

SOME LISTENERS think the name EYE OPENER was selected for the UAW's radio program, by Guy Nunn, because of the early hour it's heard. Others prefer to believe that the name ties in with the kind of eye-opening, thought-provoking items heard on the program . . . At times like this, though, when Guy is interviewing Lauren Bacall, well, think what you like—it's an EYE OPENER!

Old Friends

ATLANTIC CITY—UAW's 17th Constitutional Convention attracted many distinguished guests among them three former officers of the international

There to greet the convention and say hello to old friends were:

R. J. Thomas, former UAW president and now administrative assistant to George Meany AFL-CIO president:

Jack Livingston, former vice president and now AFL-CIO director of organization;

Richard T. Leonard, former vice president and now administrative assistant to Walter P. Reuther in his capacity as president of the AFL-CIO industrial union department.

Kohler Case Real Creepy

WASHINGTON — The federal government's swift action in the case of the steel strike —where a Taft-Hartley injunction aided the steel industry—and its extreme slowness to act in the case of the strike against Kohler — where governmental action could aid the workers — was sharply contrasted by a Kohler striker in a talk before the IUD convention here.

Leo Breirather, UAW Local 833 boycott coordinator, told the delegates, "Now we don't kid ourselves that our strike is as important as the steel strike, but we nevertheless were amazed with the rapidity with which the government could act in the case of steel, and how awfully slow they can act when the workers could derive some benefit."

Breirather's remarks came as the convention unanimously adopted a resolution supporting strikes other than steel, on which it had acted earlier.

Singled out were the Kohler battle, the Textile strike at Henderson, N.C.; the Rubber Workers fight against O'Sullivan; the Packinghouse struggle with Wilson and the Oil Workers strike against Standard Oil of Indiana.

Breirather thanked the convention for the help beleaguered Kohler strikers received from all of organized labor.

"I can proudly report," he said, "that the Kohler strikers themselves, the pre-strikers, have remained solid, considering the length of time. The Kohler company could not work this very day with the number of pre-strike employees now at work in their plant."

Die Casting Council Annual Meeting Set

UAW's National Die Casting Council will hold its annual meeting Dec. 4 and 5 in Detroit, Anthony Gallucci, secretary-treasurer of the Council, has announced.

Keep an Ear on EYE OPENER

Don't break this to the kiddies during the Christmas season, but EYE OPENER comes around a lot more often than Santa Claus; 260 times more often, to be exact. The UAW's popular morning radio show, featuring Guy Nunn, is broadcast Monday through Friday, 52 cotton-pickin' weeks of the year.

Guy has scheduled a real earful of fine listening for early December. He asks and answers the important question, what's ailing in the federal regulatory commissions?

He interviews Clyde Ellis, head of the National Association of Rural Electrification Cooperatives, for an analysis of the private versus public power struggle going on inside the Eisenhower administration and a report on Russian power development.

He reviews the economic prospects and possible consequences of reducing military expenditures in favor of much needed homes, schools, hospitals and the like.

Al Hamilton, EYE OPENER's Man - About - Washington, checks in with a particularly interesting interview of Paul Douglas, Democratic United States Senator from Illinois.

And, of course, there's always a full share of the Guy Nunn humor and the delivery of news and views you'll hear nowhere else.

October Strike Fund Report

Solidarity this month begins the regular publication of the strike fund report issued by UAW Secretary-Treasurer Emil Mazey. This report is of great importance to every UAW member. Watch for it each month.

TO PRESIDENTS AND FINANCIAL SECRETARIES OF ALL LOCAL UNIONS—UAW

RE: STRIKE FUND REPORT

Greetings:

The following is a summary of Strike Fund Income and Expenditures for the month of October, 1959:

INTERNATIONAL STRIKE FUND FOR OCTOBER, 1959

BALANCE IN FUND, SEPTEMBER 30, 1959	$17,131,987.99
INCOME IN OCTOBER, 1959	1,297,271.02
TOTAL TO ACCOUNT FOR	18,429,259.01
DISBURSEMENTS IN OCTOBER, 1959	300,820.48
BALANCE IN FUND, OCTOBER 31, 1959	$18,128.438.53

There are 12 strikes in effect at the present time, in which 3,486 members of our union are involved.

Fraternally yours,
EMIL MAZEY
Secretary-Treasurer

UAW SOLIDARITY

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EMIL MAZEY
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NORMAN MATTHEWS
LEONARD WOODCOCK
PAT GREATHOUSE
Vice Presidents

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CHARLES KERRIGAN
HARVEY KITZMAN
JOSEPH McCUSKER
E. T. MICHAEL
GEORGE MERRELLI
KEN MORRIS
PAT O'MALLEY
E. S. PATTERSON
KEN ROBINSON
RAY ROSS

Frank Winn, Editor and Director Publications and Public Relations Department.

Joe Walsh, Assistant Director Publications and Public Relations Department.

Henry Santiestevan, Managing Editor and Assistant Director Publications and Public Relations Department.

Jerry Dale, Howard Lipton, Ray Martin, Jerry Hartford, Staff Members.

James Yardley, Photographer.

Members American Newspaper Guild, AFL-CIO.

BACK PAY CHECKS OF $320 EACH are displayed by workers who got the money after UAW won a representation election at the Rite-Craft, Inc., plant. Left to right (front) are Lyle Vandermark, Virgil Bryant and Kenneth Ecker. Left to right (rear) are Richard Hoffman, Richard Woodward, Hoy Arnette, and Charles Harley. Ken Hooker, the eighth worker receiving a back pay check, was elsewhere when the picture was taken.

Boss Loses $2,560 Gamble When Workers Vote UAW

ARGOS, Ind.—A boss gambled $2,560 that UAW would get the short end of an election here to represent his workers. He lost.

The boss is John Ritzentheler, owner-manager of Rite-Craft, Inc., house trailer manufacturer.

The $2,560 is the total in back pay which went to eight workers after UAW received a majority at the plant. A total of 59 employees were eligible to vote.

Ritzenthaler had agreed—with an Argos bank as the third party—to pay 160 hours back wages to the eight workers only if the union won the election.

The eight were among the ten he had fired after a short strike before Rite-Craft workers signed up with UAW in July. The remaining two men went to work elsewhere after their discharge.

Each of the eight got $320 in back pay.

Beginning of the case came early in July when the company began taking steps to fire a spokesman for the then-unorganized workers who had protested incentive system methods at the plant.

The company's action resulted in about 50 of the 73 employees walking out of the plant.

The workers then called the UAW office at South Bend, met that night with international representative David Hill, signed representation cards and formed a committee to organize the rest of the workers.

Because unorganized employees have little actual protection when they strike they took Hill's advice and reported for work the next morning. At that time, they learned all time cards had been removed from the racks.

Ritzenthaler, however, handed out cards to those he said he wanted to work. The 10 he by-passed had been most active in organizing the union.

Result: more than half the workers signed UAW cards within hours.

Ritzenthaler then asserted the men had not been fired but only laid off temporarily to be recalled when production lines were "balanced."

His gamble followed. And the "balance" of each of the 10 tipped up just a little—by $320 each.

Lockout Starts Fourth Year At Piasecki

NEW CASTLE, Del.—Members of UAW Local 840 last month marked the start of the fourth year of their lockout by the Piasecki Aircraft Corp. here.

The company has continued to refuse to recognize the union despite the local's having represented the workers for years at the plant.

In addition, Piasecki is trying to overturn an NLRB order that the corporation bargain with UAW.

"Members of Local 840 have waged this struggle with courage and patience," said E. T. Michael, director of Region 8.

The case began Nov. 26, 1956, when Piasecki refused to employ Local 840 members after buying the plant from the former Bellanca Aircraft Corp.

Local 840 had been certified for the previous 17 years as the bargaining representative at the plant.

The case finally got to the top National Labor Relations Board which, early this year, ruled unanimously that UAW is the exclusive representative of the plant's workers.

The Board, in its ruling, also ordered Piasecki to bargain with the union. In addition, the NLRB ordered back pay for the workers.

Piasecki still is fighting the order.

Get Consumer Protection Back On the Track, Lawmaker Urges

WASHINGTON—Tight enforcement of laws now on the books is needed along with new laws to protect consumers from being "played for a sucker" by many businesses concentrating on the "hard sell," Congresswoman Leonor K. Sullivan (D.,Mo.) is insisting.

"Too timid enforcement of the laws to protect the public interest is not, by any means, restricted to the Federal Communications Commission," Mrs. Sullivan said.

"Fake advertising claims, so abundant on TV, are just a part of this pattern of anti-consumer behavior."

Hitting out at production shortcuts and lack of quality control that have resulted in "shoddy products" being put on the market, Mrs. Sullivan also noted that consumers may be endangered by the use of coal-tar colors on or in foods and cosmetics.

Formerly considered harmless, the dyes have been shown in recent tests to not be entirely without danger, "even though apparently safe in the amount and manner customarily used in foods and cosmetics," she said.

"The question Congress must now face is this: should even infinitesimal amounts—'harmless quantities'—be permitted in or on food and cosmetics of an ingredient which in greater amount could be a possible cancer-causing agent?

"Some of the experts I have consulted on this problem tell me flatly the answer should be 'No'."

UAW Easy Winner At 4th Air Mod Plant

BALTIMORE, Md.—UAW won a hands-down organizing victory this month at the Air Mod plant at Friendship International Airport here, Region 8 Director E. T. Michael reported.

With 271 workers eligible to cast ballots in the National Labor Relations Board-conducted election, the union received 206 votes, eight went for "no union", six challenged and one ineligible.

"The election victory makes this the third Air Mod plant to be organized within Region 8 and the fourth within the International Union structure," Michael said.

Michael said the organizing campaign was handled by Fred Quatrini of the union's competitive Shop Department aided by George Smith, president of Fairchild Local 842 at Hagerstown, Md., James Sala, vice-president of Martin Local 738 here, and Region 8 representatives Charles Hypes, John Barnette and W. H. Baker Jr.

The campaign marked the first time that members of Baltimore area UAW locals were temporarily assigned by the International Union to aid in an organizing drive.

Pointing out that the bulk of Air Mod's workers had been laid off in contract cutbacks and cancellations at the Martin and Fairchild locals, Michael said:

"The overwhelming vote for UAW from the former members of Locals 738 and 842 is eloquent witness to the job these two locals have done over the years for aircraft workers in Maryland."

Martin Pension Negotiations Set to Start

DENVER, Colo. — A pension plan proposal for negotiations with the Martin Aircraft Co. was agreed on at a two-day session here of UAW's Martin Intra-Corporation Council.

Delegates also decided unanimously that the three Martin Aircraft locals would negotiate the plan jointly through the Council. With the present plan scheduled to expire Dec. 31, 1959, negotiations are to get under way early this month with the union's National Aircraft Department taking part.

John Alden of Local 738, Baltimore, Md., is council president; Joe F. Ivy of Local 766, Denver, vice-president, and Ken Hopkins, Local 788, Orlando, Fla., secretary-treasurer.

Also attending the meeting: Jackson Moore for Local 738; Terrance Simpson and Ralph Scott for Local 766, and Don Cassidy for Local 788.

In addition, Region 8 Director E. T. Michael, George Frongillo, UAW Aircraft Department representative, and international representatives Tom Connole and Michael Volk were at the sessions.

Steel Took Cue From CAT, Pat Tells Council

PEORIA, Ill.—The demands now being made on the Steelworkers by the steel industry are the same demands Caterpillar workers were faced with last year when the UAW opened negotiations with the farm implement firm, Vice President Pat Greathouse pointed out at a meeting of the Caterpillar Council here early last month.

Just as the steel barons are doing today, so Caterpillar management at first demanded a freeze on wages and elimination of the cost-of-living escalator clause and the annual improvement factor, Greathouse reminded the delegates. He is director of the UAW's Caterpillar Department.

It took a strike to change Caterpillar management's mind, he noted, just as the Steelworkers have had to strike to resist a similar management onslaught.

The council was also given a report on arbitration of grievances by the Caterpillar Department. Since the last council meeting in August, the department has taken 13 grievances to arbitration, winning seven.

NEW OFFICERS of the Caterpillar Council are sworn in by Vice President Pat Greathouse during council session in Peoria, Ill. Left to right: Greathouse; Wilbur Yocom, Peoria Local 974, council president; T. W. Demichael, Local 751, Decatur, Ill., secretary-treasurer; Rodney Hacker, Local 145, Aurora, Ill., vice president; John Peters, Local 215, Riverdale, Ia., trustee; Tony Alexander, Local 974, trustee, and Dick Lustgarden, Local 786, York, Pa., trustee.

WAGE INCREASES totaling 13 to 19 cents an hour over a two-year period and other gains were provided in the new contract between Local 423 and the Wilson Cabinet Co., Smyrna, Del. Left to right, seated, are H. E. Wickham, company president; Robert Berghorn, president of Local 423, and Lester L. Liefer, company vice-president. Standing, left to right, are UAW local committeemen Ralph Berghorn, Charles May and James Fleming, and Charles Hypes, international representative.

Employment Needs Told

Continued from Page 1

more rapid economic growth would generate higher personal and business income leading to greater federal revenues, Reuther explained. Closing tax loopholes, moreover, would provide as much as $9 billion in additional government revenues, he explained.

Here is the 10-point program Reuther urged Congress to enact:

1: An Area Redevelopment Bill to provide "practical assistance to help rehabilitate existing unused plants and facilities, create new productive facilities where necessary, purchase machinery, provide loans and grants for needed community facilities, and provide for the retraining of workers and some measure of financial support for them and their families while they are in training."

2: A Community Facilities Bill to provide financial aid to municipalities for local improvement programs.

3: Federal legislation to establish minimum standards covering the amount and duration of unemployment compensation benefits under the state systems.

4: Federal grants to states for general assistance programs to help those who have exhausted other sources of aid.

5: Improved distribution of surplus food to provide balanced meals for the needy. Reuther called for congressional passage of Senate Bill 1884 to accomplish this.

6: Adoption of a national policy on national procurement involving defense contracts to help unemployment-stricken areas. Reuther noted that price must be given careful consideration in placing defense contracts "but unemployment and economic dislocations are themselves a source of heavy expense to the nation."

7: Social Security legislation providing for early retirement of workers at full benefits who are certified as unlikely to be reemployed because of age.

8: Federal Fair Employment Practices legislation to answer the problem of persistent unemployment and underemployment of minority-group workers.

9: Financial assistance and other help to workers who voluntarily want to move from an unemployment-heavy area to one of expanding employment opportunity.

10: An unemployment compensation tax penalty against employers who refuse to list job openings with the state employment service.

PACKING UAW's Labor Bookshelf for shipment to a Honolulu, Hawaii, high school is George Klix (left), president of Local 412 who donated the set, and Ted Pankowski (right), UAW Education-Citizenship representative.

'Bookshelf' Sails for Hawaii

The union's Labor Bookshelf is on its way to a Honolulu, Hawaii, high school as the result of a contribution by George Klix, president of UAW's Amalgamated Engineers Local 412.

Donated by the 38-year-old process engineer in the name of the local union, the five-bok set is one of two purchased by Klix with money he received instructing a class of Italian trade unionists visiting the University of Michigan. The other set went to a Detroit area school.

Contribution of the books to McKinley High School in Honolulu followed a letter by Mrs. Gertrude F. Dow of the social studies department saying they would be valuable in the school's senior grade studies of labor and management. The letter was sent to UAW Education Director Brendan Sexton.

Klix, an overseas veteran with three years service in the Pacific, has been president of Local 412 three years.

TELEVISION CAMERA records the report on the convention given by UAW Secretary-Treasurer Emil Mazey (at speakers' stand) before a meeting of the leadership of Local 212. The talk was later televised over several stations in Michigan, and plans are underway to put it on the air in areas where UAW members are concentrated.

DEMOCRACY IN ACTION:

Local 212 Meeting Televised; Public Hears Convention Report

UAW Secretary-Treasurer Emil Mazey last month stepped before television cameras to make a precedent-setting speech—a full report of the 17th Constitutional Convention before a meeting of local union leaders which later was televised for viewing by UAW members and the general public.

Mazey spoke before some 200 officers and shop stewards of Local 212 — his own local — meeting in the organization's headquarters in Detroit.

As television cameras recorded the very process of democracy in action, Mazey told the meeting the UAW convention was "a great democratic instrument, attended by 2,491 delegates each of whom was elected by secret ballot by members of his local.

"Our convention performed functions similar to that of our Congress," Mazey said, "only it is more representative. Congressmen represent an average of 350,000 citizens each, while every UAW delegate represented 454 union members."

The talk was televised in the Detroit area, exactly as delivered, the following day, and later in the Flint, Mich., area. It will also be televised in areas throughout the nation in which UAW has sizable concentration of membership.

Mazey candidly discussed the convention action modifying the union's dues structure — approved by some 90% of the delegates — and other policies discussed and adopted in Atlantic City.

"We adopted resolutions on full employment, civil rights, legislative program, collective bargaining program, political action, shop problems, speedup and numerous other problems," he said.

The civil rights resolution called for the "adoption of legislation that will end the ugly practices of segregation and discrimination," Mazey said.

"Segregation and discrimination are the twin tools of division. The American labor movement has made more progress than any of the rest of society in combating them — and this is as it should be."

Turning to the change in the dues structure, Mazey told the meeting — and the television audience — that the UAW needed additional resources to recover financial strength and carry out the program adopted by the convention.

The dues schedule of $5 a month approved overwhelmingly by the delegates means a cost of only 3c an hour, based on the average income of a 40-hour week, 50-week year, Mazey pointed out.

Because of the Eisenhower-Republican recession, UAW lost 289,400 members in 1958, and the international's income dropped $5,200,000. The union's net deficit in 1958 was $2,721,094.91, Mazey said, while the strike insurance fund had dipped to $17,076,718.63 by the end of August 1959.

They Like Ike

Here are the contributions made to Eisenhower during the 1956 campaign by steel companies:

Republic Steel	$ 16,300
National Steel	37,200
U.S. Steel	26,800
Armco Steel	96,450
Bethlehem Steel	8,750
Inland Steel	3,150
Jones & Laughlin	25,800
TOTAL	$214,450

'Payoff'

Continued from Page 1

support for the Steelworkers and which accused the Eisenhower administration of strike-breaking tactics in getting the injunction. The resolution passed with a roar of approval.

"The use of the injunction clearly demonstrates our need for more effective political action, and emphasizes the close relationship between economic action and political action," Mazey told the IUD delegates.

"The conduct of President Eisenhower during the steel strike made it impossible for give-and-take collective bargaining to be effective because the steel corporations had a commitment from the President that he would use the Taft-Hartley injunction if a settlement was not reached by Oct. 1, 1959.

"I charge the use of the Taft-Hartley injunction in the steel strike as a political payoff to the steel industry in return for the financial support the steel industry gave Eisenhower in the 1956 elections."

Later Mazey told newsmen, "Eisenhower is a big business president. When he took office, he appointed multi-millionaries to every cabinet spot except one—to which he appointed a plumber, Martin Durkin, president of the Plumbers' Union.

"When Eisenhower welched on an agreement to amend the Taft-Hartley Act, the plumber left and Eisenhower replaced him with a half-millionaire — Secretary of Labor James P. Mitchell."

IUD Meets

Continued from Page 1

slogans 'right to work', 'blackmail picketing' and 'featherbedding', are corrupting the image of America and the image of the American labor movement," Reuther said.

The convention strongly supported a resolution on the steel strike, and heard talks by George Meany, AFL-CIO president, David J. McDonald, Steelworkers president, both of whom lashed out at attacks on labor by big usiness.

McDonald sharply rapped the attempts of the steel barons to wipe out gains made by the Steelworkers by eliminating work rules.

"They are not going to be permitted to milk the last ounce of productivity and the last penny of profit from old, dilapidated facilities, and they are not going to make more money at the expense of the sweat and the blood and the burns of Steelworkers," McDonald said.

McDonald urged that the labor movement continue to offer financial help to the Steelworkers.

"The evictions are still taking place in some steel towns," he said, "and we have to find ways and means to pay the rent. We have to find ways and means still to fill empty stomachs."

Full Text: Labor, Management Reporting and Disclosure Act of 1959

The complete text of the Landrum-Griffin bill, signed Oct. 14 by President Eisenhower, is printed below, in accordance with the law.

Title I of the bill ends with these words: "Information as to Act. Sec. 105. Every labor organization shall inform its members concerning the provisions of this Act."

The bill is printed on these inside four pages of Solidarity so that this section may be removed and kept for future reference.

Public Law 86-257
86th Congress, S. 1555
September 14, 1959

AN ACT

To provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Short Title

SECTION 1. This Act may be cited as the "Labor-Management Reporting and Disclosure Act of 1959".

Declaration of Findings, Purposes, and Policy

SEC. 2. (a) The Congress finds that, in the public interest, it continues to be the responsibility of the Federal Government to protect employees' rights to organize, choose their own representatives, bargain collectively, and otherwise engage in concerted activities for their mutual aid or protection; that the relations between employers and labor organizations and the millions of workers they represent have a substantial impact on the commerce of the Nation and that in order to accomplish the objective of a free flow of commerce it is essential that labor organizations, employers, and their officials adhere to the highest standards of responsibility and ethical conduct in administering the affairs of their organizations, particularly as they affect labor-management relations.

(b) The Congress further finds, from recent investigations in the labor and management fields, that there have been a number of instances of breach of trust, corruption, disregard of the rights of individual employees, and other failures to observe high standards of responsibility and ethical conduct which require further and supplementary legislation that will afford necessary protection of the rights and interests of employees and the public generally as they relate to the activities of labor organizations, employers, labor relations consultants, and their officers and representatives.

(c) The Congress, therefore, further finds and declares that the enactment of this Act is necessary to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distort and defeat the policies of the Labor Management Relations Act, 1947, as amended, and the Railway Labor Act, as amended, and have the tendency or necessary effect of burdening or obstructing commerce by (1) imparing the efficiency, safety, or operation of the instrumentalities of commerce; (2) occurring in the current of commerce; (3) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods into or from the channels of commerce, or the prices of such materials or goods in commerce; or (4) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing into or from the channels of commerce.

Definitions

SEC. 3. For the purposes of titles I, II, III, IV, V (except section 505), and VI of this Act—

(a) "Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(b) "State" includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343).

(c) "Industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

(d) "Person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(e) "Employer" means any employer or any group or association of employers engaged in an industry affecting commerce (1) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the empolyment of any employees or (2) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.

(f) "Employee" means any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this Act.

(g) "Labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(h) "Trusteeship" means any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws.

(i) "Iabor organization" means a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization, other than a State or local central body.

(j) A labor organization shall be deemed to be engaged in an industry affecting commerce if it—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection, other than a State or local central body.

(k) "Secret ballot" means the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed.

(l) "Trust in which a labor organization is interested" means a trust or other fund or organization (1) which was created or established by a labor organization, or one or more of the trustees or one or more members of the governing body of which is selected or appointed by a labor organization, and (2) a primary purpose of which is to provide benefits for the members of such labor organization or their beneficiaries.

(m) "Labor relations consultant" means any person who, for compensation, advises or represents an employer, employer organization, or labor organization concerning employee organizing, concerted activities, or collective bargaining activities.

(n) "Officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.

(o) "Member" or "member in good standing", when used in reference to a labor organization, includes any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of such organization.

(p) "Secretary" means the Secretary of Labor.

(q) "Officer, agent, shop steward, or other representative", when used with respect to a labor organization, includes elected officials and key administrative personnel, whether elected or appointed (such as business agents, head of departments or major units, and organizers who exercise substantial independent authority), but does not include salaried nonsupervisory professional staff, stenographic, and service personnel.

(r) "District court of the United States" means a United States district court and a United States court of any place subject to the jurisdiction of the United States.

TITLE I—BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS

Bill of Rights

SEC. 101. (a)(1) EQUAL RIGHTS.—Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

(2) FREEDOM OF SPEECH AND ASSEMBLY.—Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: *Provided,* That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

(3) DUES, INITIATION FEES, AND ASSESSMENTS.—Except in the case of a federation of national or international labor organization, the rates of dues and initiation fees payable by members of any labor organization in effect on the date of enactment of this Act shall not be increased, and no general or special assessment shall be levied upon such members, except—

(A) in the case of a local labor organization, (i) by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or (ii) by majority vote of the members in good standing voting in a membership referendum conducted by secret ballot; or

(B) in the case of a labor organization, other than a local labor organization or a federation of national or international labor organizations, (i) by majority vote of the delegates voting at a regular convention, or at a special convention of such labor organization held upon not less than thirty days' written notice to the principal office of each local or constituent labor organization entitled to such notice, or (ii) by majority vote of the members in good standing of such labor organization voting in a membership referendum conducted by secret ballot, or (iii) by majority vote of the members of the executive board or similar governing body of such labor organization, pursuant to express authority contained in the constitution and bylaws of such labor organization: *Provided,* That such action on the part of the executive board or similar governing body shall be effective only until the next regular convention of such labor organization.

(4) PROTECTION OF THE RIGHT TO SUE.—No labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceeding, or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator: *Provided,* That any such member may be required to exhaust reasonable hearing procedures (but not to exceed a four-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organizations or any officer thereof: *And provided further,* That no interested employer or employer association shall directly or indirectly finance, encourage, or participate in, except as a party, any such action, proceeding, appearance, or petition.

(5) SAFEGUARDS AGAINST IMPROPER DISCIPLINARY ACTION.—No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect.

Civil Enforcement

SEC. 102. Any person whose rights secured by the provisions of this title have been infringed by any violation of this title may bring a civil action in a district court of the United States for such relief (including injunctions) as may be appropriate. Any such action against a labor organization shall be brought in the district court of the United States for the district where the alleged violation occurred, or where the principal office of such labor organization is located.

Retention of Existing Rights

SEC. 103. Nothing contained in this title shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and bylaws of any labor organization.

Right to Copies of Collective Bargaining Agreements

SEC. 104. It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each collective bargaining agreement made by such labor organization with any employer to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. The provisions of section 210 shall be applicable in the enforcement of this section.

Information As to Act

SEC. 105. Every labor organization shall inform its members concerning the provisions of this Act.

TITLE II—REPORTING BY LABOR ORGANIZATIONS, OFFICERS AND EMPLOYEES OF LABOR ORGANIZATIONS, AND EMPLOYERS

Report of Labor Organizations

SEC. 201. (a) Every labor organization shall adopt a constitution and bylaws and shall file a copy thereof with the Secretary, together with a report, signed by its president and secretary or corresponding principal officers, containing the following information—

(1) the name of the labor organization, its mailing address, and any other address at which it maintains its principal office or at which it keeps the records referred to in this title;

(2) the name and title of each of its officers;

(3) the initiation fee or fees required from a new or transferred member and fees for work permits required by the reporting labor organization;

(4) the regular dues or fees or other periodic payments required to remain a member of the reporting labor organization; and

(5) detailed statements, or references to specific provisions of documents filed under this subsection which contain such statements, showing the provision made and procedures followed with respect to each of the following: (A) qualifications for or restrictions on membership, (B) levying of assessments, (C) participation in insurance or other benefit plans, (D) authorization for disbursement of funds of the labor organization, (E) audit of financial transactions of the labor organization, (F) the calling of regular and special meetings, (G) the selection of officers and stewards and of any representatives to other bodies composed of labor organizations' representatives, with a specific statement of the manner in which each officer was elected, appointed, or otherwise selected, (H) discipline or removal of officers or agents for breaches of their trust, (I) imposition of fines, suspensions, and expulsions of members, including the grounds for such action and any provision made for notice, hearing, judgment on the evidence, and appeal procedures, (J) authorization for bargaining demands, (K) ratification of contract terms, (L) authorization for strikes, and (M) issuance of work permits. Any change in the information required by this subsection shall be reported to the Secretary at the time the reporting labor organization files with the Secretary the annual financial report required by subsection (b).

(b) Every labor organization shall file annually with the Secretary a financial report signed by its president and treasurer or corresponding principal officers containing the following information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year—

(1) assets and liabilities at the beginning and end of the fiscal year;

(2) receipts of any kind and the sources thereof;

(3) salary, allowances, and other direct or indirect disbursements (including reimbursed expenses) to each officer and also to each employee who, during such fiscal year, received more than $10,000 in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization;

(4) direct and indirect loans made to any officer, employee, or member, which aggregated more than $250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;

(5) direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and

(6) other disbursements made by it including the purposes thereof; all in such categories as the Secretary may prescribe.

(c) Every labor organization required to submit a report under this title shall make available the information required to be contained in such report to all of its members, and every such labor organization and its officers shall be under a duty enforceable at the suit of any member of such organization in any State court of competent jurisdiction or in the district court of the United States for the district in which such labor organization maintains its principal office, to permit such member for just cause to examine any books, records, and accounts necessary to verify such report. The court in such action may, in its discretion, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

(d) Subsections (f), (g), and (h) of section 9 of the National Labor Relations Act, as amended, are hereby repealed.

(e) Clause (i) of section 8(a)(3) of the National Labor Relations Act, as amended, is amended by striking out the following: "and has at the time the agreement was made or within the preceding twelve months received from the Board a notice of compliance with sections 9 (f), (g), (h)".

Report of Officers and Employees of Labor Organizations

SEC. 202. (a) Every officer of a labor organization and every employee of a labor organization (other than an employee performing exclusively clerical or custodial services) shall file with the Secretary a signed report listing and describing for his preceding fiscal year—

(1) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) when he or his spouse or minor child derived directly or indirectly from, an employer whose employees such labor organization represents or is actively seeking to represent, except payments and other benefits received as a bona fide employee of such employer;

(2) any transaction in which he or his spouse or minor child engaged, directly or indirectly, involving any stock, bond, security, or loan to or from, or other legal or equitable interest in the business of an employer whose employees such labor organization represents or is actively seeking to represent;

(3) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, any business a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with, the business of an employer whose employees such labor organization represents or is actively seeking to represent;

(4) any stock, bond, security, or other interest, legal or equitable, which he or his spouse or minor child directly or indirectly held in, and any income or any other benefit with monetary value (including reimbursed expenses) which he or his spouse or minor child directly or indirectly derived from, a business any part of which consists of buying from, or selling or leasing directly or indirectly to, or otherwise dealing with such labor organization;

(5) any direct or indirect business transaction or arrangement between him or his spouse or minor child and any employer whose employees his organization represents or is actively seeking to represent, except work performed and payments and benefits received as a bona fide employee of such employer and except purchases and sales of goods or services in the regular course of business at prices generally available to any employee of such employer; and

(6) any payment of money or other thing of value (including reimbursed expenses) which he or his spouse or minor child received directly or indirectly from any employer or any person who acts as a labor relations consultant to an employer, except payments of the kinds referred to in section 302(c) of the Labor Management Relations Act, 1947, as amended.

(b) The provisions of paragraphs (1), (2), (3), (4), and (5) of subsection (a) shall not be construed to require any such officer or employee to report his bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934, in shares in an investment company registered under the Investment Company Act of 1940, or in securities of a public utility holding company registered under the Public Utility Holding Company Act of 1935, or to report any income derived therefrom.

(c) Nothing contained in this section shall be construed to require any officer or employee of a labor organization to file a report under subsection (a) unless he or his spouse or minor child holds or has held an interest, has received income or any other benefit with monetary value or a loan, or has engaged in a transaction described therein.

Report of Employers

SEC. 203. (a) Every employer who in any fiscal year made—

(1) any payment or loan, direct or indirect, of money or other thing of value (including reimbursed expenses), or any promise or agreement therefor, to any labor organization or officer, agent, shop steward, or other representative of a labor organization, or employee of any labor organization, except (A) payments or loans made by any national or State bank, credit union, insurance company, savings and loan association or other credit institution and (B) payments of the kind referred to in section 302(c) of the Labor Management Relations Act, 1947, as amended;

(2) any payment (including reimbursed expenses) to any of his employees, or any group or committee of such employees, for the purpose of causing such employee or group or committee of employees to persuade other employees to exercise or not to exercise, or as the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing unless such payments were contemporaneously or previously disclosed to such other employees;

(3) any expenditure, during the fiscal year, where an object thereof, directly or indirectly, is to interfere with, restrain, or coerce employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing, or is to obtain information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding;

(4) any agreement or arrangement with a labor relations consultant or other independent contractor or organization pursuant to which such person undertakes activities where an object thereof, directly or indirectly, is to persuade employes to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing, or undertakes to supply such employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding; or

(5) any payment (including reimbursed expenses) pursuant to an agreement or arrangement described in subdivision (4); shall file with the Secretary a report, in a form prescribed by him, signed by its president and treasurer or corresponding principal officers showing in detail the date and amount of each such payment, loan, promise, agreement, or arrangement and the name, address, and position, if any, in any firm or labor organization of the person to whom it was made and a full explanation of the circumstances of all such payments, including the terms of any agreement or understanding pursuant to which they were made.

(b) Every person who pursuant to any agreement or arrangement with an employer undertakes activities where an object thereof is, directly or indirectly—

(1) to persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing; or

(2) to supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding; shall file within thirty days after entering into such agreement or arrangement a report with the Secretary, signed by its president and treasurer or corresponding principal officers, containing the name under which such person is engaged in doing business and the address of its principal office, and a detailed statement of the terms and conditions of such agreement or arrangement. Every such person shall file annually, with respect to each fiscal year during which payments were made as a result of such an agreement or arrangement, a report with the Secretary, signed by its president and treasurer or corresponding principal officers, containing a statement (A) of its receipts of any kind from employers on account of labor relations advice or services, designating the sources thereof, and (B) of its disbursements of any kind, in connection with such services and the purposes thereof. In each such case such information shall be set forth in such categories as the Secretary may prescribe.

(c) Nothing in this section shall be construed to require any employer or other person to file a report covering the services of such person by reason of his giving or agreeing to give advice to such employer or representing or agreeing to represent such employer before any court, administrative agency, or tribunal of arbitration or engaging or agreeing to engage in collective bargaining on behalf of such employer with respect to wages, hours, or other terms or conditions of employment or the negotiation of an agreement or any question arising thereunder.

(d) Nothing contained in this section shall be construed to require an employer to file a report under subsection (a) unless he has made an expenditure, payment, loan, agreement, or arrangement of the kind described therein. Nothing contained in this section shall be construed to require any other person to file a report under subsection (b) unless he was a party to an agreement or arrangement of the kind described therein.

(e) Nothing contained in this section shall be construed to require any regular officer, supervisor, or employee of an employer to file a report in connection with services rendered to such employer nor shall any employer be required to file a report covering expenditures made to any regular officer, supervisor, or employee of an employer as compensation for service as a regular officer, supervisor, or employee of such employer.

(f) Nothing contained in this section shall be construed as an amendment to, or modification of the rights protected by, section 8(c) of the National Labor Relations Act, as amended.

(g) The term "interfere with, restrain, or coerce" as used in this section means interference, restraint, and coercion which, if done with respect to the exercise of rights guaranteed in section 7 of the National Labor Relations Act, as amended, would, under section 8(a) of such Act, constitute an unfair labor practice.

Attorney-Client Communications Exempted

SEC. 204. Nothing contained in this Act shall be construed to require an attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of this Act any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

Reports Made Public Information

SEC. 205. (a) The contents of the reports and documents filed with the Secretary pursuant to sections 201, 202, and 203 shall be public information, and the Secretary may publish any information and data which he obtains pursuant to the provisions of this title. The Secretary may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based thereon as he may deem appropriate.

(b) The Secretary shall by regulation make reasonable provision for the inspection and examination, on the request of any person, of the information and data contained in any report or other document filed with him pursuant to section 201, 202, or 203.

(c) The Secretary shall by regulation provide for the furnishing by the Department of Labor of copies of reports or other documents filed with the Secretary pursuant to this title, upon payment of a charge based upon the cost of the service. The Secretary shall make available without payment of a charge, or require any person to furnish to such State agency as is designated by law or by the Governor of the State in which such person has his principal place of business or headquarters, upon request of the Governor of such State, copies of any reports and documents filed by such person with the Secretary pursuant to section 201, 202, or 203, or of information and data contained therein. No person shall be required by reason of any law of any State to furnish to any officer or agency of such State any information included in a report filed by such person with the Secretary pursuant to the provisions of this title, if a copy of such report, or of the portion thereof containing such information, is furnished to such officer or agency. All moneys received in payment of such charges fixed by the Secretary pursuant to this subsection shall be deposited in the general fund of the Treasury.

Retention of Records

SEC. 206. Every person required to file any report under this title shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Secretary may be verified, explained or clarified, and checked for accuracy and completness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

Effective Date

SEC. 207. (a) Each labor organization shall file the initial report required under section 201 (a) within ninety days after the date on which it first becomes subject to this Act.

(b) Each person required to file a report under section 201(b), 202, 203(a), or the second sentence of 203(b) shall file such report within ninety days after the end of each of its fiscal years; except that where such person is subject to section 201(b), 202, 203(a), or the second sentence of 203(b), as the case may be, for only a portion of such a fiscal year (because the date of enactment of this Act occurs during such person's fiscal year or such person becomes subject to this Act during its fiscal year) such person may consider that portion as the entire fiscal year in making such report.

Rules and Regulations

SEC. 208. The Secretary shall have authority to issue, amend, and rescind rules and regulations prescribing the form and publication of reports required to be filed under this title and such other reasonable rules and regulations (including rules prescribing reports concerning trusts in which a labor organization is interested) as he may find necessary to prevent the circumvention or evasion of such reporting requirements. In exercising his power under this section the Secretary shall prescribe by general rule simplified reports for labor organizations or employers for whom he finds that by virtue of their size a detailed report would be unduly burdensome, but the Secretary may revoke such provision for simplified forms of any labor organization or employer if he determines, after such investigation as he deems proper and due notice and opportunity for a hearing, that the purposes of this section would be served thereby.

Criminal Provisions

SEC. 209. (a) Any person who willfully violates this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(b) Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any document, report, or other information required under the provisions of this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(c) Any person who willfully makes a false entry in or willfully conceals, withholds, or destroys any books, records, reports, or statements required to be kept by any provision of this title shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(d) Each individual required to sign reports under sections 201 and 203 shall be personally responsible for the filing of such reports and for any statement contained therein which he knows to be false.

Civil Enforcement

SEC. 210. Whenever it shall appear that any person has violated or is about to violate any of the provisions of this title, the Secretary may bring a civil action for such relief (including injunctions) as may be appropriate. Any such action may be brought in the district court of the United States where the violation occurred or, at the option of the parties, in the United States District Court for the District of Columbia.

TITLE III—TRUSTEESHIPS

Reports

SEC. 301. (a) Every labor organization which has or assumes trusteeship over any subordinate labor organization shall file with the Secretary within thirty days after the date of the enactment of this Act or the imposition of any such trusteeship, and semiannually thereafter, a report, signed by its president and treasurer or corresponding principal officers, as well as by the trustees of such subordinate labor organization, containing the following information: (1) the name and address of the subordinate organization; (2) the date of establishing the trusteeship; (3) a detailed statement of the reason or reasons for establishing or continuing the trusteeship; and (4) the nature and extent of participation by the membership of the subordinate organization in the selection of delegates to represent such organization in regular or special conventions or other policy-determining bodies and in the election of officers of the labor organization which has assumed trusteeship over such subordinate organization. The initial report shall also include a full and complete account of the financial condition of such subordinate organization as of the time trusteeship was assumed over it. During the continuance of a trusteeship the labor organization which has assumed trusteeship over a subordinate labor organization shall file on behalf of the subordinate labor organization the annual financial report required by section 201(b) signed by the president and treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship and the trustees of the subordinate labor organization.

(b) The provisions of section 201(c), 205, 206, 208, and 210 shall be applicable to reports filed under this title.

(c) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(d) Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, in any report required under the provisions of this section or willfully makes any false entry in or willfully withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such report is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(e) Each individual required to sign a report under this section shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

Purposes for Which a Trusteeship May be Established

SEC. 302. Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body and for the purpose of correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization.

Unlawful Acts Relating to Labor Organization Under Trusteeship

SEC. 303. (a) During any period when a subordinate body of a labor organization is in trusteeship, it shall be unlawful (1) to count the vote of delegates from such body in any convention or election of officers of the labor organization unless the delegates have been chosen by secret ballot in an election in which all the members in good standing of such subordinate body were eligible to participate, or (2) to transfer to such organization any current receipts or other funds of the subordinate body except the normal per capita tax and assessments payable by subordinate bodies not in trusteeship: *Provided,* That nothing herein contained shall prevent the distribution of the assets of a labor organization in accordance with its constitution and bylaws upon the bona fide dissolution thereof.

(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

Enforcement

SEC. 304. (a) Upon the written complaint of any member or subordinate body of a labor organization alleging that such organization has violated the provisions of this title (except section 301) the Secretary shall investigate the complaint and if the Secretary finds probable cause to believe that such violation has occurred and has not been remedied he shall, without disclosing the identity of the complainant, bring a civil action in any district court of the United States having jurisdiction of the labor organization for such relief (including injunctions) as may be appropriate. Any member or subordinate body of a labor organization affected by any violation of this title (except section 301) may bring a civil action in any district court of the United States having jurisdiction of the labor organization for such relief (including injunctions) as may be appropriate.

(b) For the purpose of actions under this section, district courts of the United States shall be deemed to have jurisdiction of a labor organization (1) in the district in which the principal office of such labor organization is located, or (2) in any district in which its duly authorized officers or agents are engaged in conducting the affairs of the trusteeship.

(c) In any proceeding pursuant to this section a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing either before the executive board or before such other body as may be provided in accordance with its constitution or bylaws shall be presumed valid for a period of eighteen months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302. After the expiration of eighteen months the trusteeship shall be presumed invalid in any such proceeding and its discontinuance shall be decreed unless the labor organization shall show by clear and convincing proof that the continuation of the trusteeship is necessary for a purpose allowable under section 302. In the latter event the court may dismiss the complaint or retain jurisdiction of the cause on such conditions and for such period as it deems appropriate.

Report to Congress

SEC. 305. The Secretary shall submit to the Congress at the expiration of three years from the date of enactment of this Act a report upon the operation of this title.

Complaint by Secretary

SEC. 306. The rights and remedies provided by

this title shall be in addition to any and all other rights and remedies at law or in equity: *Provided*, That upon the filing of a complaint by the Secretary the jurisdiction of the district court over such trusteeship shall be exclusive and the final judgment shall be res judicata.

TITLE IV—ELECTIONS

Terms of Office; Election Procedures

SEC. 401. (a) Every national or international labor organization, except a federation of national or international labor organizations, shall elect its officers not less often than once every five years either by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot.

(b) Every local labor organization shall elect its officers not less often than once every three years by secret ballot among the members in good standing.

(c) Every national or international labor organization, except a federation of national or international labor organizations, and every local labor organization, and its officers, shall be under a duty, enforceable at the suit of any bona fide candidate for office in such labor organization in the district court of the United States in which such labor organization maintains its principal office, to comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature in aid of such person's candidacy to all members in good standing of such labor organization and to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members, and whenever such labor organizations or its officers authorize the distribution by mail or otherwise to members of campaign literature on behalf of any candidate or of the labor organization itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by such labor organization and its officers, with equal treatment as to the expense of such distribution. Every bona fide candidate shall have the right, once within 30 days prior to an election of a labor organization in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment, which list shall be maintained and kept at the principal office of such labor organization by a designated official thereof. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.

(d) Officers of intermediate bodies, such as general committees, system boards, joint boards, or joint councils, shall be elected not less often than once every four years by secret ballot among the members in good standing or by labor organization officers representative of such members who have been elected by secret ballot.

(e) In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed) and shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by such organization or any member thereof. Not less than fifteen days prior to the election notice thereof shall be mailed to each member at his last known home address. Each member in good standing shall be entitled to one vote. No member whose dues have been withheld by his employer for payment to such organization pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or be a candidate for office in such organization by reason of alleged delay or default in the payment of dues. The votes cast by members of each local labor organization shall be counted, and the results published, separately. The election officials designated in the constitution and bylaws or the secretary, if no other official is designated, shall preserve for one year the ballots and all other records pertaining to the election. The election shall be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions of this title.

(f) When officers are chosen by a convention of delegates elected by secret ballot, the convention shall be conducted in accordance with the constitution and bylaws of the labor organization insofar as they are not inconsistent with the provisions of this title. The officials designated in the constitution and bylaws or the secretary, if no other is designated, shall preserve for one year the credentials of the delegates and all minutes and other records of the convention pertaining to the election of officers.

(g) No moneys received by any labor organization by way of dues, assessment, or similar levy, and no moneys of an employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such moneys of a labor organization may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

(h) If the Secretary, upon application of any member of a local labor organization, finds after hearing in accordance with the Administrative Procedure Act that the constitution and bylaws of such labor organization do not provide an adequate procedure for the removal of an elected officer guilty of serious misconduct, such officer may be removed, for cause shown and after notice and hearing, by the members in good standing voting in a secret ballot conducted by the officers of such labor organization in accordance with its constitution and bylaws insofar as they are not inconsistent with the provisions of this title.

(i) The Secretary shall promulgate rules and regulations prescribing minimum standards and procedures for determining the adequacy of the removal procedures to which reference is made in subsection (h).

Enforcement

SEC. 402. (a) A member of a labor organization—

(1) who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or

(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation, may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and bylaws of the labor organization pertaining to the election and removal of officers). The challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this title has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor organization as an entity in the district court of the United States in which such labor organization maintains its principal office to set aside the invalid election, if any, and to direct the conduct of an election or hearing and vote upon the removal of officers under the supervision of the Secretary and in accordance with the provisions of this title and such rules and regulations as the Secretary may prescribe. The court shall have power to take such action as it dems proper to preserve the assets of the labor organization.

(c) If, upon a preponderance of the evidence after a trial upon the merits, the court finds—

(1) that an election has not been held within the time prescribed by section 401, or

(2) that the violation of section 401 may have affected the outcome of an election,

the court shall declare the election, if any, to be void and direct the conduct of a new election under supervision of the Secretary and, so far as lawful and practicable, in conformity with the constitution and bylaws of the labor organization. The Secretary shall promptly certify to the court the names of the persons elected, and the court shall thereupon enter a decree declaring such persons to be the officers of the labor organization. If the proceeding is for the removal of officers pursuant to subsection (h) of section 401, the Secretary shall certify the results of the vote and the court shall enter a decree declaring whether such persons have been removed as officers of the labor organization.

(d) An order directing an election, dismissing a complaint, or designating elected officers of a labor organization shall be appealable in the same manner as the final judgment in a civil action, but an order directing an election shall not be stayed pending appeal.

Application of Other Laws

SEC. 403. No labor organization shall be required by law to conduct elections of officers with greater frequency or in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by this title. Existing rights and remedies to enforce the constitution and bylaws of a labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this title. The remedy provided by this title for challenging an election already conducted shall be exclusive.

Effective Date

SEC. 404. The provisions of this title shall become applicable—

(1) ninety days after the date of enactment of this Act in the case of a labor organization whose constitution and bylaws can lawfully be modified or amended by action of its constitutional officers or governing body, or

(2) where such modification can only be made by a constitutional convention of the labor organization, not later than the next constitutional convention of such labor organization after the date of enactment of this Act, or one year after such date, whichever is sooner. If no such convention is held within such one-year period, the executive board or similar governing body empowered to act for such labor organization between conventions is empowered to make such interim constitutional changes as are necessary to carry out the provisions of this title.

TITLE V—SAFEGUARDS FOR LABOR ORGANIZATIONS

Fiduciary Responsibility of Officers of Labor Organizations

SEC. 501. (a) The officers, agents, shop stewards, and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage invest, and expend the same in accordance with its constitution and bylaws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with such organization as an adverse party or in behalf of an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization. A general exculpatory provision in the constitution and bylaws of such a labor organization or a general exculpatory resolution of a governing body purporting to relieve any such person of liability for breach of the duties declared by this section shall be void as against public policy.

(b) When any officer, agent, shop steward, or representative of any labor organization is alleged to have violated the duties declared in subsection (a) and the labor organization or its governing board or officers refuse or fail to sue or recover damages or secure an accounting or other appropriate relief within a reasonable time after being requested to do so by any member of the labor organization, such member may sue such officer, agent, shop steward, or representative in any district court of the United States or in any State court of competent jurisdiction to recover damages or secure an accounting or other appropriate relief for the benefit of the labor organization. No such proceeding shall be brought except upon leave of the court obtained upon verified application and for good cause shown, which application may be made ex parte. The trial judge may allot a reasonable part of the recovery in any action under this subsection to pay the fees of counsel prosecuting the suit at the instance of the member of the labor organization and to compensate such member for any expenses necessarily paid or incurred by him in connection with the litigation.

(c) Any person who embezzles, steals, or unlawfully and willfully abstracts or converts to his own use, or the use of another, any of the moneys, funds, securities, property, or other assets of a labor organization of which he is an officer, or by which he is employed, directly or indirectly, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

Bonding

SEC. 502. (a) Every officer, agent, shop steward, or other representative or employee of any labor organization (other than a labor organization whose property and annual financial receipts do not exceed $5,000 in value), or of a trust in which a labor organization is interested, who handles funds or other property thereof shall be bonded for the faithful discharge of his duties. The bond of each such person shall be fixed at the beginning of the organization's fiscal year and shall be in an amount not less than 10 per centum of the funds handled by him and his predecessor or predecessors, if any, during the preceding fiscal year, but in no case more than $500,000. If the labor organization or the trust in which a labor organization is interested does not have a preceding fiscal year, the amount of the bond shall be, in the case of a local labor organization, not less than $1,000, and in the case of any other labor organization or of a trust in which a labor organization is interested, not less than $10,000. Such bonds shall be individual or schedule in form, and shall have a corporate surety company as surety thereon. Any person who is not covered by such bonds shall not be permitted to receive, handle, disburse or otherwise exercise custody or control of the funds or other property of a labor organization or of a trust in which a labor organization is interested. No such bond shall be placed through an agent or broker or with a surety company in which any labor organization or any officer, agent, shop steward, or other representative of a labor organization has any direct or indirect interest. Such surety company shall be a corporate surety which holds a grant of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), as an acceptable surety on Federal bonds.

(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

Making of Loans; Payment of Fines

SEC. 503. (a) No labor organization shall make directly or indirectly any loan or loans to any officer or employee of such organization which results in a total indebtedness on the part of such officer or employee to the labor organization in excess of $2,000.

(b) No labor organization or employer shall directly or indirectly pay the fine of any officer or employee convicted of any willful violation of this Act.

(c) Any person who willfully violates this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

Prohibition Against Certain Persons Holding Office

SEC. 504. (a) No person who is or has been a member of the Communist Party or who has been convicted of, or served any part of a prison term resulting from his conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III of this Act, or conspiracy to commit any such crimes, shall serve—

(1) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, or other employee (other than as an employee performing exclusively clerical or custodial duties) of any labor organization, or

(2) as a labor relations consultant to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee (other than as an employee performing exclusively clerical or custodial duties) of any group or association of employers dealing with any labor organization,

during or for five years after the termination of his membership in the Communist Party, or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. No labor organization or officer thereof shall knowingly permit any person to assume or hold any office or paid position in violation of this subsection.

(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(c) For the purposes of this section, any person shall be deemed to have been "convicted" and under the disability of "conviction" from the date of the judgment of the trial court or the date of the final sustaining of such judgment on appeal, whichever is the later event, regardless of whether such conviction occurred before or after the date of enactment of this Act.

Amendment to Section 302, Labor Management Relations Act, 1947

SEC. 505. Subsections (a), (b), and (c) of section 302 of the Labor Management Relations Act, 1947, as amended to read as follows:

"SEC. 302. (a) It shall be unlawful for any employer or association of employers or any person who acts as a labor relations expert, adviser, or consultant to an employer or who acts in the interest of an employer to pay, lend, or deliver, or agree to pay, lend, or deliver, any money or other thing of value—

"(1) to any representative of any of his employees who are employed in an industry affecting commerce; or

"(2) to any labor organization, or any officer or employee thereof, which represents, seeks to represent, or would admit to membership, any of the employees of such employer who are employed in an industry affecting commerce; or

"(3) to any employee or group or committee of employees of such employer employed in an industry affecting commerce in excess of their normal compensation for the purpose of causing such employee or group or committee directly or indirectly to influence any other employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing; or

"(4) to any officer or employee of a labor organization engaged in an industry affecting commerce with intent to influence him in respect to any of his actions, decisions, or duties as a representative of employees or as such officer or employee of such labor organization.

"(b) (1) It shall be unlawful for any person to request, demand, receive, or accept, or agree to receive or accept, any payment, loan, or delivery of any money or other thing of value prohibited by subsection (a).

"(2) It shall be unlawful for any labor organization, or for any person acting as an officer, agent, representative, or employee of such labor organization, to demand or accept from the operator of any motor vehicle (as defined in part II of the Interstate Commerce Act) employed in the transportation of property in commerce, or the employer of any such operator, any money or other thing of value payable to such organization or to an officer, agent, representative or employee thereof as a fee or charge for the unloading, or in connection with the unloading, of the cargo of such vehicle: *Provided*, That nothing in this paragraph shall be construed to make unlawful any payment by an employer to any of his employees as compensation for their services as employees.

"(c) The provisions of this section shall not be applicable (1) in respect to any money or other thing of value payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: *Provided*, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided*, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of

time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; or (6) with respect to money or other thing of value paid by any employer to a trust fund established by such representative for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training programs: *Provided*, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds."

TITLE VI—MISCELLANEOUS PROVISIONS

Investigations

SEC. 601. (a) The Secretary shall have power when he believes it necessary in order to determine whether any person has violated or is about to violate any provision of this Act (except title I or amendments made by this Act to other statutes) to make an investigation and in connection therewith he may enter such places and inspect such records and accounts and question such persons as he may deem necessary to enable him to determine the facts relative thereto. The Secretary may report to interested persons or officials concerning the facts required to be shown in any report required by this Act and concerning the reasons for failure or refusal to file such a report or any other matter which he deems to be appropriate as a result of such an investigation.

(b) For the purpose of any investigation provided for in this Act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

Extortionate Picketing

SEC. 602. (a) It shall be unlawful to carry on picketing on or about the premises of any employer for the purpose of, or as part of any conspiracy or in furtherance of any plan or purpose for, the personal profit or enrichment of any individual (ecept a bona fide increase in wages or other employee benefits) by taking or obtaining any money or other thing of value from such employer against his will or with his consent.

(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

Retention of Rights Under Other Federal and State Laws

SEC. 603. (a) Except as explicitly provided to the contrary, nothing in this Act shall reduce or limit the responsibilities of any labor organization or any officer, agent, shop steward, or other representative of a labor organization, or of any trust in which a labor organization is interested, under any other Federal law or under the laws of any State, and, except as explicitly provided to the contrary, nothing in this Act shall take away any right or bar any remedy to which members of a labor organization are entitled under such other Federal law or law of any State.

(b) Nothing contained in titles I, II, III, IV, V, or VI of this Act shall be construed to supersede or impair or otherwise affect the provisions of the Railway Labor Act, as amended, or any of the obligations, rights, benefits, privileges, or immunities of any carrier, employee, organization, representative, or person subject thereto; nor shall anything contained in said titles (except section 505) of this Act be construed to confer any rights, privileges, immunities, or defenses upon employers, or to impair or otherwise affect the rights of any person under the National Labor Relations Act, as amended.

Effect on State Laws

SEC. 604. Nothing in this Act shall be construed to impair or diminish the authority of any State to enact and enforce general criminal laws with respect to robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, or assault which inflicts grevious bodily injury, or conspiracy to commit any such crimes.

Service of Process

SEC. 605. For the purposes of this Act, service of summons, subpena, or other legal process of a court of the United States upon an officer or agent of a labor organization in his capacity as such shall constitute service upon the labor organization.

Administrative Procedure Act

SEC. 606. The provisions of the Administrative Procedure Act shall be applicable to the issuance, amendment, or rescission of any rules or regulations, or any adjudication, authorized or required pursuant to the provisions of this Act.

Other Agencies and Departments

SEC. 607. In order to avoid unnecessary expense and duplication of functions among Government agencies, the Secretary may make such arrangements or agreements for cooperation or mutual assistance in the performance of his functions under this Act and the functions of any such agency as he may find to be practicable and consistent with law. The Secretary may utilize the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision of a State, including the services of any of its employees, with the lawful consent of such department, agency, or establishment; and each department, agency, or establishment of the United States is authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to provide such information and facilities as he may request for his assistance in the performance of his functions under this Act. The Attorney General or his representative shall receive from the Secretary for appropriate action such evidence developed in the performance of his functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.

Criminal Contempt

SEC. 608. No person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civil action prosecuted by the Secretary or any other person in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district courts of the United States.

Prohibition on Certain Discipline By Labor Organization

SEC. 609. It shall be unlawful for any labor organization, or any officer, agent, shop steward, or other representative of a labor organization, or any employee thereof to fine, suspend, expel, or otherwise discipline any of its members for exercising any right to which he is entitled under the provisions of this Act. The provisions of section 102 shall be applicable in the enforcement of this section.

Deprivation of Rights Under Act By Violence

SEC. 610. It shall be unlawful for any person through the use of force or violence, or threat of the use of force or violence, to restrain, coerce, or intimidate or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of this Act. Any person who willfully violates this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

Separability Provisions

SEC. 611. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE VII—AMENDMENTS TO THE LABOR MANAGEMENT RELATIONS ACT, 1947, AS AMENDED

Federal-State Jurisdiction

SEC. 701. (a) Section 14 of the National Labor Relations Act, as amended, is amended by adding at the end thereof the following new subsection:

"(c) (1) The Board, in its discretion, may by rule of decision or by published rules adopted pursuant to the Administrative Procedure Act, decline to assert jurisdiction over any labor dispute involving any class or category of employers, where, in the opinion of the Board, the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction: *Provided*, That the Board shall not decline to assert jurisdiction over any labor dispute over which it would assert jurisdiction under the standards prevailing upon August 1, 1959.

"(2) Nothing in this act shall be deemed to prevent or bar any agency or the courts of any State or Territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands), from assuming and asserting jurisdiction over labor disputes over which the Board declines, pursuant to paragraph (1) of this subsection, to assert jurisdiction."

(b) Section 3(b) of such Act is amended to read as follows:

"(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. The Board is also authorized to delegate to its regional directors its powers under section 9 to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, and determine whether a question of representation exists, and to direct an election or take a secret ballot under subsection (c) or (e) of section 9 and certify the results thereof, except that upon the filing of a request therefor with the Board by any interested person, the Board may review any action of a regional director delegated to him under this paragraph, but such a review shall not, unless specifically ordered by the Board, operate as a stay of any action taken by the regional director. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed."

Economic Strikers

SEC. 702. Section 9 (c) (3) of the National Labor Relations Act, as amended, is amended by amending the second sentence thereof to read as follows: "Employees engaged in an economic strike who are not entitled to reinstatement shall be eligible to vote under such regulations as the Board shall find are consistent with the purposes and provisions of this Act in any election conducted within twelve months after the commencement of the strike."

Vacancy in Office of General Counsel

SEC. 703. Section 3(d) of the National Labor Relations Act, as amended, is amended by adding after the period at the end thereof the following: "In case of a vacancy in the office of the General Counsel the President is authorized to designate the officer or employee who shall act as General Counsel during such vacancy, but no person or persons so designated shall so act (1) for more than forty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted."

Boycotts and Recognition Picketing

SEC. 704. (a) Section 8(b) (4) of the National Labor Relations Act, as amended, is amended to read as follows:

"(4) (i) to engage in, or to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or (ii) to threaten, coerce, or restrain any person engaged in commerce or in an industry affecting commerce, where in either case an object thereof is—

"(A) forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited by section 8(e);

"(B) forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9: *Provided*, That nothing contained in this clause (B) shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing;

"(C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9;

"(D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work: *Provided*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer) if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this Act: *Provided further*, That for the purposes of this paragraph (4) only, nothing contained in such paragraph shall be construed to prohibit publicity, other than picketing, for the purpose of truthfully advising the public, including consumers and members of a labor organization, that a product or products are produced by an employer with whom the labor organization has a primary dispute and are distributed by another employer, as long as such publicity does not have an effect of inducing any individual employed by any person other than the primary employer in the course of his employment to refuse to pick up, deliver, or transport any goods, or not to perform any services, at the establishment of the employer engaged in such distribution;"

(b) Section 8 of the National Labor Relations Act, as amended, is amended by adding at the end thereof the following new subsection:

"(e) It shall be an unfair labor practice for any labor organization and any employer to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person, and any contract or agreement entered into heretofore or hereafter containing such an agreement shall be to such extent unenforcible and void: *Provided*, That nothing in this subsection (e) shall apply to an agreement between a labor organization and an employer in the construction industry relating to the contracting or subcontracting of work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work: *Provided further*, That for the purposes of this subsection (e) and section 8(b) (4) (B) the terms 'any employer', 'any person engaged in commerce or an industry affecting commerce', and 'any person' when used in relation to the terms 'any other producer, processor, or manufacturer', 'any other employer', or 'any other person' shall not include persons in the relation of a jobber, manufacturer, contractor, or subcontractor working on the goods or premises of the jobber or manufacturer or performing parts of an integrated process of production in the apparel and clothing industry: *Provided further*, That nothing in this Act shall prohibit the enforcement of any agreement which is within the foregoing exception."

(c) Section 8(b) of the National Labor Relations Act, as amended, is amended by striking out the word "and" at the end of paragraph (5), striking out the period at the end of paragraph (6), and inserting in lieu thereof a semicolon and the word "and", and adding a new paragraph as follows:

"(7) to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative, unless such labor organization is currently certified as the representative of such employees:

"(A) where the employer has lawfully recognized in accordance with this Act any other labor organization and a question concerning representation may not appropriately be raised under section 9(c) of this Act,

"(B) where within the preceding twelve months a valid election under section 9(c) of this Act has been conducted, or

"(C) where such picketing has been conducted without a petition under section 9(c) being filed within a reasonable period of time not to exceed thirty days from the commencement of such picketing: *Provided*, That when such a petition has been filed the Board shall forthwith, without regard to the provisions of section 9(c) (1) or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the Board finds to be appropriate and shall certify the results thereof: *Provided further*, That nothing in this subparagraph (C) shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, unless an effect of such picketing is to induce any individual employed by any other person in the course of his employment, not to pick up, deliver or transport any goods or not to perform any services.

"Nothing in this paragraph (7) shall be construed to permit any act which would otherwise be an unfair labor practice under this section 8(b)."

(d) Section 10(1) of the National Labor Relations Act, as amended, is amended by adding after the words "section 8(b)," the words "or section 8(e) or section 8(b) (7)," and by striking out the period at the end of the third sentence and inserting in lieu thereof a colon and the following: "*Provided further*, That such officer or regional attorney shall not apply for any restraining order under section 8(b) (7) if a charge against the employer under section 8(a) (2) has been filed and after the preliminary investigation, he has reasonable cause to believe that such charge is true and that a complaint should issue."

(e) Section 303(a) of the Labor Management Relations Act, 1947, is amended to read as follows:

"(a) It shall be unlawful, for the purpose of this section only, in an industry or activity affecting commerce, for any labor organization to engage in any activity or conduct defined as an unfair labor practice in section 8(b) (4) of the National Labor Relations Act, as amended."

Building and Construction Industry

SEC. 705. (a) Section 8 of the National Labor Relations Act, as amended by section 704(b) of this Act, is amended by adding at the end thereof the following new subsection:

"(f) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer engaged primarily in the building and construction industry to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the building and construction industry with a labor organization of which building and construction employees are members (not established, maintained, or assisted by any action defined in section 8(a) of this Act as an unfair labor practice) because (1) the majority status of such labor organization has not been established under the provisions of section 9 of this Act prior to the making of such agreement, or (2) such agreement requires as a condition of employment, membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later, or (3) such agreement, requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer qualified applicants for such employment, or (4) such agreement specifies minimum training or experience qualifications for employment or provides for priority in opportunities for employment based upon length of service with such employer, in the industry or in the particular geographical area: *Provided*, That nothing in this subsection shall set aside the final proviso to section 8(a) (3) of this Act: *Provided further*, That any agreement which would be invalid, but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e)."

(b) Nothing contained in the amendment made by subsection (a) shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

Priority in Case Handling

SEC. 706. Section 10 of the National Labor Relations Act, as amended, is amended by adding at the end thereof a new subsection as follows:

"(m) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of subsection (a) (3) or (b) (2) of section 8, such charge shall be given priority over all other cases except cases of like character in the office where it is filed or to which it is referred and cases given priority under subsection (1)."

Effective Date of Amendments

SEC. 707. The amendments made by this title shall take effect sixty days after the date of the enactment of this Act and no provision of this title shall be deemed to make an unfair labor practice, any act which is performed prior to such effective date which did not constitute an unfair labor practice prior thereto.

Approved September 14, 1959.