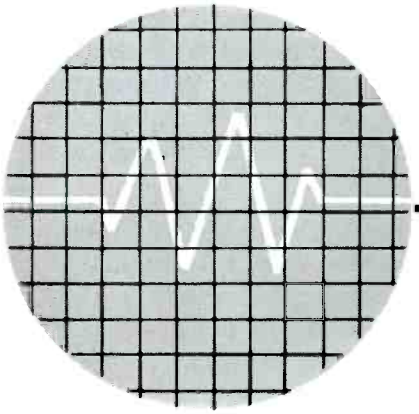


TECHNICIAN ENGINEER

AUGUST-SEPTEMBER, 1960

Published for the Employees of the Broadcasting, Recording and Related Industries

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS — AFL-CIO

LANDMARKS OF LABOR NO. 16

FOUNDING OF THE FEDERATION OF ORGANIZED TRADES & LABOR UNIONS 1881

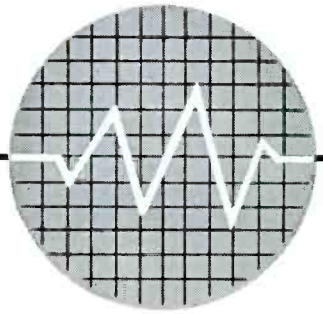
The founding of the FOTLU — the Federation of Trades & Labor Unions took place in November, 1881, in Pittsburgh, Pennsylvania. This initial meeting was attended by 107 delegates including leaders of eight national trade unions. Among these leaders was Samuel Gompers, then President of the Cigar Makers International Union.

This meeting was important because it brought together important union leaders of the day who commanded more than local influence. The meeting also resulted in an organization which was destined later to become one of the more important labor organizations in American history — the American Federation of Labor. While the Convention was not large, the forces set into motion justify classifying this Pittsburgh meeting as a landmark of labor.

Reprinted from THE LABORER; official publication of the International Hod Carriers', Building and Common Laborers' Union of America

The INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

GORDON M. FREEMAN — International President
JOSEPH D. KEENAN — International Secretary
JEREMIAH P. SULLIVAN — International Treasurer



TECHNICIAN ENGINEER

VOL. 9 NO. 8

ALBERT O. HARDY, Editor

in this issue

the cover

The 1960 Broadcasting and Recording Division Progress Meeting was held August 12, 13 and 14 at Colorado Springs, Colo., and various candid views of delegates at work at this conference are spread across our August-September cover. The progress meeting is a "shirtsleeve" gathering, where members can compare notes on organizing, bargaining, and the many problems common to all engineers and technicians in broadcasting and recording work.

index

For the benefit of local unions needing such information in negotiations and planning, here are the latest figures for the cost-of-living index, compared with 1959 figures: June, 1959—125.0; June, 1960—126.5. July, 1959—125.2; July, 1960—126.6. August, 1959—125.2; August, 1960—126.6.

COMMENTARY

With some reluctance to mention the subject, because it is always easy to be critical and because those in public life are sometimes unfairly criticized, we feel another case of poor judgment in government has been turned up by the *Washington Post* and should be brought to your attention. This one is all the more remarkable, perhaps, because it involves a government official who has a background of law and the judiciary.

A former Judge of the Supreme Court of North Dakota, Chairman Boyd Leedom of the National Labor Relations Board headed a committee promoting the re-election of Representative Karl Mundt (R., S. Dak.) and which, on June 27th, held a $50-per-plate luncheon for the purpose of raising funds for Rep. Mundt. It was apparently somewhat of a success—some $11,750 was raised by the affair.

As Bernard Nossiter, *Post* reporter put it, a man who "sits in judgment on sensitive labor-management issues" thus appealed for "funds for one of organized labor's strongest critics." As Chairman of the District of Columbia "Mundt for Senate Committee" he wrote a letter promoting the luncheon and, in the letter, complained of labor's opposition to Mr. Mundt. Mr. Leedom has been quoted as feeling that his activity was not outside the limits of propriety. He added that "we" don't give up our political affiliations completely when "we" take these jobs (obviously a reference to his job on the Board).

Like Caesar's wife, it seems to us that members of a quasi-judicial agency in a highly-controversial field should be beyond suspicion. If a lay member of society had performed as Judge Leedom has, it might conceivably be written off as the result of inexperience or bad judgment. It is very difficult to see how a former member of the judiciary could arrive at the conclusion that one of the parties on whom he sits in judgment should be castigated in a letter in a political campaign and judged fairly and impartially at all other times.

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The annual meeting of the International Field Staff, on the day prior to the Progress Meeting, was "snapped" by International Representative Russ Lighty with his automated, self-timing camera.

HIGHLIGHTS OF THE PROGRESS MEETING

Annual Exchange of Information and Ideas, Meeting in the Shadow of Pikes Peak, Lends Optimistic Note to Future Progress

THE 1960 Progress Meeting, August 12, 13 and 14 at Colorado Springs, might well be described as less rewarding than most of the meetings because of the last-minute cancellation of "Legal Day." Caused by an unfortunate accident which made the attendance of our General Counsel impossible, the cancellation did produce one bright spot—the discussion of problems other than legal, at a perhaps more leisurely pace than usual.

The gradually-growing practice of tape syndication, the use of cartridge recording and playback machines, a detailed examination of the whys, wherefores (and what to do about it) in a lockout situation in the South, some of the legislative history of the amendments to Taft-Hartley, the state legislative experience of one of our local unions—these and many more subjects were brought up, discussed and explored.

The meeting began on Friday, as usual, with registration and identification and the customary renewal of greetings among the delegates. Warm words of welcome were spoken by Business Manager John J. (Joe) Donlon of Local Union 113 and everyone was invited to be the guests of the Local Union on a chartered-bus tour of the U. S. Air Force Academy. Brother Donlon also provided the delegates with detailed information as to various sights and tours which kept the delegates' families occupied while the meetings were in session. Following a series of announcements and the distribution of reference material, the meeting was off to a flying start. Education and Research Director Noe addressed the meeting (reported elsewhere in this issue) and a short question and answer period ensued. As the outgrowth of references to training and educational programs, a lively discussion of programs of this sort of endeavor took place. The three or four local unions represented which had conducted re-training or extended training programs contributed a report of their activities and the outcome.

Much of Friday afternoon was taken up by the trip to the Air Force Academy. The tour was well-conducted by Captain W. J. Acker, USAF, Special Assistant to the Superintendent of the Academy and a "working" instructor. The delegates and their families were much surprised by the extensive facilities shown them and Captain Acker must have answered hundreds of questions posed by the tourists. The tremendously large chapel being constructed was pointed out as an example of how attention is paid to all aspects of the cadets' education and activities. The chapel construction also furnished a chuckle, when the electricians on the job took the opportunity to good-naturedly rib Brother Donlon about taking time away from the office to be a tourist.

THE last order of business on Saturday was a discussion of plans for the 1961 meeting. Since an overwhelming majority of the delegates indicated their preference for the meeting to be held in Minneapolis, Minnesota, based on a cordial invitation from Business Manager Joe Krech and President Bob Gomsrud, the decision was made accordingly. Additionally, the majority spoke for changing the meeting to a schedule of Tuesday, Wednesday and Thursday—rather than over a weekend. The 1961 meeting will therefore be scheduled in August, probably for August 15, 16 and 17—confirmation of these dates and the exact place will be made by official notice when arrangements can be completed.

Massive Human Needs In a Time of Seeming Prosperity

James Noe

IBEW Director of Research Reviews Economic Picture

Here, for the Benefit of All Broadcasting and Recording Members, Is the Full Text of James Noe's Address to the 1960 Progress Meeting

A VISITOR from Mars, reading the Democratic and Republican platform planks on the state of our economy, would find it hard to believe they were talking about the same country. The Republicans say: "Our 500-billion dollar economy finds more Americans at work, earning more, spending more, saving more, investing more, building more than ever before in history."

The Democrats say: "Massive human needs now exist side by side with idle workers, idle capital and idle machines."

Actually there is this paradox in our economy. While the country enjoys general prosperity, we do have excessively high unemployment and a great many unmet needs.

Not counting the steel strike period last year, our economy has been on a steady rise since about April of 1958—more than two years. Early this year, as expected, the economy topped the half-*trillion* dollar mark.

There has been some fluctuation in business conditions this year, centered mainly around inventory demand, but the general condition of business is good and expected to remain good. The First National City Bank of New York reports: "The outlook for business in the fall is good. Underlying conditions do not indicate that business is falling into a period of real deterioration or downward spiral." It says there is no sign of any real weakness likely to push business down.

Businessmen, themselves, are optimistic about the next 12 to 18 months. "Nation's Business" surveyed more than 200 top executives of major companies throughout the country. Seventy-eight per cent expect their sales to rise. Fifty-one per cent look for an increase in business generally. Only five per cent anticipate a business decline in the next year.

All of the business reports and outlooks point to the high level of consumer demand as the strong point, and the key to continued growth. And of course, high levels of demand depend on increased buying power, bolstered by union-negotiated wage and salary increases.

• PROFITS

The Commerce Department reports that corporate profits were up nearly nine per cent in the first quarter of this year, compared to the fourth quarter of 1959, and they were five per cent ahead of the first quarter last year. Although some companies are reporting less of a profit increase for the second quarter, total corporate profits before taxes for all of 1960 are expected to show a sizable gain over last year's mark of around 47 billion dollars, which was itself a record high. A tabulation of the reported profits of some 2,400 major corporations by the First National City Bank shows that profits last year were 20 per cent larger

than in the previous year. For manufacturing corporations alone, the rise was 27 per cent.

In the first quarter of this year, cash dividend payments by all U. S. corporations making public reports were up seven per cent from the same period last year.

(On request, the Research Department will provide Local Union officers or negotiating committees with a specific financial analysis of any particular company for which public records are available.)

• PRODUCTIVITY

The increase in sales and profits has been recorded without any comparable increase in employment, and in the case of some companies has been accompanied by a decrease in employment. This reflects continuing increases in productivity. Last year, output per manhour in private, non-farm industry increased more than four per cent. The annual average for the entire postwar period has been around two and a half per cent.

• UNEMPLOYMENT

Despite generally high production and rising levels of profits and income, there is one very serious trouble spot in our economy. Unemployment has become a matter of national concern, not merely during recession years, but even in more prosperous times. In June of this year, almost four and a half million persons who wanted jobs couldn't find them. This was five and a half per cent of the labor force, the highest figure for any postwar June except for recession years.

These figures, bad as they are, do not tell the whole story. They do not include workers who would like full-time work but are only working part-time. Labor Department figures indicate nearly three million workers are in this situation. They include regular full-time employes who were cut back to part-time because of slack work, and people working at regular part-time jobs because they can't find full-time work.

The Labor Department says most of the big jump in unemployment in June was the result of a record influx of students into the labor market. But the fact remains that they couldn't find jobs. And this phase of the problem will grow more serious. During the next decade, an estimated 26 million young workers will enter the labor market, about 40 per cent more than in the 1950's.

The increase in the labor force, coupled with increasing productivity, means that three and a half million *new* jobs are needed each year. Unless they are found, this country will be in deep trouble.

The burden of today's unemployment does not fall evenly among industries and occupations. The chances that a worker will become unemployed are greatest for those working in unskilled or semi-skilled occupations, and in such industries as mining, agriculture and hardgoods manufacturing. For example, there has been a drop of 110-thousand jobs in durable goods industries since June a year ago. This is the result not only of changes in the business cycle, but also of the increasing use of automation and technological change.

On an occupational comparison, white collar positions—including technical, professional and clerical jobs—have the lowest unemployment rate. And as a general rule, unemployment in these white-collar occupations is of relatively short duration.

In an over-all view of the unemployment problem, two basic characteristics of the economy stand out: The economy as a whole has experienced a slowdown in its rate of growth in the last half dozen or so years. This slowdown cuts down the ability of the economy to provide additional jobs for a growing labor force.

Second, the introduction of automation and technological change in many industries has reduced the potential for creating new jobs. Production has increased without any corresponding increase in the number of jobs.

These are areas which must receive increasing attention, not just from organized labor but from government and management as well.

• EMPLOYER ATTITUDES

Concern over these problems is reflected in union proposals at the bargaining table—for job security measures, and for wages that will give our members a fair share of the fruits of industrial progress, which they help make possible, and that will maintain the broad consumer purchasing power on which our economy depends. But we are meeting some of the stiffest opposition from management that we've ever run into.

Increases in profits, along with continuing improvements in productivity, are sufficient to permit widespread wage increases without putting undue pressure on prices. But you're all familiar with the massive propaganda campaign business leaders are conducting against "inflation," which they say is caused by union pressure for wage increases. In the "Nation's Business" survey I mentioned earlier, the top executives listed as their chief "worry" the fact that union wage demands were pushing up their costs. The president of one manufacturing company is quoted as replying, "Labor is getting completely out of hand."

You're familiar, too, with the hoax of "foreign competition" which management is making so much noise about, and with all the charges of featherbedding. They even got an attack on featherbedding into the Republican party platform this year. Strangely, though, we haven't heard so much about "union monopoly" since the big electrical equipment manufacturers were indicted on charges of collusion in rigging their bids.

In regard to meeting the problems of automation, listen to what the majority of corporation officials polled by "Modern Materials Handling" magazine had to say:

"The company is entitled to all the savings resulting from mechanization."

"We are not obligated to compensate mechanization-displaced workers."

A few months ago, when the Supreme Court ruled that a railroad employer was required, by present law, to bargain with the union on a job stabilization issue, Republican Senator Dirksen—backed by the N-A-M and other management groups—quickly introduced a bill that would take away the right of unions to bargain or strike over job security issues. The bill has not passed, but it does reflect the current attitude of management.

• RESULTS OF BARGAINING

Against this background, how have wages and salaries fared? Excellent—at least as far as the nation's top executives are concerned. A recent survey by the magazine *U. S. News and World Report* shows that 278 officials of top corporations each earned more than 100-thousand dollars last year. A few of them topped the half-million dollar mark. A comparison of the 1958 and 1959 salaries of 170 officials shows an average pay increase of nearly 17-thousand dollars. And these figures do not include the lush benefits provided by expense accounts, pension plans, or the fabulous stock option schemes.

Union-negotiated settlements have been much more moderate. Last year, overall, they ran about four per cent. The BNA tally of settlements reported during the first half of this year shows an average increase of about nine cents an hour.

A breakdown by regions shows these median settlements in the first half of 1960:

West Coast—12 cents an hour
Midwest—10 cents.
North Central—9.5 cents
Middle Atlantic—8.7 cents
New England—8.6 cents
Southwest—8.5 cents
Southeast—7.5 cents

The survey shows that deferred wage increases gained in popularity during the first half. They appear in 50 per cent of the settlements, compared to 38 per cent in the first half of 1959. There was also an increase in the number of new or revised insurance and pension plans, indicating these fringe benefits are getting more attention than in 1959.

• COST OF LIVING

A worker's *real* wages—that is, the amount of goods and services he can buy—depends on the cost of living, which is still going up. In June, the Consumer Price Index stood at 126.5 of the 1947 to 49 average, which means we're paying $12.65 for the same things we paid $10 for a dozen years ago. It also means a worker has to be earning 26.5 per cent more money than he was 12 years ago just to have the same purchasing power he had then.

In the last year, the CPI has increased by nearly two per cent. Since a one per cent rise in the CPI is equal to about a two-cent hike in wages, a worker would need a four cents per hour increase just to maintain the same relative position. He'd need a larger increase to show any real improvement.

The Labor Department says the CPI may drop just a trifle in another month or so. And the increase over the year is not

expected to be any larger than it was last year, possibly not as large.

An important thing to remember is that the CPI measures only *changes* in prices of the goods and services commonly used by city workers and their families. It does not measure, quality, nor does it indicate changes in buying habits or standards of living which brings a change in a family's cost of living.

Nor can the CPI be used to compare prices in various cities. A higher index in one city doesn't necessarily mean it has higher actual prices. It only indicates prices have risen faster there than in a city with a lower index.

• ELECTRONIC INDUSTRY

While some areas of American industry are declining, due in large part to technological change, one segment of industry —and one in which the IBEW is vitally interested—is experiencing a fantastic boom. That is the electronics industry. It is basic to this era of automation, missiles, satellites, and complex communications systems. New products for industry and the home will bring vast changes in the way people work and live. Pick up the paper most any day and you can read of some new electronic marvel. There seems to be no limit to the growth possibilities of the electronics industry. In its comparatively short history it has jumped to fourth place in size among all the nation's manufacturing industries. Some stocks are selling at 50 to 100 times annual earnings.

Standard and Poor's *Outlook* reports that earnings for the electronics industry were up 33 per cent in 1959 and may increase by as much as another 25 per cent this year.

(It also reports that radio and TV broadcasters are among the industry groups whose earnings are expected to increase by 10 to 25 per cent this year.)

The *Outlook* has also made these comments on the future of the electronics industry:

"Electronic content of military equipment is expected to increase at a much faster rate than in recent years. By 1965, it is estimated that electronics will account for 20 per cent of the defense budget, compared with 11 per cent this year."

"In process control instrumentation, electronic apparatus is making sizable inroads into the market formerly held by pneumatic devices. Trade contacts estimate that electronic controls will eventually increase their share of the business from the present 20 per cent to 50 per cent."

The Commerce Department reported this year: "The outlook for the electronic industries in 1960 is excellent for all product lines. The combined output for these industries, which was 3.3 billion dollars in 1950, is expected to reach 10 billion dollars this year."

The projection is based on record-high spending for consumer type electronic products; continued military emphasis on missiles and space activities; and increasing demand for commercial and industrial electronic equipment which includes radio communications equipment, electronic navigation aids, electronic computers, electronic automatic controls, data processing equipment, and electronic test, measuring and monitoring equipment.

In its forecast of tremendous growth, the Commerce Department says, "Employment in the electronic industries will increase correspondingly."

Within the electronic area, one of the fastest-growing segments is the micro-wave industry. One business analysis estimates its growth rate for the next decade at nearly double the rate for the electronics industry as a whole. The military services are the largest users of micro-wave, accounting for over four-fifths of total sales. Both military and industrial use will grow rapidly. Further equipment development will increase the use of microwaves in space communications and navigation, radio astronomy, and many other fields of military and industrial use.

The growth of the industry, coupled with its emphasis on research and development, make it an important source of employment for skilled electronic technicians. In mid-1958, more than half of the electronic technicians making military and commercial equipment were employed in the New York, Philadelphia, Chicago, Boston, Los Angeles, and Baltimore areas. Technicians in the aircraft and missile field were concentrated in these cities and in Seattle, San Diego, Wichita, Hartford, Fort Worth and Dallas.

Because of the different kinds and levels of jobs, training qualifications vary. But a good background in mathematics, physics and electronics is basic. Usually, formal training in a technical school or institute is required for the higher-level electronic jobs. Only a small proportion of electronic technicians are currently trained through apprenticeship. This method should be expanded further. Experience in the armed services or in private industry is often preferred by employers.

• FEDERAL AID FOR TRAINING PROGRAMS

Under Title Eight of the National Defense Education Act, federal assistance is available to the states to provide training on technical subjects, including electronics. The IBEW and other labor and industry groups have worked and are working closely with the U. S. Department of Health, Education and Welfare in developing and implementing these programs. Such programs can include training for entry jobs in technical fields, and also extension training to update skills.

Such programs should be initiated jointly by the union and employer, working with the vocational education officials in their area.

All that is necessary for the forces of evil to win in the world is for enough good men to do nothing.

—Edmund Burke

This quotation bears heavily on every union member's responsibility to attend his local union meetings regularly.

The Individual Member And The Union

Louis Sherman

IBEW General Counsel Discusses Bill of Rights Title in 1959 Federal Law

Must a Government of Necessity be Too Strong for the Liberties of Its Own People or Too Weak to Maintain Its Own Existence?

It is a source of keen regret to me that I was unable to attend the Colorado Springs Progress Meeting this year. A relatively minor but nonetheless painful accident deprived me of the pleasure of attending the meeting, renewing old acquaintances and making new ones. I always enjoy these workshop discussions and the stimulating and thought-provoking sessions. Part of my remarks this year, at least in the formal sense, would have borne on the Labor-Management Reporting and Disclosure Act of 1959. I am therefore submitting them to you in written form and trust that, in some measure, I will have compensated for my absence.

—Louis Sherman

AT THE HEART of the Bill of Rights Title in the Labor-Management Reporting and Disclosure Act of 1959 lies the issue of whether the trade unions of America shall retain the ability to discharge effectively their functions in the national economy.

The labor movement has grown in membership from approximately three and one-half million in 1930 to approximately seventeen million in 1958. Its percentage of the total labor force in non-agricultural establishments has increased from approximately one-tenth of the total in 1930 to approximately one-third of the total in 1958. Much of this increase has developed with the support of the National Labor Relations Act. This act, even after the adoption of the Taft-Hartley changes, continued to announce a federal policy encouraging the process of collective bargaining and the instruments of such process—the trade unions.

The new act does not reverse this policy. Indeed, the "Declarations of Findings, Purposes and Policy" in section 2(a) of the act provides that:

> The Congress finds that, in the public interest, it continues to be the responsibility of the Federal Government to protect employes' rights to organize, choose their own representatives, bargain collectively, and otherwise engage in concerted activities for their mutual aid or protection, . . .

The Declaration also contains the findings based upon recent investigations that, among other things, there have been a number

of instances of "disregard of the rights of individual employes," that further legislation is required which will "afford necessary protection of the rights and interests of employes and the public generally" and that the enactment of the act is necessary to eliminate or prevent "improper practices" on the part of labor organizations, their officers and representatives which have the tendency or necessary effect of burdening commerce.

Title I of the act which is entitled "Bill of Rights of Members of Labor Organizations" contains sections which are described as "Equal Rights; Freedom of Speech and Assembly; Dues, Initiation Fees and Assessments; Protection of the Right to Sue and Safeguards against Improper Disciplinary Action." A detailed analysis of the legislative history of these and related sections of the act will he undertaken in this article to ascertain the relationship between the statutory provisions and the announced objectives of the act.

• LEGISLATIVE HISTORY IN THE 85TH CONGRESS—SECOND SESSION

On January 23, 1958, Senator Knowland, then Minority Leader of the Senate, introduced S. 3068, a bill which he described as a "Workers' Bill of Rights." The formal statement of purpose was "to regulate certain internal affairs of labor organizations by providing processes and procedures for insuring democratic control of such organizations by the rank-and-file membership thereof." The bill included a provision authorizing initiatives and referendums on virtually all of the internal affairs of a labor organization upon the petition of 15 per cent of the members of such labor organization. The elections were to be conducted by the National Labor Relations Board which was also authorized to conduct proceedings to determine whether there had been a failure to give effect to the wishes of the majority. If there had been such failure, the labor organization would have been deprived of its exemption from the federal income tax laws, the benefits of the National Labor Relations Act and the protections of the Norris-La Guardia and Clayton Acts during the period of such failure. Among the other provisions of the Knowland Bill was a section establishing a recall procedure for union officers which could be initiated once a year upon the petition of 15 per cent of the membership.

The extreme nature of these proposals, with their consequent tendency to generate major internal dissension inside unions, led some to believe that the bill was not intended seriously. Portions of the Knowland Bill were offered, however, as amendments to S. 2888 (Douglas Bill) which was later enacted as the Welfare and Pension Plans Disclosure Act, Public Law 85-836.

The Knowland amendments to the Welfare and Pension Plans Disclosure Act were defeated. A major objection to the proposals was the lack of committee hearings and other deliberative procedures. A commitment was made, however, that the Senate Labor Committee would file its report on the pending proposals by June 10, 1958.

The report of the Senate Committee on Labor and Public Welfare accompanying the Kennedy-Ives Bill (S. 3974), which was filed on June 10, 1958, did not recommend the enactment of a Bill of Rights. Senator Goldwater's minority views objected to this omission. Senator Knowland proposed an amendment to the Kennedy-Ives Bill on June 14, 1958, which would have authorized membership referendum votes on the petition of 20 per cent of the membership for the amendment or repeal of any provision of the union's constitution and by-laws and for the recall of any officer. His amendments were defeated but out of the discussions there emerged an amendment offered by Senator Ervin, which was adopted in the following form:

> All officers elected by the membership of a local union may be removed at any time but only for cause shown and on notice and hearing, and by action of a duly constituted majority of the members in good standing: *Provided*, That the Secretary of Labor shall except any local union from this sub-section whenever the Secretary finds the constitution and by-laws of such local union provide means for the removal of officers guilty of misconduct substantially as effective as the requirements of this section. (Section 301f)

The Kennedy-Ives Bill was passed by the Senate on June 17, 1958. In the closing remarks of the Senators prior to the passage of the bill, reference was made again to the procedural significance in furthering labor reform legislation of the Knowland Amendments to the Welfare and Pension Plans Disclosure Act joined with the Morse pledge to discharge the Senate Committee on Labor and Public Welfare from further consideration of the matter if it did not file its report by June 10, 1958.

The defeat of the Kennedy-Ives Bill in the House of Representatives terminated the work of the 85th Congress on the subject of labor reform.

• IN THE 86TH CONGRESS—FIRST SESSION

The 86th Congress commenced its deliberations on the subject with the introduction of S. 505 (Kennedy-Ervin Bill) on January 20, 1959. The events most significantly affecting the passage of the Bill of Rights Title of this measure are as follows, in chronological order.

The McClellan Amendment

The "Bill of Rights" issue arose as the result of an amendment to S. 1555 (originally S. 505) offered on the floor of the Senate by Senator McClellan on April 22, 1959. The amendment, which proposed to establish a new Title I of the main bill, provided for the following six basic rights:

1) Equal rights within an organization
2) Freedom of speech
3) Freedom of assembly
4) Freedom from arbitrary financial exactions
5) Protection of the right to sue
6) Safeguards against improper disciplinary action

The amendment also provided criminal penalties and empowered the Secretary of Labor to enforce the provisions of the amendment by civil suit including injunctions.

The principal objections to the amendment were addressed to its broad and unqualified language and to the preemptive effect of the enactment of the amendment upon the body of established state law on this subject. Senator McClellan met the latter objection by amending his proposal to make it clear that "nothing in this Act shall take away any right or bar any remedy to which members of a labor organization are entitled under . . . laws of any State." The entire McClellan Amendment was adopted by the narrow vote of 47-46.

The Kuchel Substitute

Two days later (April 24, 1959), Senator Kuchel for himself and a number of other Senators, introduced an amendment to the McClellan Bill of Rights, which became known as the Kuchel Substitute. This proposal perserved the general form of the McClellan Bill but made a more specific definition of the rights granted, introduced the concept of limiting such rights by "reasonable rules and regulations in such [labor] organization's constitution and by-laws" and provided for other changes such as elimination of outside review of disciplinary proceedings and the limitation in the amount of union initiation fees.

Amidst scenes of some excitement a point of order was raised which was later withdrawn and the Kuchel Substitute with a number of floor amendments was adopted by a vote of 77-14. Shortly thereafter, the entire bill was passed by a vote of 90-1.

• HEARINGS BEFORE THE HOUSE JOINT SUBCOMMITTEE

President Meany of the AFL-CIO and Mr. Al Hayes, President of the International Association of Machinists and Chairman of the AFL-CIO Ethical Practices Committee testified before the Joint Sub-Committee of the House Committee on Education and Labor in opposition to Title I. of S. 1555. Senator Goldwater also appeared before this Sub-Committee and testified that the Kuchel Substitute was inadequate. Senator McClellan testified before the Joint Sub-Committee in reply to certain objections which had been expressed against the "Bill of Rights." A comment of particular importance was included by him in a supplement to his testimony which reads as follows:

> This limitation that the unions might make reasonable

rules relating to equal rights and free speech and assembly, *was implicit in the bill of rights as originally drafted*, just as it is implicit in the Bill of Rights of the Federal Constitution to prevent abuses. Moreover, this limitation was added explicitly in the compromise draft, which made these rights 'subject to reasonable rules and regulations.' The precise application of this limitation may require court determination on some specific borderline instances, but this is hardly a sound argument for deleting a guarantee of such basic rights. If it were, the Bill of Rights of the U. S. Constitution would be subject to condemnation for the same reason.

• HOUSE BILLS

After the conclusion of the hearings before the Joint Sub-Committee, Congressman Teller, a member of the Sub-Committee, introduced a bill which included as its Title II a group of provisions described as "Rights of Members of Labor Organizations." The Title enumerated the rights granted union members in other titles of the act under the headings of (1) "Democratic Elections," (2) "Access to Information," (3) "Safeguarding Funds and Property," (4) "Codes of Ethical Practices" and (5) "Freedom from Improper Trusteeships."

The House Committee on Education and Labor reported H. R. 8342 (introduced July 23, 1959), known as the Elliott Bill. Title I of this bill followed the structure of the Kuchel Substitute, re-phrased a number of its provisions and eliminated the criminal penalties specified in section 607 of S. 1555. The Shelley Bill which was introduced on August 3, 1959, was identical with the Elliott Bill in its provisions on the "Rights of Members of Labor Organizations" except that it provided for federal preemption of this field of law.

The Landrum-Griffin Bill was offered as an amendment to the committee bill on the floor of the House on August 12, 1959. Although the Landrum-Griffin Bill differed substantially from S. 1555 in the labor-management relations provisions of its Title VII, the provisions of its Title I relating to the Bill of Rights were in the main similar to the provisions of the Kuchel Substitute. The Shelley Bill was defeated by a vote of 132-245. Title I of the Landrum-Griffin Bill as introduced was amended by substituting private suits for the Secretary of Labor's power to enforce the provisions of the act prohibiting improper discipline of union members, and by reducing the criminal penalties applicable to acts of force or violence or threats thereof to coerce a member for the purpose of interfering with the exercise of any right to which he is entitled under the provisions of the act. The entire bill was adopted on August 13, by a vote of 229-201. The engrossed bill was approved on August 14, by a vote of 303-125.

• THE CONFERENCE REPORT

The Conference Report accepted the Kuchel Substitute as amended by the Landrum-Griffin Bill. The Senate adopted the Conference Report by a vote of 95-2 on September 3, 1959; the House did likewise on September 4, 1959, by a vote of 352-52.

• ANALYSIS

At this point, I will analyze the relationship of the federal protection of members' rights in Title I to state law, union constitutions and other federal law.

A principal argument offered against the McClellan Amendment, as it was introduced, was that the enactment of a federal law on members' rights would preempt the field and thereby cut off the extensive protection afforded to members by the common law decisions of the state courts.

The opponents of the new amendment conceded that the application of federal criminal law to persons violating members' rights would not adversely affect the application of the general body of state criminal law because of the clause saving such law to the states.

It was pointed out, however, that the common law protections of the states were more inclusive than the amendments. The case of *Spayde* v. *Ringing Rock Lodge* was cited in which the Supreme Court of Pennsylvania had ruled that a union member could not be expelled legally for testifying in the state legislature against legislation favored by the union. The quotation from the court's decision which was spread on the *Congressional Record* included the following:

> We have often said that the by-laws, rules and regulations of these artificial bodies [corporations and unincorporated associations] will be enforced only when they are reasonable and they never can be adjudged reasonable . . . when, as here, they would compel the citizen to lose his property rights in accumulated assets, or forego the exercise of other rights which are constitutionally inviolable.

Reference was also made by Senator Kennedy to an article by Professor Clyde W. Summers. The Senator said:

> Professor Summers then cites numerous cases in which the civil courts have protected political activities outside unions, political activities inside unions, suits against unions, dual unionism, and so forth.
>
> I suggest that any Senator who is concerned about whether there have been voluminous laws and decisions in the States which have the force of precedent should look at the cases which are included in this article, which show the broad protections which are given to union members by State courts for any breach of their right to speak, against being expelled from unions, and against excessive fines.
>
> Mr. Carroll. Does it include freedom of assembly?
>
> Mr. Kennedy. In includes freedom of assembly.

The proponents of the amendment urged that language be added which would specifically deny an intent to preempt the field. Senator McClellan offered an amendment to this effect which was adopted and now appears as section 603(a) of the act. The Kuchel Substitute added section 103 to Title I but omitted any reference to rights under a "union constitution and by-laws." This phrase was added on the floor at the suggestion of Senator Holland. The proposal and its adoption are mute evidence of the fact that there had been acceptance by the Senate of the accuracy of the labor argument that many union constitutions provided rights for the member which are more extensive than the rights specified in the act.

It was further provided, in section 101(b), that "any provision of the constitution and by-laws of any labor organization which is inconsistent with the provisions of this section [101(a)] shall be of no force and effect." It must be assumed that any superior contractual rights accruing to members from the constitution or by-laws of the labor organizations will not be deemed "inconsistent" with the provisions of section 101(a)(1) within the meaning of that word as used in section 101(b). On the other hand, provisions of a labor organization's constitution and by-laws which deny a right granted by section 101(a)(1) would be legally inoperative because of section 101(b). Such provisions could not be relied upon as a defense to a proceeding seeking to enforce section 101(a) nor could they constitute valid grounds for applying union discipline. Congress did not require, however, as was proposed by some legislators, that particular language be written by labor organizations into their constitutions and by-laws. Nor did Congress specify that certain clauses in such constitutions and by-laws be deleted. It would appear, therefore, that the effect of section 101(b) is limited to making "inconsistent" provisions legally inoperative.

Explicit language is included in the act making it clear that nothing in Title I (or in Titles II-VI) shall be construed to affect any provision of the Railway Labor Act or the National Labor Relations Act, as amended. The original Kennedy-Ervin Bill, which did not include a Bill of Rights Title, contained a section (S. 505. section 502) to this effect. Subsequent revisions of this section expanded its language and made it applicable to the Bill of Rights Title as well as Titles II-VI of the Act.

• DEFINITION OF RIGHTS AND CATEGORY OF PERSONS PROTECTED BY TITLE I AS TO EQUAL RIGHTS OF MEMBERS

From Wednesday evening, April 22, 1959, when the McClellan Amendment was adopted, until Friday night, April 24, 1959, when the Kuchel Substitute was introduced, a bi-partisan group of Senators worked toward the development of a compromise

solution of the problems raised by the unqualified language of the McClellan Amendment. The result of the work of this group, after a brief debate, was approved by a vote of 77-14. This portion of the legislative history is significant because the Landrum-Griffin Bill, as it passed the House, accepted the essential provisions of the Kuchel Substitute. The final version of the Bill of Rights Title of the Act is the Kuchel Substitute with a few changes.

The concern over the effects of the unqualified language of the McClellan Amendment and its authorizations of the Secretary of Labor to petition for injunctive relief had different aspects. Mr. Aiken stated: "It was necessary to change the language so as to enable the unions to expell the known Communists and criminals, who would otherwise have been frozen in a position of equality with all other union members." Mr. Johnston (S. C.) discussed the relationship of the McClellan Amendment to collateral questions of states rights and federal injunctive procedures in the area of civil rights.

The equal rights provision of the McClellan Amendment was revised in two ways: 1) by specifically enumerating the subjects of federal protection and 2) by recognizing a "reasonable" rule-making power in the union.

Equal rights and privileges of the member are granted with respect to:

1) the nomination of candidates
2) voting in elections or referendums
3) attendance of membership meetings
4) participation in the deliberations and voting upon the business of such meetings

It should be noted that the term "including" as used in the McClellan Amendment was deleted by the Conference Committee so that the equal protection provision of the statute is limited to these four important subjects. Accordingly, it has been held that a federal district court does not have jurisdiction over a suit filed by a candidate who contends that he was improperly ruled ineligible to stand for union office. It has also been ruled that neither section 101(a)(1) nor any other section of Title I is available as a ground for a section 101 suit by a union officer who claims that the union erred in removing him from office as an ineligible convict under section 504 of the act.

In this latter case, it is pointed out that the relationship protected by section 101(a)(1) and other provisions of Title I is that of the member to the union and not that of the officer and union. An examination of the common law decisions by the state courts will show numerous cases involving paid officers and the unions which employ them. There is nothing in the federal statute which denies the officer such access to the state courts as he may have had prior to the enactment of Title I.

With respect to the act's recognition of the union's "reasonable rule-making power," Senator McClellan in a supplementary statement accompanying his testimony of June 10, 1959 before the Joint Sub-Committee of the House Committee on Education and Labor stated his view that the "reasonable rules and regulations" provision of the Kuchel Substitute makes explicit what was implicit in the original draft of the Bill of Rights just as it is implicit in the Bill of Rights of the Federal Constitution.

If this view is proved sound—and the contrast between the words "equal" and "identical" in section 101(a)(2) of the McClellan Amendment tends to bear this out—then the familiar doctrine of the constitutional cases on equal protection would apply. Presumably, the complainant would have to commence his case by showing that there was some one in a comparable situation who was not treated alike. The "equality" concept does not prevent persons in different situations from being treated differently; it is intended to prevent irrational discrimination.

Moreover it should follow from the rules relating to the determination of equality that the implicit reasonable restraint theory would permit its application though no formal rules and regulations had been published in the labor organization's constitution and by-laws.

The inclusion of the phrase authorizing the rule-making power in section 101(a)(1) will undoubtedly encourage labor organizations to review and revise their constitutions and by-laws so as to narrow the area of controversy as to the permissible exercise of the controls deemed necessary to the maintenance of the union as an effective and responsible institution.

The implicit-explicit theory should, of course, eliminate any question as to whether the reasonable rule-making power is limited only to items of procedure. This certainly is not the case with the constitutional determinations balancing the rationality of justifiable distinctions. A Senator did comment during the debate on the Kuchel Substitute, however, that the phrase "reasonable rules and regulations" in section 101(a)(1) was intended procedurally. Nevertheless, the illustration he gave was with respect to the control of meetings, which is covered specifically by the phrase "subject to the organization's established and reasonable rules pertaining to the conduct of meetings" appearing in section 101(a)(2).

The Secretary of Labor in his interpretations of the act, published December 12, 1959, has accepted the proposition that the phrase "reasonable rules and regulations" appearing in section 101(a)(1) is substantive. Section 452.10 of these interpretations provides that:

> A labor organization may, however, prescribe reasonable rules and regulations with respect to voting eligibility. (Act Sec. 101(a)(1)). Thus, it may, in appropriate circumstances, defer eligibility to vote by requiring a reasonable period of prior membership, such as 6 months or a year, or by requiring apprentice members to complete their apprenticeship training, as a condition of voting. While the right to vote may thus be deferred within reasonable limits, a union may not create special classes of non-voting members.

The scope of "reasonable rules and regulations" or the concept of "equality" as interpreted by the courts in the equal protection cases should permit a distinction to be made between working members of a union and members employed as supervisors or, indeed, members who are employers. An exclusion of supervisory employees or employers who are members from voting rights should not be in conflict with the provisions of section 101(a)(1). It should also be considered reasonable to limit the discussion and voting on a collective bargaining agreement affecting only a portion of the union to the particular unit involved.

The rule-making power specified in section 101(a)(1) undoubtedly also covers procedural matters. Thus, the refusal of permission to attend a meeting may be justified by a proper exercise of this power. During the legislative debate there was considerabde discussion of the problem raised by the intoxicated or disorderly person at a union meeting. It would appear that the exclusion of such person from a meeting would not be in violation of the protections granted by section 101(a)(1). Certainly a distinction can be drawn between orderly and disorderly members at a union meeting.

It is apparent that the rights granted protection by section 101(a)(1), by their very nature, are available only to members. The same result is required by an examination of the legislative history of the word "member" as it is defined in section 3(o) of the act. The McClellan Amendment defined the word "member" as including "any person who has fulfilled or *tendered the lawful* requirements for membership in such organization. . . ." This section was deleted by the Kuchel Substitute but another similar section in another part of the Senate Bill—601(n)—was not changed through inadvertence. The words "tendered" and "lawful" were deleted in the final version of section 3(o) of the act. An applicant for membership, therefore, has no standing to sue with respect to section 101(a)(1) or with respect to any other section of the Bill of Rights Title. Only section 104 applies to a person not a member. In that section, an employee directly affected by a collective bargaining agreement has a right to secure a copy thereof which can be enforced in a proceeding brought by the Secretary of Labor under section 210 of the act.

• FREEDOM OF SPEECH AND ASSEMBLY

Section 101(a)(2) of the McClellan Amendment protecting the rights of free speech appeared to give immunity for every possible use of language by a member. Senator McClellan denied, however, that this was the intent of his amendment. He

stated, in his appearance before the House Joint Sub-committee, that the "freedom of speech" protection was intended to be limited by the same theory of reasonable restraint which is available under the Constitution. In addition to this implied limitation of the right, the Kuchel Substitute made it explicit that the right was "subject to the organization's established and reasonable rules pertaining to the conduct of meetings" and provided, further, "that nothing herein shall be construed to impair the right of the 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 his performance of its legal or contractual obligations."

The protection would extend to criticism of union officers and to political campaigning. Discipline could be applied, however, in accordance with proper procedure, to members who are guilty of libel or slander.

The advocacy of dual unionism would also appear susceptible of control under the proviso. Section 101(a)(2) would not protect members furnishing internal union information to employers or their agents for anti-union purposes.

The importance of maintaining the obligation of the labor agreement is such that a specific provision on this point was written into section 101(a)(2). This is a matter of concern not only to the union and its officers but also to management and the public. The wildcat strike does not occur in an atmosphere of silence. There is usually advocacy by speech or otherwise. The second proviso in the Kuchel Substitute and the act would permit the union to take such steps as are necessary to maintain its responsibility and effectiveness as a collective bargaining agency.

The considerations which have been expressed above in connection with "freedom of speech" are also applicable to freedom of assembly. The legislative history, which involves the insertion of semi-colons after each of the first two clauses of section 101(a)(2), makes it clear that the Congress intended to permit union members to meet with other union members outside the official meetings of the union. The rule of reason, however, should permit the union to forbid "rump" meetings which are held for the purposes of dual unionism and other improper objects discussed above in connection with the reasonable limitation of freedom of speech. Such meetings held for the purpose of preparing a movement to file a petition for decertification or to create a "schism" within the organization should be in the same status.

• THE PROTECTION OF MEMBERS' ACCESS TO FEDERAL AND STATE COURTS, ADMINISTRATIVE AGENCIES AND LEGISLATIVE BODIES

Section 101(a)(4) is directed to the provisions of many union constitutions for the disciplining of a member who sues the union or its officers. It contains a general prohibition against the limitation of the members' right to institute a court action or an administrative agency proceeding, whether such action or proceeding is against the labor organization and its officers or some other party. The first proviso in the section authorizes such limitation of rights if the labor organization has reasonable hearing procedures. Under such circumstances, the labor organization may require the member to exhaust these procedures provided that the limitation of right shall not exceed a "four-month lapse of time."

Section 101(a)(4) was not intended to affect the doctrine of exhaustion of administrative procedures within the union as a defense to the proceeding instituted by the member. It applies only to union discipline of the member for filing a court action or administrative proceeding against the labor organization or its officers. This intent may be drawn from the structure of the section. The general prohibition includes matters which are unrelated to the issue of exhaustion of administrative remedies as a defense. The doctrine could have no application to court proceedings against parties other than the labor organization or its officers. This is equally true of legislative proceedings which are also within the scope of the protection. Even the proviso specifically relating to the requirement to exhaust reasonable hearing procedures within the labor organization applies to cases before administrative agencies such as the National Labor Relations Board where the doctrine of "exhaustion" cannot be utilized as a defense. It should also be noted that while the McClellan amendment stated the proviso in terms of exhaustion of reasonable hearing procedures "not requiring longer than *three months to final decision*," the Kuchel Substitute stated the time requirement in a parenthesis reading "(But not to exceed a *6-months' lapse of time*)."

The final version of the act uses the phrase "lapse of time" and reduces the 6-month period to 4 months. Any doubt which may exist with respect to the intent of section 101(a)(4) not to affect the "exhaustion" doctrine as a defense is eliminated by the removal of the words "final decision."

The intention of the section was made completely clear by Senator Kennedy's statement on the floor of the Senate shortly before the final vote on the Conference Report:

> The protection of the right to sue provision originated in the Senate bill and was adopted verbatim in the Landrum-Griffin bill except that the first proviso limiting exhaustion of internal hearing procedures was changed from 6 months to 4 months. The basic intent and purpose of the provision was to insure the right of a union member to resort to the courts, administrative agencies, and legislatures without interference or frustration of that right by a labor organization. On the other hand, it was not, and is not, the purpose of the law to eliminate existing grievance procedures established by union constitutions for redress of alleged violation of their internal governing laws. Nor is it the intent or purpose of the provision to invalidate the considerable body of State and Federal court decisions of many years standing which require, or do not require, the exhaustion of internal remedies prior to court intervention depending upon the reasonableness of such requirements in terms of the facts and circumstances of a particular case. So long as the union member is not prevented by his union from resorting to the courts, the intent and purpose of the "right to sue" provision is fulfilled, and any requirements which the court may then impose in terms of pursuing reasonable remedies within the organization to redress violation of his union constitutional rights will not conflict with the statute.

A second proviso is inserted for the purpose of making the protections of section 101(a)(4) available to the member and not to an interested employer or employer association. It should serve as a defense, in appropriate cases, to a proceeding brought by the member against the interest of the union. The prohibition against employer participation is not limited to financing, but applies also to encouragement or participation otherwise than as a formal party.

It would also appear that a labor organization or its officers would have available to them judicial process for the purpose of securing disclosure of such direct or indirect participation, financing or encouragement by the employer or employer association who is "interested" in the action, proceeding, appearance or petition. It should also be noted that the prohibition against employer encouragement applies not only with respect to court suits and administrative proceedings but also to appearances by members as witnesses in legislative hearings and to their petitions to the legislature. This second proviso which came into the legislation through the Kuchel Substitute is evidence of a congressional intent to avoid having the rights which it established for members utilized by the "other side" of the collective bargaining table.

As in other sections of Title I the rights provided do not apply to the officer-union relationship. The litigation over internal union affairs frequently involves officers because such litigation usually affects their compensation. The provisions of section 101(a)(4), as explained above, therefore will not apply to a substantial area of litigation over internal union affairs. These matters will continue to be handled, as heretofore, as common law proceedings under common law doctrines.

• DUE PROCESS IN DISCIPLINARY PROCEEDINGS INVOLVING MEMBERS

The decisions of the American, English and Canadian courts have established the common law rule that disciplinary proceedings in a union or other unincorporated association must be conducted in accordance with the requirements of due process. These requirements include the giving of adequate notice of the charges and a fair hearing to an accused member. The legal necessity for these procedures exists independently of the provisions in the constitution and by laws of the union or other association. The justification for the due process requirement at common law is to be found in such concepts as "natural justice," "law of the land," and "public policy."

Section 101(a)(5) grants a federal statutory protection to the member against discipline by the labor organization or an officer thereof unless the 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." Discipline for non-payment of dues does not require such procedure.

The McClellan Amendment provided more extensive procedures which were deleted by the Kuchel Substitute. In particular, the Kuchel Substitute deleted the requirement that discipline should not be applied "except for breach of a published written rule" of the labor organization, the prohibition against disciplinary action unless the member had been served with a written copy of the provisions of the constitution of the labor organization containing a listing of the rights afforded him pursuant to the Bill of Rights Title, and the provision of a final review on a "written transcript of the hearing" by an impartial person either agreed to by the organization and the accused or designated by an independent arbitration or mediation association.

In eliminating these cumbersome and inappropriate requirements the Congress was conforming its protection to the common law rules. The common law courts recognized that labor organizations could not be expected to function with the formality and technique characteristic of legal tribunals. As stated by one commentator:

> Minor irregularities are insufficient to upset the disciplinary proceedings as technical precision is not expected or required in proceedings of such associations. Courts do not sit in review of decisions made in good faith in accordance with the Constitution and rules of the union even though it may appear there has been an honest error in judgment, an innocent mistake in drawing inferences or making observations, or a failure to secure all the information available by a more acute and searching investigation.

It was also recognized at common law that the participation of an outside "impartial" person was not required to satisfy the needs of due process.

None of the principal legislative proposals made the statutory protections with respect to safeguards against improper disciplinary action available to union officers.

In response to expressions of concern with respect to the need for disciplining union officers found to be engaged in the misappropriation of funds the statement by Senator Kennedy prior to the vote on the Conference Report made it doubly clear that section 101(a)(5) did not apply to officers. Therefore, insofar as the federal statute is concerned, summary action could be taken to correct the situation without going through the procedures listed in section 101(a)(5). The statement of the Managers on the Part of the House submitting the Conference Report also makes this point.

• THE ENFORCEMENT OF TITLE I

The provision in section 102 for private civil suit for relief from non-violent deprivations of the rights protected by Title I represents one of the most important changes effected by the Kuchel Substitute in the McClellan Amendment. Objections were made to the provision in the McClellan Amendment for civil enforcement by the Secretary of Labor including petitions for injunctive relief, on the ground that this constituted government enforcement of private rights. The Landrum-Griffin Substitute adopted the provisions of section 102 of the Kuchel Substitute for private civil enforcement of the rights granted by Title I but authorized the Secretary of Labor to maintain civil proceedings for violations of section 609, which provides that it is unlawful for a labor organization or officer to discipline a member for exercising any right to which he is entitled under the provisions of the act, including Title I. The Dowdy Amendment adopted on the floor of the House restored private civil enforcement for violation of section 609. As an ancillary matter, the final version of the Act specifically denies the power of the Secretary to investigate violations of Title I.

The effect of these provisions is to retain the private character of the relationship between the member and the union which can be enforced through private suit in the federal district courts just as such rights have been enforced under the common law in the state courts.

Where there is violence or threat thereof, however, the deprivation of rights guaranteed by Title I or other provisions of this act becomes a federal criminal matter subject to proceedings by the United States Government. The provisions of section 610 authorizing such federal criminal proceedings are, however, quite limited in scope when contrasted with the broad language of the McClellan Amendment. Under the provisions of that Amendment criminal proceedings would have been available even if there were no violence and a disciplinary proceeding within the union had been administered in such manner as to constitute a violation of the act. The penalties provided in the bill as passed by the Senate were reduced to a fine of not more than $1,000 or imprisonment for not more than one year or both, in the final version of the act.

• CONCLUSION

The controversy over the proper status of trade unions has not been ended by the enactment of federal laws to encourage collective bargaining.

In the nineteenth century the opposition to the trade unions was direct and took the form of declaring unlawful combinations of workmen intended to raise wages or lower hours. This approach is reflected even in recent times by proposals to apply the anti-trust laws to labor organizations.

The same concept of opposition to the trade unions has produced the indirect legislative approach of weakening the unity, and, thereby, the collective bargaining strength of the union. The Knowland "Workers' Bill of Rights" if enacted, would have caused internal dissension inside the unions to such an extent that they would not have been able to perform their established function in the economy. Indeed, the penalty provisions of this bill specifically provided for the application of the anti-trust laws to any union deemed to be in violation of the complex provisions of the bill.

If the absolute and unqualified language of the McClellan Amendment had been enacted, particularly if given a literal effect, there also would have been seriously adverse repercussions on the unions as collective bargaining agencies.

The Bill of Rights undoubtedly had support from those who sought an objective not consistent with the national policy of encouraging collective bargaining. There was, however, another and quite different source of support for the idea of a Bill of Rights. The Executive Director of the American Civil Liberties Union, for example, testified that the concern of his organization with respect to the problem of the protection of members' rights dated back to a study it had made in 1943. Testimony was given with respect to other work by this organization including the drafting of a "Bill of Rights." A study of the Fund for the Republic on internal union affairs also became a subject of congressional attention in the debate on the bill.

It is apparent that there are serious difficulties involved in granting the broadest possible freedom to the individual member and, yet, maintaining the union as a responsible and effective institution. A classic statement of the problem of gov-

ernment in this regard was made by President Lincoln in his Message of July 4, 1861:

> Must a government of necessity be too strong for the liberties of its own people or too weak to maintain its own existence?

Trade unions are not governments but their problem of maintaining the liberty of the individual within a framework of general order has similar aspects.

When the dangerous consequences of the unqualified language of the McClellan Amendment became apparent, Congress sought to develop an appropriate balance between the rights of the individual member and the needs of the union as an entity. The explicit recognition of the "rule of reason," the limitation of the definition of rights, the prohibition of participation by employers in members' suits against the union, the exclusion of the officer-union relationship from the scope of Title I and the change from civil enforcement by a government agency to private suits for infringements of the Bill of Rights were efforts to achieve this balance. That Congress, in the Kuchel Substitute and in its final version of the act, intended to achieve an appropriate balance in Title I is clear; whether Congress succeeded or failed in this effort is dependent upon the future course of judicial decisions.

Reading Time

Video Tape Recording, by Julian Bernstein; John F. Rider Publisher, Inc., New York. $8.95 per copy, 268 pages.

This is a book which has been begging to be written and Mr. Bernstein has done a thorough and masterful job.

The first eight pages, entitled "Introduction," very briefly trace the history, the need for (and, in lay terms, the process of magnetic recording) and leads to the second chapter, a discussion of sound waves, electrical waves and waveforms and on into standard symbols, etc. This simplified beginning and the extension to "Electronic Photography" and then to the mechanics and electronics of tape recording lead the reader gently, persuasively and thoroughly into Chapter 6, "Video Recording."

Both the RCA and Ampex machines—and both systems—are meticulously covered. While this book cannot be considered as a maintenance manual by any stretch of the imagination, the careful reader cannot fail to understand the principles of video recording and how they are accomplished in practice. There is even a page of color reproductions of photographs of a color monitor in Chapter 9, "Color-Correction Circuits," to clearly emphasize hue changes and patterns with differences in head-wheel speeds.

In this reviewer's opinion, this is the best, most needed and most comprehensive technical book to hit the book stores in many years. Only the real expert in video tape recording can afford not to have it on a reference shelf.

●

Attend Your Local Union Meetings.

Charles Foehn Named New IBEW Vice President

Charles J. Foehn, who has served our Brotherhood for many years, the past 18 as an International Executive Council member, has been appointed by President Freeman to fill the unexpired term of the late Oscar G. Harbak, effective August 1, 1960.

Charles Foehn

Brother Foehn was initiated into L. U. 6 of San Francisco May 23, 1923. After serving that local as recording secretary and as a member of the Examining and Executive Boards, he was elected business manager and financial secretary in 1938, a position he has held ever since.

In addition to his duties as business manager of L. U. 6 and as Executive Council Member, our new Vice President served four years on the San Francisco Housing Authority. He has also served as a commissioner of the San Francisco Board of Education since 1945.

Ralph Leigon Appointed To Executive Council

Brother Ralph A. Leigon, Business Manager and Financial Secretary of Local Union 357, Las Vegas, Nev., has been appointed to the Executive Council post vacated by Charles J. Foehn, now Vice President of the Ninth District. Brother Leigon's Council District includes the states of California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii.

Ralph Leigon

In addition to his work for the members of L. U. 357, Brother Leigon has been serving as President of the Southern Nevada Central Labor Council, President of the Nevada State AFL-CIO and Vice President of the Southern Nevada Building Trades Council. He has also been appointed by the Governor of the State of Nevada to serve on various state committees from time to time, among them the State Committee on Employment of the Physically Handicapped; State School Survey Committee; Employment Security Advisory Board and the Eldorado Valley Development Committee.

Brother Leigon is well known to members of the Brotherhood outside his own area as the result of his participation in International Conventions and served the 26th Convention as a member of the Committee on the Report of the International Executive Council.

A picket sign (above) and a handbill (right) used during the prolonged dispute in Bessemer.

NOTICE

"TECHNICIANS LOCKED OUT"

On May 6, 1960, the Radio Technicians employed at Radio Station WEZB, Bessemer, Ala., were locked out and the station closed by the new "OUT OF STATE" Owner, without any notice to the Technicians employed at the station or to the Union.

The Company has refused to recognize the existing contract covering Technicians work at the Bessemer, Alabama Station. The Union contract went into effect February 21, 1960, and is for a period of one year. An "OUT OF STATE" "NON UNION" Technician installed equipment and the station is now back on the air with call letters "WYAM".

A "Picket Line" has been placed at the Bessemer, Alabama station, to advise the public of this "LOCK OUT" and to also advise the public of this "OUT OF STATE" Company's apparent disregard of a legitimate Union Contract, covering the work of Technicians employed at the Bessemer, Alabama station.

"WYAM" Is Now Operating Non-Union

Local Union No. 253, IBEW

A.F.L.-C.I.O.

O. H. GRAHAM, Business Manager
BEN FRANKLIN, President

Lockout in Bessemer Ends, New Agreement Signed

Protracted Dispute-and Happy Ending

SINCE May 6, a running battle to preserve and protect the wages and working conditions in the Birmingham metropolitan area has been going on at WYAM, Bessemer, Ala. Formerly identified as WEZB, the station was closed shortly after its purchase and was reopened about a month later with new personnel. The WEZB Technicians were not given any notice of employment termination and the existing L. U. 253 Agreement was wholly-disavowed by the new management.

Considerable litigation ensued (naturally) and L. U. 253 maintained a high level of activity for many, many days and nights before the attorneys for the opposing sides were able to find agreement on an equitable settlement. The end result—peace and harmony in Bessemer and a union label on WYAM.

Much credit in this situation to Business Manager O. H. "Doc" Graham of Local Union 253, the officers and members of the Local Union and to Attorney J. R. Goldthwaite, Jr., of the firm of Adair and Goldthwaite.

STATION BREAKS

Flying Videotapes

WCET, educational TV station in Cincinnati, Ohio, which employs members of Local 1224, has been selected to produce videotapes for use by an airborne transmitter in a new educational TV program.

WCET's tapes will be broadcast from an airplane circling Montpelier, Ind., to rural classrooms within a 200-mile range. WCET is one of eight similar stations in the U. S. participating in the pilot program.

Bargaining Twist

In Rio de Janeiro, union chorus girls demanding higher wage scales from theater owners got nowhere until they threatened to appear on stage fully clothed . . . Within six hours after the threat, a new contract—with higher wages—was signed.

Lab Discovery

Remember the TV commercials where the aspirin tablet tumbles down the glass zig-zag and is dissolved in a couple of split seconds? Well, scientists not employed by the drug companies (and not on TV) have discovered that the dissolution rate of aspirin, buffered and unbuffered, varies from five to fifteen minutes. Buffered aspirin was found to dissolve faster but disintegrate slower.

Warmed-Over Shows?

A researcher, checking TV habits of London families, reports that in half the families interviewed, the TV viewing room is the only family room kept heated in winter.

Quote: Needs No Comment

"High taxes and competition from large corporations are commonly considered formidable obstacles for Americans who strive to acquire great wealth. Yet Government figures indicate more individuals have become millionaires since World War II than in any comparable earlier period."—*The Wall Street Journal*

IBEW Photographer

One of the CBS photographers who covered the Democratic Convention, Bob Clouse, Local 45, IBEW, is shown here against the vast interior of the Sports Arena. The photograph was taken by Jerry Fitzgerald, also of Local 45. The CBS, Los Angeles, photographic unit is in the IBEW.

LAST LAUGH

"We've invented a transistor so small it can barely be seen by the naked eye, and now we can't find it!"