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THE LEGISLATIVE HISTORY OF THE KENNEDY-ERVIN
LABOR REFORM BILL IN THE FIRST SESSION
OF THE EIGHTY-SIXTH CONGRESS

by

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of Loyola University in Partial Fulfillment of
the Requirements for the Degree of Master
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Raymond Michael Ryan was born on August 3, 1930, in Evergreen Park, Illinois.

He was graduated from St. Ignatius High School, Chicago, Illinois, in June 1948. He subsequently attended St. Michael College, Toronto, Ontario, Canada and Assumption College, Windsor, Ontario, Canada, and was graduated from Loyola University, Chicago, in February, 1953, with the degree Bachelor of Science in the Humanities.

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INTRODUCTION

Purpose and scope of thesis—Story of bill—Its interest and importance—Sources.

THE PRELIMINARIES

Kennedy-Ives bill—Effect of politics—McClellan Committee Hearings and their impact—The steel strike—Senators Kennedy and Johnson.

THE BILL IN THE SENATE

Subcommittee on Labor hearings—Modifications of bill—Committee consideration—Senate debate—Bill of Rights and other amendments—Senate approval—Kennedy speech.

HOUSE CONSIDERATION


CONFERENCE COMMITTEE AND ADOPTION BY CONGRESS

Question of instructions to Senate conferees—Conference progress—Kennedy stands fast—Threat to instruct Senate conferees re-arises—Conference agreement—Senate and House final approvals.

LOBBYING

Brief history—Teamsters and Sidney Zagri—Efforts of Hoffa—Carey's letters to Congressmen—Failures of labor lobby and success of management lobbying.
VII. PRESIDENTIAL ACTION AND A SUMMARY


BIBLIOGRAPHY

APPENDIX. CHRONOLOGY
CHAPTER I

INTRODUCTION

On January 20, 1959, Senator John Kennedy (Dem. Mass.) introduced in the Senate of the United States on behalf of Senator Sam Ervin (Dem. N.C.) and himself a bill providing 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."¹ The purpose of this paper is to follow that bill through the multiple stages of the legislative process and to examine along the way what happened to it, how the happenings occurred, and to the extent we are able, why they happened. We will attempt to describe and evaluate strategies, tactics, and parliamentary maneuvers affecting the progress of the bill, and examine some background events which, although occurring outside the immediate realm of the Congress, affected the outcome of the legislative consideration.

The bill that emerged as law from the first session of the Eighty-Sixth Congress was not the labor reform bill originally known as the Kennedy-Ervin bill (S.1555), but a law quite different in substance and effect. The account of what happened to the Kennedy-Ervin bill, however, explains how this final

labor reform act was achieved. The story officially ends on September 14, 1959, with President Eisenhower's signature on Public Law 86-257, S.1555, but the actual conclusion of the legislative power struggle between the proponents of Kennedy-Ervin bill labor reform and proponents of Landrum-Griffin bill type reform took place somewhat earlier. This thesis will attempt to present the complete story, as chronologically as clear presentation permits.

This story of labor reform legislation in the first session of the Eighty-Sixth Congress is both interesting and important, and it is hoped that this presentation of it does justice to both elements. The interest lies in the widespread and heated participation of political, business, and labor groups and interests contending on the issue. The importance is found in the present and possible future effects of what was done, and what was not done for that matter, for the failure of the Kennedy-Ervin provisions for labor reform represents the rejection of its proposed position for the Federal Government in labor-management affairs.

Primary reliance for the material used in the paper was placed on original sources such as the Congressional Record, and committee hearings and reports, but valuable supplementary material and background facts and opinions were obtained from the coverage of the subject by the daily press and other periodicals.

In Chapters III and IV on the progress of the bill in the Senate and House the bulk of the factual information was derived from the Congressional Record. Footnote references to the Record have been made only when deemed necessary to clarify a fact or opinion not obviously derived from the context of the debate.
THE PRELIMINARIES

The first serious attempt to obtain labor reform legislation since passage of the Taft-Hartley Act originated in the hands of Senator Kennedy and occurred in the second session of the Eighty-Fifth Congress in 1958. This earlier attempt by Kennedy was co-sponsored by the then Republican senator from New York state, Irving Ives. A relatively mild measure as a labor reform proposal, the Kennedy-Ives bill was endorsed by the AFL-CIO and opposed by employer groups who objected to it on the grounds that the bill contained no restrictions on union secondary boycott practices and compulsory unionism, and that it imposed reporting requirements on employers for expenditures on labor relations.\(^1\)

**The Kennedy-Ives Bill.** When the bill passed the Senate by a vote of eighty-eight to one, prospects for its enactment appeared favorable, but Representative Graham Barden (Dem. N.C.), Chairman of the House Committee on Education and Labor, made it very clear when the bill was referred to his committee that he expected it to die there.\(^2\) The most obvious reason for Barden's attitude, considering that he was an advocate of strict labor reform

\(^1\)U.S. News and World Report, XLV (August 8, 1958), 79.
\(^2\)Ibid.
and that he possessed considerable power as committee chairman to influence such legislation, seems to be that 1958 was an election year for Congress and therefore not a propitious time to introduce a serious controversy which neither major political party really wanted. It is also possible he realized that only by amending the Taft-Hartley Act could real reform be achieved, a course certain to precipitate a fierce battle which would probably result in a stalemate and failure to achieve any legislation.

Senator Barry Goldwater (Rep. Ariz.), long a proponent of positions also held by management groups, accused Speaker of the House Sam Rayburn (Dem. Tex.) of obstructing the bill for fear the House Committee would make it more effective. But in an exchange with Senator Kennedy early in the 1959 congressional session, Goldwater was more candid. "Let's admit there was a lot of politics in the labor bill last year," he said. "You played politics and we played politics, what the hell, it was an election year." Rayburn, however, contended that the only reason for the failure of the House to act on the bill in time for passage was the urgency of other legislation then under consideration which would have been sidetracked in a labor bill dispute. He mentioned welfare bills especially in this connection.

Neither party was strongly in favor of a labor bill in 1958, and the issue would certainly not have arisen at all had it not been for the release in March, 1958, of the first interim report of the McClellan Senate Rackets Committee which stimulated public recognition, at least temporarily, of the need for labor legislation. Both major parties had plausible arguments placing the blame on the other for failure to enact any bill in 1958. The

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3 Newsweek, LIII (February 9, 1959), 30.
Republicans claimed that the whole matter was the responsibility of the Democrat-controlled Congress, and the Democrats pointed out that the bill was actually killed by Republican votes when it finally reached the floor of the House. The vote against the bill on August 18, 1958, was 198 to 190, the majority comprised mainly of Republicans and southern Democrats who opposed the bill because they were not allowed time under the rules to amend and stiffen the bill's reform provisions. The AFL-CIO was enthusiastic enough about the bill to issue an eleventh-hour appeal for passage, but the bill died at the hands of those who intended to find a stronger successor to it. Failure of the Kennedy-Ives bill under the above circumstances certainly added strength to the determination of the opposing factions to obtain a labor bill to their liking in the following session of Congress.

To understand the history of the subsequent Kennedy-Ervin bill, it is important to examine the reasons for the need felt by Congress to enact a labor bill, and what reforms were being advocated and opposed. The most clear and complete explanation is found in the voluminous record of the hearings of the McClellan Senate Rackets Committee, officially known as the Senate Select Committee on Improper Activities in Labor and Management. This committee, under its chairman, Senator John McClellan (Dem. Ark.), who was assisted by Senator Kennedy's brother, Committee Special Counsel Robert Kennedy, conducted well-publicized hearings, many of them televised, for two and one-half years (1957-1959) and produced so many allegations of misconduct in labor-

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5Time, LII (September 1, 1958), 16.
management relations that public shock was deep and general. Even George
Meany, President of the AFL-CIO, admitted that he had not imagined the
situation was so bad.

The McClellan Committee. The McClellan Committee heard 1526 witnesses
in two hundred seventy hearings and published 46,150 pages of testimony. Two
interim reports of its findings were issued, one in March 1958 just prior to
consideration of the Kennedy-Ives bill, and the second in August 1959, in the
height and heat of the Kennedy-Ervin versus Landrum-Griffin legislative battle.
These reports detailed the many incidents of corruption, violence, and racket-
eering which were discovered in labor-management relations and presented in
testimony before the committee. Most of the material concerned misconduct by
officials of labor unions, especially the International Brotherhood of Team-
sters, though the use of union-busting "labor relations consultants" by
management personnel was also highlighted. The material in these committee
reports furnished the nation's newspapers with headline scandals for many
months, but the strongest impressions in the public mind were probably the
result of the televised hearings which featured the appearance of well-known
underworld figures. The typical appearance of these individuals, known to
the police as "syndicate hoodlums," involved a recital by Special Counsel
Kennedy of the police record and general background of these persons and then
an examination of their union affiliation, usually as local union officials.
Kennedy and members of the committee would then question the witnesses about
alleged criminal actions or unethical practices in labor-management matters,
questions which brought outraged denials from the witnesses or, most often, a

6Newsweek, LIV (September 21, 1959), 62.
monotonous repetition of the claim of privilege under the Fifth Amendment of the Constitution of the United States against self-incrimination.

The most sensational testimony came in regard to the handling of union funds, especially pension and welfare money. The committee probed deeply into irregularities discovered in various Teamster locals, and demonstrated to the satisfaction of the public that many Teamster officials, including the International's president, Dave Beck, had helped themselves generously from the union treasury. The irregularities discovered in Teamster union activities resulted in appointment of "monitors" by a Federal District court to direct reform of this the nation's largest and most powerful union.

The focus on union racketeering provided by the McClellan hearings and reports served to inform the public, the press, management, union members, and the Congress of the urgent need for better labor legislation. The operations of this committee continued as a background accompaniment to the legislative deliberations over labor reform, and occasionally became the main theme.

The deep and lasting impact caused by the Rackets Committee revelations must be kept in mind in the examination of the congressional activities on the Kennedy-Ervin bill, as a new Federal Government position vis-a-vis regulation of labor-management affairs is developed.

One other background happening is of sufficient importance to be kept in mind while trying to understand the legislative history of the Kennedy-Ervin bill, and that is the long and bitter contract negotiating struggle between the major steel companies and the United Steel Workers union. Negotiations and propaganda by both sides continued throughout the 1959 congressional session, and became the most important daily news as the strike date of July 1, 1959 approached. This crisis in the steel industry, the nation's most important industry, with its gigantic plants, hundreds of thousands of employees,
high wages and large profits, greatly disturbed the public mind and added a distinctly anxious and troubled urgency to the whole consideration of labor legislation.

Politics. Although 1959 was not an election year, the question of politics was deeply involved in the labor bill question. Two of the leading figures in the story were staking political futures in taking positions during the encounter. Senator Kennedy's thinly-veiled ambitions for the 1960 Democratic presidential nomination depended for continuing life on his success in achieving a meaningful labor-reform bill which would not antagonize either labor or management unduly. A bill bearing his name would provide him with valuable prestige and publicity, but it would have to be a bill which would associate his name happily in the general public eye. Political observers were a little surprised to see Kennedy commit himself so early on such a controversial question. Kennedy's objective must surely have been to attain stature, rather than to concentrate on holding a position which was insufficient to bring him the Democratic nomination in 1960.

The other leading figure with political stakes in the labor bill deliberations was Senator Lyndon Johnson (Dem. Tex.), Senate Majority Leader. Placed in the difficult position of responsibility for the entire Democratic legislative program, Johnson daily was forced to take positions for or against all legislation under consideration in the Senate. With the reputation of being a conservative Southerner and also being ambitious for the Democratic presidential nomination in 1960, how was he to participate in the labor bill controversy, the key bill of the entire session? And although Johnson and Kennedy were friends, Johnson was placed in the unpleasant position of minimizing Kennedy's prestige to safeguard his own chances politically.
These circumstances, coinciding in the summer of 1959, produced what the twenty-two previous sessions of Congress, all of which considered labor legislation, had failed to accomplish since passage of the Taft-Hartley Bill in 1947: a major labor-management bill. The story of that accomplishment is the substance of the material which follows.
CHAPTER III

THE BILL IN THE SENATE

After Senator Kennedy introduced the bill, at that time assigned the title S. 505, it was referred to the Senate Committee on Labor and Public Welfare where, in turn, it was passed on to the Subcommittee on Labor. Kennedy was chairman of the subcommittee; other members were Pat McNamara (Dem. Mich.), Wayne Morse (Dem. Ore.), Jennings Randolph (Dem. W. Va.), Barry Goldwater (Rep. Ariz.), Everett Dirksen (Rep. Ill.), and Winston Prouty (Rep. Vt.). The Kennedy subcommittee held hearings on the Kennedy–Ervin bill and five other labor reform proposals, including an Administration bill, from January 28, 1959 to March 9, 1959, during which time it heard testimony from twenty-two witnesses. There were also statements for the record received from a total of thirty-five persons representing nine labor organizations, twenty-one management groups, and several groups testifying in the public interest.

Committee Hearings. Witnesses who were given the most attention by the subcommittee were: Godfrey P. Schmidt, New York attorney acting as one of three monitors under court order to regulate the affairs of the Teamsters; Professor Archibald Cox, Harvard Law School authority on labor legislation, who was also serving as a voluntary assistant to Senator Kennedy while the labor bill was under consideration; Secretary of Labor James F. Mitchell;
Senator McClellan, and Andrew J. Biemiller, representing the AFL-CIO.¹

Secretary Mitchell's appearance produced the most interesting and noteworthy situation of all. In 1958 Mitchell had opposed passage of the Kennedy-Ives bill. Now, in 1959, Kennedy was again pressing for a labor bill, and the Senator had carefully prepared for the Secretary's appearance. Fifteen minutes prior to the conclusion of Mitchell's statement before the subcommittee in support of the administration labor reform bill, S. 748, Kennedy's mimeographed reply, clearly marked for release "upon conclusion of testimony," was being distributed in the subcommittee room.² Beyond what may have been an unintentional discourtesy to Mitchell, this premature distribution of a reply to testimony not yet presented demonstrated Kennedy's firm intention to negate and discredit the Secretary's remarks.

When the Secretary had concluded his testimony, Kennedy began questioning some of the provisions of the Administration bill. When he claimed that the bill would punish honest locals by depriving them of National Labor Relations Board services as a result of the dishonesty of individual officials of the locals, neither Mitchell nor Stuart Rothman, Labor Department legal aide present to provide expert assistance and support for Mitchell's testimony, could find an answer to the charge and admitted that Kennedy might be correct. And when Kennedy quoted from the administration bill, Rothman demonstrated his unfamiliarity with it in his difficulty in locating the passages. In the face


²Newsweek, LIII (February 16, 1959), 25.
of this well-informed attack, Mitchell was forced in embarrassment to ask for a recess "to have another look" at the bill. The fact that Kennedy obviously knew the Administration bill considerably better than its spokesmen left little hope it would triumph against the Kennedy-Ervin bill.

The subcommittee modified the Kennedy-Ervin bill based on the testimony it had heard and the suggestions and recommendations it had received "to include those recommendations which strengthened the bill and increased its effectiveness," but eventually reached a point beyond which it could not proceed. Senators Dirksen and Goldwater pressed hard for further amendments, but Kennedy suggested that the bill be forwarded to the full committee for further consideration. Senator Morse made a motion to that effect, saying that further amendments should have the participation and concurrence of the full committee. The adherents of the Kennedy bill had little to lose in this proposal; tempers were getting short and they did not want to alienate the opposition, only to frustrate their efforts gradually and tactfully. Furthermore, in the full committee they also held a commanding majority by party, and an even stronger force in sympathy to the bill. Other voices in opposition to the minority proposals were expected to soften the personal frictions in the smaller subcommittee, and distribute any resentment that might be felt by the minority members who were fighting so hard for changes. Senator Goldwater evidently believed he could find further support in the full committee, for there is no evidence that he opposed the suggestion to forward the bill. He had little

3 Ibid., p. 25.


5 Congressional Record, 86th Cong., 1st Sess., 1959, p. 2430.
choice in any event since the subcommittee majority opposed further changes at that time.  

One effect of the subcommittee's modifications of S. 505 was to change its title to S. 1555, which it retained throughout the session. The bill reported to the Committee on Labor and Public Welfare was then considered by that full committee and "a number of substantial changes" made. Those changes which strengthened the bill's labor reform provisions were accomplished mostly through the persistence of minority members Goldwater and Dirksen, who took credit for these changes in the Minority Report, which they filed as the lone dissenters in a final thirteen to two committee vote to report the bill to the Senate.

These changes may be summarized as follows:

a. Stricter reporting requirements of unions' disciplining, fining, and suspension procedures.

b. Stricter reporting of union salaries and other disbursements, past conflicts of interest, and any loans to officers and employees.

c. Exclusion from union office for failure to file information required by the bill.

d. Weaker requirements for employer reports under the act.

e. Provision that the act would not pre-empt rights of states to punish the same offenses under state laws.  

These additions by no means accomplished Goldwater's and Dirksen's full

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6 Labor-Management Reporting, p. 5.
7 Ibid.
8 Ibid., p. 89–94.
intentions for labor reform, and they set forth in their minority report their firm intention to seek further amendments on the Senate floor. Senator Prouty, in sympathy with the two dissenters, nevertheless voted in favor of reporting the bill to the Senate because he believed this was the course to assure some labor legislation in the current session.9

Early in March, Majority Leader Johnson suggested to Minority Leader Dirksen that the Committee delay reporting the bill until the House had acted on labor reform. Johnson believed that the House would probably kill the labor bills as it had in 1958. Dirksen favored such a delay to sidetrack what he considered the weak Kennedy-Ervin bill. Johnson's move was interpreted to be his first step to cut the ground out from under Kennedy's long-range program to attain the prestige for the presidential nomination. Dirksen proposed the delay to the Committee, but the generally pro-labor sentiment in the Committee at this time resulted in a vote to reject a delay. The Committee agreed, however, to postpone the consideration of controversial Taft-Hartley amendments, proposals certain to bring on long and bitter debate which would probably be fatal for the labor reform bill. At the suggestion of the Democrats on the Committee, a twelve-man "blue-ribbon" panel of labor law experts under the chairmanship of Professor Cox was selected to study amendments to the Taft-Hartley Act and submit recommendations to the Senate later in the session.11 This plan followed Kennedy's position that labor reform and Taft-Hartley amendments must be kept as separate as possible and be dealt with in

9Ibid., p. 89-94.
10Newsweek, LIII (March 16, 1959), 26.
11Labor Management Reporting, p. 5.
separate bills. However, several amendments to the Taft-Hartley Act on points regarded as not controversial were included in the Kennedy-Ervin bill as approved by the Committee. This fact made Kennedy's position appear inconsistent and prevented his concept of the two-package approach from gaining general acceptance in the Senate.

**Senate Debate.** Debate in the Senate on the Kennedy-Ervin bill as amended in the Committee on Labor and Public Welfare began on Thursday, April 16, 1959. More than one hundred amendments were already awaiting consideration in the Upper House, and scores more were yet to be introduced.  

The control of the floor time for consideration of the amendments and the bill, was, of course, the crucial element in determining which amendments were to be considered and which speakers were to be heard. Curiously enough Senator Ervin, co-sponsor of the Kennedy-Ervin bill, was the first to speak on amending the bill. Ervin proposed to strike out for consistency's sake the six non-germane amendments to the Taft-Hartley Act which were still in the bill, favoring instead the absolute application of the Kennedy two-package approach. Kennedy explained that the amendments were in the bill as a commitment to former Senator Smith of New Jersey during the consideration of the Kennedy-Ives bill of the last session, and that he (Kennedy) expected that the amendments would help the bill when it reached the House.

The amendments to which these senators referred were contained in Title VI of the reported bill, and could be classified as generally pro-labor. Therefore Goldwater and McClellan endorsed Ervin's amendment, McClellan promising

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12 *Congressional Record*, 86 Cong., 1 Sess., 1959, p. 11.

13 As Senator Goldwater was the most vigorous proponent in the Senate of amending the Kennedy-Ervin bill to make it more strict in labor reform.
not to propose controversial amendments to the Taft-Hartley Act for inclusion in the Kennedy-Ervin bill, if Kennedy would agree to drop Title VI.

Senator Karl Mundt (Rep. S.D.), vice-chairman of the Senate Rackets Committee, then spoke for an hour in support of Ervin's amendment and the debate was carried on to Tuesday, April 21.

Goldwater then obtained the floor and threatened that days and days of debate would be consumed in discussing other Taft-Hartley amendments unless Title VI were dropped from the bill, and urged that Kennedy wait for the "blue-ribbon" committee recommendations regarding Taft-Hartley amendments. Kennedy replied that he could not in any case bind the Senate not to consider other amendments to Taft-Hartley when it pleased.

Senator Jacob Javits (Rep. N.Y.) spoke in support of Kennedy's position and claimed that the Title VI provisions regarding "no-man's land," the building and construction trades workers, and the problem of economic strikers' voting rights in representation elections had to be dealt with in the present bill.

Senator John Cooper (Rep. Ky.), like Javits a minority member of the Senate Committee on Labor and Public Welfare, also spoke for Kennedy's position, while Democratic Senators Lausche and Smathers, of Ohio and Florida respectively, spoke briefly on behalf of the Ervin amendment.

After an interruption in the debate for the purpose of considering Christian Herter's nomination as new Secretary of State (approved unanimously) Senator Michael Mansfield (Dem. Mont.), the majority "Whip," proposed limi-

the reader should assume that except where otherwise indicated he supported amendments Senator Kennedy opposed, and vice-versa.
tation of further debate on the amendment to twenty minutes. The proposal was adopted unanimously.

Senator Ervin, speaking in conclusion, stated that he believed the Kennedy-Ives bill was defeated because of the non-germane Taft-Hartley amendments in it. Kennedy concluded his argument by contending that Secretary of Labor Mitchell himself suggested the coverage of the topics in Title VI. A roll call vote resulted in a defeat for the Ervin amendment by a count of twenty-seven yeas to sixty-seven nays. In view of the prestige of the adherents of the Ervin amendment, this defeat was surprisingly one-sided. But it apparently reflects the confidence in Senator Kennedy at this stage by members of the Senate, still not too concerned about this bill and relatively uninformed about its contents.

Senator Dirksen immediately precipitated another debate by proposing a substitute for Title VI of the Kennedy-Ervin bill, taken verbatim from Title V of the Administration bill. Johnson, after consultation with Dirksen and Goldwater, proposed a two-hour limitation on debate on the Dirksen amendment, which limitation was approved.

Goldwater explained that the Dirksen amendment included other Taft-Hartley amendments in addition to some of those in Title VI, and would obviate necessity for further Taft-Hartley amendments, a reversal of his position that the Senate would wait for the "blue-ribbon" committee recommendations. In speaking against the Dirksen amendment, Kennedy warned that under Senate rules further amendments could not be considered dealing with the topics contained in the Administration bill substitute for Title VI of his bill. Again the vote resulted in a rather lop-sided victory for Kennedy, twenty-four in favor of the Dirksen amendment to sixty-seven opposed. Goldwater offered a minor
amendment regarding the definition of a union officer, but the debate was carried over to the following day as the Senate adjourned for the day.

On Wednesday, April 22, McClellan submitted several amendments to the Kennedy-Ervin bill which were ordered to lie on the table and be printed, and the Senate resumed consideration of the Goldwater union officer amendment. That is, some of the Senate—hardly a quorum, for when the question was put on the amendment it was approved, two votes for to none against. Evidently Kennedy was notified at this stage and when he returned to the chamber Goldwater asked that the amendment vote be reconsidered. He and Kennedy then entered a hot debate over this seemingly minor issue, and Kennedy offered a substitute definition of union officer, claiming that Goldwater's definition was too broad. In this argument Javits supported Goldwater. During Javits' remarks Kennedy apparently conferred with Goldwater on a substitute which Kennedy then proposed and which was approved without difficulty. The debate on this fragmentary issue foreshadowed the heat of the debate which would follow on the more serious problems on which the pro- and anti- forces were divided.

Bill of Rights. One of those problems presented itself at once with the introduction by Senator McClellan of the celebrated "Bill of Rights" amendment.

McClellan and Senator Kennedy were known to be good friends, but Goldwater knew that any hope for the Senate to place serious "stiffeners" in the Kennedy-Ervin labor bill would have to have the support of McClellan, who enjoyed enormous prestige in the field of labor reform as a result of his Rackets Committee hearings. Goldwater persuaded McClellan that he would have to fight Kennedy on the issue, and part of that persuasion came in the form
of pressure by business groups whom Goldwater induced to bombard McClellan with letters. But it was with great conviction and emphasis that McClellan introduced the biggest issue of the Senate consideration of the bill—the Bill of Rights for union members—after a two-hour speech to the Senate in which he spelled out the drastic need for stiff labor reform legislation. This raised for the first time in the consideration of the bill the question of a serious departure from previous Federal legislative action in the labor area.

McClellan's Bill of Rights injected the Federal Government squarely in the middle as regulator of internal union affairs. Previously, Federal legislation affecting labor-management relations had confined itself to regulating the conduct of relations between management and labor. There were seven principal provisions in the amendment offered by McClellan:

a. Guarantee of equal rights to all union members
b. Guarantee of free speech to all union members
c. Guarantee of free assembly to union members
d. Guarantee of freedom from arbitrary financial exactions
e. Provision of right to sue the union organization by members
f. Guarantee of freedom from improper disciplinary actions by unions against their members
g. Provision for the Secretary of Labor to protect the enumerated rights.

Kennedy quickly recognized that a vital attack was in the making which would seriously alter the nature of the legislation he had introduced and brought relatively unscathed to this point. He obtained the floor and attacked the Bill of Rights amendment as unnecessary, claiming that the pending bill, state law, and the Taft-Hartley Act covered the areas adequately
a claim of uncertain validity. Kennedy also warned that adoption of the amendment might result in pre-emption by the bill in this field to the detriment of the other legal safeguards now in effect.

A series of speakers was then heard in debate over the Bill of Rights: Morse (Dem. Oreg.), Carroll (Dem. Col.), and Allott (Rep. Col.) in opposition to the amendment, and Lausche (Dem. O.) and Holland (Dem. Fla.) in favor of it. In the space of less than an hour Kennedy held forty conferences on the floor, developing and directing strategy to defeat this amendment. McClellan weakened opposition to the amendment by proposing a modification, agreed to unanimously, to prevent the pre-emption danger Kennedy had mentioned.

It was already late in the day when Johnson proposed that the vote on the amendment be taken at 6:00 p.m., with debate until that time to be evenly divided. This motion was approved unanimously and both sides began immediately to collect their respective adherents for the showdown. Kennedy and McClellan gave their concluding arguments, adding little to the gist of their previous remarks. In the roll-call vote that followed, the amendment was approved by a vote of forty-seven in favor to forty-six against, with five absences. A motion was made to lay on the table a proposal to reconsider this vote. The amendment narrowly escaped defeat in this maneuver when a forty-five to forty-five tie was broken by Vice-President Nixon, when in exercising his prerogative to vote in the event of a tie-vote in the Senate he cast his ballot in favor of the Bill of Rights.

The absence of five senators at the time of the voting was the margin of difference between success and defeat for the McClellan Bill of Rights. Senators Douglas (Dem. Ill.) and Humphrey (Dem. Minn.), had they been present, would surely have influenced the outcome in the other direction. Humphrey
was absent on a speaking tour in Oregon; when he was informed of the developments in Washington, he hastened back, too late, as it turned out, to remedy the damage for Kennedy.  

It was not contended that Humphrey's ambition for the Democratic presidential nomination in 1960 caused him intentionally to absent himself, since it is unlikely that anyone foresaw that this issue would arise at the time it did with the even division of votes that occurred. However, it has been contended that Senator Johnson, also prominent in consideration for the Democratic nomination, may have tried in this issue to weaken Kennedy as an opponent. It was noted that Senators Dodd (Dem. Conn.) and Chavez (Dem. N. Mex.), reliable Johnson supporters, voted for the McClellan amendment.

After the final vote on the McClellan amendment, the Senate recessed until 10:00 a.m. Thursday, April 23. Senator Kennedy, having suffered the first serious setback in his attempt to push through a moderate labor reform bill, now had the problem of restoring his control over the forces which were in motion to continue to transform the scope of the bill far beyond Kennedy's intentions.

Other amendments. On Thursday Senator Goldwater opened the day's consideration of the bill by calling up his amendment for definition of a labor organization. Kennedy's staff personnel conferred with Goldwater's on the question and agreed to a compromise which was then proposed by Kennedy as an amendment to the Goldwater amendment and adopted without difficulty by the Senate.

Senator McClellan called up the next in his series of amendments, this one aimed at strengthening the provision for reporting requirements for

15 *Time*, LXXIII (May 4, 1959), 11.
employers hiring labor consultants. Kennedy had some ideas to offer on this amendment and during two quorum call delays McClellan and Kennedy worked out a substitute amendment which both then endorsed and which was approved by the Senate without debate.

Senator Dodd offered a brief amendment which would require union organizations to notify their members in writing of elections to be held. Kennedy opposed this proposal, citing the cost involved and the adequate nature of other means of notification. The Dodd amendment was adopted, however, by a voice vote.

Goldwater immediately called up his next amendment allowing union members access to union records. Again, Kennedy spoke in opposition to the proposal on the basis that it would permit undue harassment of unions by dissatisfied individuals. Kennedy threatened to request the yeas and nays on the amendment, a threat quickly accepted by Goldwater who himself made the request. Majority Leader Johnson then rose to offer a proposal that debate on all amendments to S.1555 be limited to one hour, and that the debate on passage be limited to three hours, to be evenly divided between the opponent forces. During Johnson's remarks, Kennedy and Goldwater met to seek a compromise on the Goldwater union-records access amendment, and when Johnson had finished speaking, Goldwater offered a modification of his amendment, limiting access to records to those who could show cause for the request. Goldwater also rescinded his request for the yeas and nays, and the Senate approved the modified amendment without further debate.

Senator McClellan then called up his amendment dealing with the establishment of a fiduciary relationship between union officials and union funds; there was no outright opposition to this amendment and after a short discussion of
its meaning it was adopted by voice vote. McClellan was a co-sponsor of the next amendment, offered by Senator Javits and also co-sponsored by Senators Prouty and Allott. The amendment specified the method of recovery of misappropriated union funds and was adopted without debate. A minor amendment correcting some unclear language was offered by McClellan and adopted without discussion, and then Senator Kennedy proposed an amendment with McClellan to make shakedown picketing penalties of the Kennedy–Ervin bill similar to those prescribed in the Hobbs Act. McClellan remarked prior to the vote that he was reserving the right to go farther than this amendment did in dealing with organizational and recognition picketing. The Kennedy–McClellan amendment was approved unanimously.

It was apparent by this time that Senator Kennedy realized that the Senate disposition to amend his bill heavily was so strong that his best course lay in participating in the process and to the greatest degree consonant with harmony, mitigating the extent to which these amendments would depart from the moderate course he had set for the legislation. If his intention had been merely to foster legislation that would go soft on labor reform, he could have fought all the stiffener amendments and stood on a pro-labor record. His intention seems rather to have been, however, to push through a labor reform bill which would by its very name associate him with labor reform, but which in its moderation would not alienate labor groups from him. The goal was enactment of a bill bearing his name, and his strategy when faced with threats to enactment, first evident in the McClellan Bill of Rights amendment and subsequent amendments in the Senate, was consistent to achieve that end.

Senator Case (Rep. N.J.) called up his pending amendment which provided
that the National Labor Relations Board would decide which striking employees might vote in a representation election. Kennedy clarified its meaning and endorsed it; the Senate passed it without further discussion.

Coldwater then called up his amendment to strike out the two hundred and fifty dollars minimum requirement for loan-reporting by unions to their officers and employees. Kennedy and Coldwater carried the debate on the question and Kennedy was once again adamant in opposition to Coldwater's proposal. It was a relatively minor question and apparently Kennedy sensed that the Senate was not overly concerned with it. He and Coldwater decided to rest judgment with the Senate on the question. Senator Humphrey asked for a division on the voting, and on the vote Goldwater's amendment was rejected. Thus encouraged, Kennedy also refused to compromise on the next question, an amendment offered by Senator Curtis (Rep. Neb.) providing heavy penalties for depriving union members of their rights. Kennedy took the position that this area was already adequately covered in the bill as amended, and the Senate rejected the Curtis amendment.

Coldwater returned to the fray with another amendment, this one defining a secret ballot. Kennedy requested a quorum call and conferred with Coldwater on the language of his amendment. Coldwater offered substitute language, another quorum call conference was held and the amendment further modified. Kennedy then endorsed the amendment as modified and it was passed by the Senate.

Senator Allott then called up his amendment dealing with one of the key questions in the whole labor reform debate, that of "no man's land." His proposal would allow state courts or agencies to assume jurisdiction in cases declined by the National Labor Relations Board. Allott withdrew his amendment
in favor of Senator McClellan's amendment on the same subject, and he and Senator Curtis co-sponsored the McClellan proposal which Allott termed better than his own. Senator Kennedy yielded fifteen minutes of debate time to Senator Morse who attacked the Allott amendment (he had evidently prepared his speech prior to Allott's withdrawal of his amendment), suggesting that administrative law tribunals were much preferable, and effective for the purpose. Digressing for a time, Morse fumed against the unanimous consent agreement under which the Senate was operating which limited debate on amendments "and amendments thereto" to one hour each. Kennedy spoke briefly against the amendment, evidently confident that he had the votes to defeat it. The vote on the McClellan amendment followed and it was rejected by a vote of thirty-nine in favor to fifty-two opposed—another success for Kennedy.

Shortly thereafter Kennedy agreed to accept two McClellan amendments, the first requiring that copies of collective bargaining agreements affecting union members be provided them, and the second prohibiting criminals from holding union office for five years from date of conviction, and eliminating from the bill the provision that the Secretary of Labor shall determine whether a man is fit for union office. Both amendments passed without opposition following Kennedy's acceptance of them.

Kennedy, in a receptive mood, then enthusiastically approved an amendment offered by Senator Gore of Tennessee to outlaw hot-cargo agreements between common-carriers and labor organizations. This proposal involved another crucial issue in the labor reform debate, but the Gore amendment, limiting applicability to "common-carriers," was acceptable to Kennedy because it would hurt only the Teamsters union. Kennedy was happy to accept this limitation as he feared that the "hot-cargo" prohibition would be placed in the bill with
blanket coverage, a possibility he hoped to circumvent in Gore's amendment. McClellan suggested to Gore that language be inserted in his amendment which would prohibit common-carriers from ceasing to do business with any other employers as a result of the hot-cargo practice. Gore accepted the suggestion and the amendment, so modified, was adopted.

Goldwater then called up an amendment providing that practicing attorneys need not report any confidential, lawful information under the reporting requirements placed on labor consultants and employers. Kennedy agreed to the proposal and it also was adopted.

At 9:02 p.m. Johnson moved for adjournment until 10:00 a.m. Friday, April 24, promising a Saturday session if the bill was not disposed of on Friday.

Senator Neuberger (Dem. Ore.) was temporarily in the presiding officer's chair when the Senate resumed consideration of the Kennedy-Ervin bill on Friday morning.

Senator Case opened the days debate by proposing calling up his amendment to withdraw from the Secretary of Labor discretion in permitting small unions of certain classes to be exempt from the reporting requirements of the bill. Kennedy spoke briefly in opposition to Case's amendment and it was rejected without further comment.

The next dispute concerned two amendments dealing with no-man's land. Senator Cooper offered an amendment, at Kennedy's instance, to which a substitute was offered by Senator Prouty which Prouty termed a compromise between the defeated McClellan amendment and Cooper's position. A vote was taken first on the Prouty amendment, which was defeated by forty pro votes to fifty-three against; the following vote on Cooper's amendment was heavily in favor of the
measure, seventy-eight yeas (including Goldwater's) to fifteen nays (including Ervin's and McClellan's).

Kennedy's prestige had been restored in the votes on the amendments following the Bill of Rights debacle, and his strength was evidenced in consideration of the next two amendments, offered by Senators Ervin and McClellan respectively, dealing with restrictions to be placed on the union practice of organizational picketing. Kennedy opposed both amendments, principally, he said, because the sweatshops of the garment industry were included. The votes were lop-sided in favor of Kennedy's position; on the Ervin amendment, the vote was twenty-five to sixty-seven (including Goldwater); on the McClellan amendment the vote was thirty yeas (including Goldwater's) to fifty-nine nays.

Two more McClellan amendments were then considered. The first was a minor measure requiring union officers to be bonded. Kennedy had already agreed to it in conference and it was adopted without opposition. The second dealt with the secondary boycott, a key issue, and intended to fill in the gaps in the Taft-Hartley Act regarding secondary boycotts, which although proscribed in that law, were still in existence because of difficulties in definition and enforcement. Kennedy spoke gravely in opposition to this second amendment and stated that he felt the hot-cargo amendment already passed was sufficient to deal with the secondary boycott problem (Kennedy did not remind the Senate that the hot-cargo amendment was applicable only to common-carriers). Goldwater and McClellan pressed hard for votes on this issue and came relatively close to securing adoption: forty-one yeas to fifty nays. But Kennedy was still in control.

Senator Keating (Dem. N.Y.) then offered a substitute for an earlier amendment on "force" picketing by Senator Prouty which had been laid aside.
Prouty accepted the Keating substitute and the vote on both amendments was taken as one vote, eighty-six in favor, four against (only Senators Morse, Smith, McCarthy, and McNamara voted against it).

It was past the supper hour by this time and the members were tired of the debate. Senator Dodd offered his amendment providing for recourse by local union organizations to the Secretary of Labor when trusteeships were ordered by the national or international union. As Senator Clark spoke in opposition to the measure, there were repeated shouts of "Vote!" from the chamber. As other speakers rose to discuss the amendment there were further calls for a vote, which, when finally taken, resulted in another comparatively close win for Kennedy's position in opposition to the amendment: forty-one in favor; fifty-one against. Senator Morse took a very active part in the proceedings at this point. He first suggested a minor change in wording in one section of the bill, accepted by Kennedy and adopted by vote, and then he offered a series of amendments all dealing with procedural and administrative questions raised in the bill. There was a minimum of discussion by persons other than Morse on these amendments which were not important to the meaning of the bill; some were accepted and some rejected.

Senator Eastland (Dem. Miss.) then offered an amendment providing for secret ballots prior to strikes. Kennedy spoke against the proposal, declaring it would worsen conditions by removing union discretion as to whether to strike or not, and would prevent settling a strike threat by bargaining. Kennedy's remarks gave evidence of considerable impatience with Eastland's proposal. Kennedy pointed out that the same provision was defeated at the time of the Taft-Hartley debate; that it was defeated again in last year's consideration of the Kennedy-Ives bill, and that Secretary of Labor Mitchell
opposed it. On the vote, Senators Dirksen, Goldwater, McClellan and Lausche
joined those in favor of the Eastland amendment, but it was badly defeated,
twenty-eight yeas to sixty nays.

A Senator McCarthy (Dem., Minn) amendment to permit unions to pay for legal
defense of officials but not for fines imposed was modified at the suggestion
of Kennedy who then approved it, and subsequently withdrew his approval after
further discussion. His change of heart made all the difference and the amend-
ment was rejected by a vote which found only seven members voting for the amend-
ment. Senator Kuchel (Rep. Calif.) then offered a Bill of Rights amendment
written in conjunction with Kennedy and other Republican senators,16 co-spon-
sored by Senators Anderson (Dem., N. Mex.), Clark (Dem., Penn.), Church (Dem., Idaho)
Neuberger (Dem., Ore.), Gore (Dem., Tenn.), Cooper (Rep., Ky.), Javits (Rep., N.Y.),
and Aiken (Rep., Vt.). Kuchel claimed this one was vastly different from the
McClellan Bill of Rights amendment adopted two nights before. But because of
the late hour an argument arose over adjournment. The amendment was ordered to
be printed and lie on the table, and the tired senators adjourned until Saturday.

During the day Kennedy had regained control of the amending process on
his bill, and seemed in a fair way to escape from the Senate with the bill
pretty much the way it was at the close of the day's session. In the two days
since adoption of the McClellan Bill of Rights amendment, Kennedy had won dis-
putes over amendments proposed by Senators Goldwater, Curtis, McClellan (three),
Prouty, Ervin, Dodd, and Eastland, and lost only in a relatively minor dis-
pute over the Dodd amendment to require unions to notify members in writing of
an impending union election. There is no doubt, however, that Kennedy com-
promised many times rather than face certain defeat, and the number of these

16Time, LXXIII (May 1, 1959), 11.
compromises exceeds by many the number of outright victories.

Saturday, April 25, 1959 was to see the close of the original considera-
tion in the Senate of the Kennedy-Ervin labor reform bill. Kuchel continued
his discussion of the Bill of Rights amendment he was offering as a substitute
to the already adopted McClellan measure. Clearly, Kennedy was willing to
gamble that the tide had returned—as well as Hubert Humphrey—in his favor
and that he might dispose of the only serious alteration in the bill he had
proposed. Kuchel apologized for not having a copy of his amendment available
for all the senators, but explained that the majority leader's eagerness to
obtain a final vote on the bill the night before had prevented him from having
his amendment printed in time. That fact no doubt accounted for much of the
haggling over wording that followed Kuchel's remarks. Actually, the substitute
was very similar to McClellan's proposal and accomplished only two changes:
first, to remove from the Secretary of Labor the power, conferred in the bill,
to seek injunctions when a union member's rights had allegedly been violated
and instead to provide that the member should seek appropriate relief in a
Federal court; and secondly, to alter the provision regarding availability of
union membership lists to prevent idle curiosity from being exercised. It was
approved with surprising ease—seventy-seven in favor (including Senators
McClellan, Kennedy, and Dirksen) to fourteen against (including Goldwater).

The Senate then disposed of the remaining pending amendments in the
following manner:

da. Javits' amendment requiring equal use by candidates for union office of
all membership lists was adopted without opposition.

b. Smathers' amendment strengthening Gore's hot-cargo amendment was adopted
without opposition.
c. The Curtis (Rep. Neb.) amendment requiring mailing of a primary ballot to each member to his home in union elections with two highest candidates to compete in final election was rejected in a voice vote.

d. The Mundt (Rep. S.D.) amendment concerning obtaining an honest count in union elections was adopted after a compromise modification agreed to by Mundt and Kennedy.

e. Minor amendments by Ervin, two by Mundt and one by Kennedy (confirming the Secretary of Labor's injunctive powers under the act to report-filing violations) were all adopted.

No further amendments were offered and the bill was ordered engrossed for its third reading. Goldwater spoke again against the bill, describing it as a flea-bite to a bull elephant, and when Senator Capehart (Rep. Ind.) entered into some apparently superfluous remarks regarding what had and had not been accomplished in the bill, the senators began to shout for the vote. Dirksen closed the speaking with his remarks in favor of the bill as well as his comments pointing out its shortcomings.

The final vote was almost unanimously for the bill, with only Goldwater in opposition. The Senate adjourned immediately after the vote.

On April 29, 1959, Senator Kennedy delivered an address to the Senate concerning the bill in which he professed to be very proud of the Senate's accomplishment. Copies of his speech were widely distributed at the Senator's own expense. Only in passing did he mention that "the future of this bill will again be plagued by the usual . . . powerful pressures . . ."; 17 he could not

17 Speech by the Hon. John F. Kennedy of Massachusetts in the Senate of the United States, Wednesday, April 29, 1959, "The Facts about the Kennedy-Ervin Labor Bill."
have suspected what was about to happen in the consideration of his bill by the House of Representatives.
CHAPTER IV

HOUSE CONSIDERATION

Hearings on labor-management reform legislation were begun by a Joint Subcommittee of the House Committee on Education and Labor on March 4, 1959, in Washington, D.C., and continued there throughout March and April. The two subcommittees combined for the purpose of these hearings were the Subcommittee on Labor-Management Relations and the Subcommittee on Labor Standards. Carl Perkins (Dem.Ky.) was chairman of the former subcommittee and Phil Landrum (Dem.Ga.) of the latter. In each case the composition was four Democrats to two Republicans, making the Joint Subcommittee composition eight Democrats and four Republicans. Apart from the two chairmen, all the members were from states in the North.

House Committee Hearings. Of the first twenty-two bills referred to the Joint Subcommittee for hearings, about half were versions of the Kennedy-Ervin bill, and the other half patterned rather closely after the more strict Administration bill in the Senate. 1 A bill introduced by George McGovern (Dem.S.Dak.) and one offered by Edith Green (Dem.Ore.) led the list of bills similar to the Kennedy-Ervin bill. Representative James Roosevelt (Dem.Calif.)

1 New York Times, August 2, 1959, Associated Press article, section 1, p. 56.
sponsored a bill less strict than any of the above-mentioned proposals, but was exceeded in "moderation" by Representative Ludwig Teller (Dem. N.Y.), who offered a bill considered the least distasteful to organized labor.2

After adoption of the Kennedy-Ervin bill in the Senate, the Joint Subcommittee continued its lengthy hearings throughout May, collecting testimony in Los Angeles, California May 28 and 29, finally concluding the hearings in Washington, D.C., on June 10, 1959. The hearings comprise 2,675 pages of testimony in five volumes; heard were 126 witnesses, some forty-eight of whom appeared representing labor organizations. The remaining witnesses (fifty-seven) represented management groups, government agencies (four), congressmen, and witnesses testifying in the public interest. George Meany and Secretary of Labor Mitchell again testified.3

After the conclusion of the hearings, the Joint Subcommittee began the task of drafting the bill to be presented to the full Committee on Labor. Progress was too slow to satisfy the committee, however, and in mid-June it voted twenty-two to ten to bypass the Joint Subcommittee and take up the drafting of the bill directly in the full committee of thirty members, who were also divided twenty to ten between Democrats and Republicans. However, Chairman Bar- den could be counted on to push for strict labor reform, and four other Southern Democrats on the committee also were considered sympathetic to stringent reform measures.

Using the Kennedy-Ervin bill as a basis for argument, since it had already

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2 Ibid., p. 56.
3 Hearings before the Joint Subcommittee of The Committee on Education and Labor, House of Representatives, 86th Cong., 1 Sess. on Labor-Management Reform Legislation.
been approved by the Senate, the committee labored over each section individually, with deep disagreements and irritations evident in the discussions.4

Speaking in the House on June 12, 1959 Representative Dent (Dem.Pa.) explained that strong labor opposition at that time to reform proposals was caused by fears that legislation following so closely on the McClellan Committee scandal revelations would be overly punitive.

The committee eventually accomplished 102 changes from the Kennedy–Ervin bill, chief among which was the deletion of criminal penalties for violations of its provisions. Union lobbying pressures were particularly acute at this time, but enough Democrats voted with Republicans to keep the bill from being buried in committee, and a seventeen to thirteen vote resulted in a continuation of the committee work on the bill.5

Finally, on July 23, 1959, the committee voted sixteen to fourteen to report the bill to the House; this, in spite of the fact that only five members of the committee actually were in favor of the bill as it stood. The remaining members regarded it either as too tough or too soft on labor, and voted for it only to give it a floor test in the House and press there for desired amendments. Ten Democrats and six Republicans voted for it while refusing to be committed to support it in the House.6 The bill emerged from the committee as HR 8342, popularly known as the Elliott bill after its sponsor, Representative Carl Elliott (Dem.Al.).7

4 *Business Week*, No. 1557 (June 27, 1959), 125.
7 *Time*, LXXIV (August 3, 1959), 17.
Despite deletion of criminal penalties in the Kennedy-Ervin bill, and changes in the no-man's land provision (Senate version: Leave the problem to the states as long as they apply Federal law) to provide that an enlarged National Labor Relations Board would handle the cases, the bill was largely similar to the Kennedy-Ervin bill in its degree of labor reform intended.

The Elliott bill was generally regarded as "softer" than the Kennedy-Ervin bill, however, and drew opposition from proponents of strict labor reform. House Minority Leader Halleck (Rep. Ind.) called it "a diluted version of a watered-down bill" while the AFL-CIO rejected both it and the Kennedy-Ervin bill, sponsoring instead the bill proposed by Representative John Shelley (Dem. Calif.).

The crucial days had arrived for the labor reform bills, and the activities of those supporting the various proposals reached a height of intensity. The Teamster Union lobbyists, led by Sidney Zagri, who had remained aloof from the battle until the bills were under consideration in the House Committee now exerted all the pressure at their command on the congressmen. Halleck and Senator Dirksen persuaded President Eisenhower to exercise his fullest influence at this time by the strongest means available, a nationwide television address on the subject of labor reform legislation on August 6, 1959. In his address the President appealed for effective labor reform.

On the same evening as the President's speech, George Meany, President of the AFL-CIO, spoke over a nationwide radio network on behalf of moderate labor

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8 Ibid., p. 17.
9 New York Times, August 6, 1959, article by Joseph Loftus, section 1, p. 17.
Robert Kennedy, McClellan Committee counsel, appeared on the Jack Paar television program on July 23, 1959 and requested viewers of the program to send letters to their congressmen demanding a labor reform bill. A few days later Kennedy again appeared on a nationwide television program, this time as a guest on "Meet the Press," which program explored with Kennedy the need for labor legislation. Senator Goldwater, appearing on the Martin Agronsky television program on August 7, 1959, spoke for strict labor reform. Also on August 7 Representative Madden (Dem. Ind.), an advocate of Kennedy-Ervin type labor reform, discussed the legislative situation on labor reform on the Dave Garroway television show, a network program.

Other appeals to the public were those of Senate Democratic Whip Mansfield (Dem. Mont.) and Senator Kenneth Keating (Dem. N.Y.) who appeared on an eastern states television program commenting that the public demand for a good labor reform bill was being keenly felt in the Congress. Halleck and Representative John McCormack (Dem. Mass.), the House Majority Leader, stated opposing views on the labor reform bills on another network program on television. Senator Kennedy was interviewed on another eastern states television program and stated at the time that a labor reform bill could be achieved in three weeks if the House would accept the Elliott bill. And on August 10, 1959, Speaker of the House Sam Rayburn made an address on a nationwide radio network.


12 *United States News*, XLVII (August 10, 1959), 34.


14 Ibid.

15 Ibid.
advocating adoption of the Elliott bill. It was the first time in more than five years that the Speaker had taken such a step on a legislative proposal, and it emphasizes the extent of the efforts expended at this time on the labor bills.

The public was deluged with these and other appeals, most of which encouraged or invited the public to write their congressmen on behalf of the various proposals. It is doubtful if any legislative deliberations in modern congressional history have involved the constant propaganda barrage and continuous appeals to public opinion which took place in late July and early August of 1959.

The effect of the appeals to the people was astonishing and represented the turning point in the trend of labor reform legislation in the Eighty-Sixth Congress, First Session. Following Robert Kennedy's television appearances congressmen were flooded with letters demanding labor reform. The volume increased markedly in response to the Eisenhower address. For example, Senator Dirksen received more than two thousand letters in one day on the subject. Almost all the congressmen experienced large increases, most of the mail appealing for stronger reform. Up to that time the unions had been carrying on an organized letter and card-writing campaign, many involving just an insertion of the members' names on prepared messages. The reversal of the action being requested from the congressmen was indeed remarkable, as the organized trend moved the other way with pro-reform newspapers printing prepared messages (the Chicago Tribune's prepared message, accompanied by addresses of local


17 United States News, XLVII (August 10, 1959), 89.
congressmen no doubt had much to do with the response reported by Dirksen) advocating a stringent labor reform bill.

The pressure for stricter labor reform had a snowballing effect. When on July 27 Representatives Philip Landrum (Dem. Ga.) and Robert Griffin (Rep. Mich.) introduced HR 8400, known thereafter as the Landrum-Griffin bill, soft-reform forces recognized the deep trouble ahead. It was at this time that Senator McClellan released the interim report of the Senate Rackets Committee, covering, among others, abuses revealed in the Teamsters Union, the Detroit Institute of Laundering, and the Amalgamated Meat Cutters and Butcher Workmen of North America. Newspapers and periodicals took sides in advocating passage of the favorite contending bills, but the pressure was heaviest for passage of the Landrum-Griffin bill.

House Debate. The Elliott bill, which represented in essence the hopes for agreement by the House on the same type of legislation as the Senate passed in the Kennedy-Ervin bill, was referred next to the House Rules Committee, which opened hearings on it on August 4. The proponents of the three bills, which were popularly regarded as similar to three types of boiled egg—soft (Shelley), medium (Elliott) and hard (Landrum-Griffin)—regarded the deliberations of the Rules Committee as very important to their respective hopes. The Rules Committee would decide such matters as time limits for debate, whether and under what circumstances amendments could be made, and in what order bills could be considered.

Tempers were already short and during the Rules Committee hearings Landrum called Representative Madden of Indiana, considered pro-union, a "son-of-
The committee heard testimony from Representatives Landrum, Shelley, Dent, Roosevelt, Bailey (Dem.W.Va.), Griffin, and Hoffman (Rep.Mich.), before granting an open rule of six hours debate and waiving points of order. The most important effect of the open rule was to permit floor amendments to the Elliott bill, the goal of most of the members who voted it out of the House Labor Committee.

The House debated the labor reform bills known as the Elliott, the Shelley, and the Landrum-Griffin bills, respectively, from August 11 to August 14. Representative Smith (Dem.W.Va.), leader of the Southern bloc in the House and chairman of the Rules Committee, called up HR 338 for consideration; this measure provided that the House should resolve itself into the Committee of the Whole in the State of the Union for consideration of HR 8342 (the Elliott bill). The six hours debate was to be confined to HR 8342 and was to be divided evenly between the proponents and the opponents of the bill, and was to be controlled by the chairman of and the ranking minority member of the House Committee on Education and Labor. It also provided that after passage of HR 8342 the House Committee on Education and Labor should be discharged from further consideration of S.1555. It would then be in order to strike out all after the enacting clause in S.1555 and substitute provisions of HR 8342 as passed. The House would then request a conference from the Senate, and the Speaker would appoint the conferees for the House.

18Chicago Sun-Times, August 5, 1959, pt. 1, p. 4.
19Time, LXXIV (August 31, 1959), 13.
Representative Smith then gave a lucid and succinct explanation of the parliamentary situation on the consideration of the three bills. First, he said, the Elliott bill would be considered; then, when read for amendment at the end of the first section it would be in order to offer the Landrum-Griffin bill as an amendment, and the Shelley bill. Smith expressed the hope that the House would at that point vote the Landrum-Griffin bill up and the Shelley bill down. The Landrum-Griffin bill would then be reported to the House and voted on. If defeated, then the committee bill (the Elliott bill) would be open to the amendments everyone was ready to advance. The provisions of S.1555 would first be substituted, then stricken, and the House bill as amended, inserted, and conferees appointed.

Smith then stated that this was the most remarkable situation that had come to his attention as a member of Congress: that two subcommittees heard the testimony on the bill but did not write it. It was written in full House Labor Committee by members who had not been on the subcommittees which heard the testimony. Then it was voted favorably out of the full committee on the votes of its opponents; of the five members who supported it in reality, not one had heard the testimony before the subcommittees. Smith said it reminded him of John Rankin's couplet about the Arkansas Snake Railroad:

It wiggled in and it wobbled out
And left the people all in doubt
As to whether in its zig-zag track
It was going west or coming back.21

Smith's resolutions on the Rules were adopted, the House resolved itself into the Committee of the Whole, and the debate began on the Elliott bill. The bill, which carried with it the fate of the Kennedy-Ervin type of labor

21Ibid., p. 12858.
reform in the House, had a serious first strike against it in having time controlled by its opponent, Committee Chairman Barden. The next two days were consumed in lengthy debate, ranging over the now familiar arguments. Some thirty speakers favored the Landrum-Griffin bill; seventeen spoke for the Elliott bill and only six for the Shelley bill, which was regarded as having next to no chance for survival. 22 When the bill was finally opened for amendment, Adam Clayton Powell (Dem. N.Y.), a Negro, tried to kill the Landrum-Griffin bill by inserting in it an amendment requiring racial integration in unions, a proposal which immediately caused an uproar in the House. On a teller count of votes on this amendment, it was rejected 215 to 160. Approval would almost certainly have doomed the bill for eventual passage as it would have turned southerners solidly against the bill.

On the same day, Committee Counsel Robert Kennedy openly broke with Committee Chairman McClellan over labor reform legislation and endorsed the Elliott bill as including all the proposals indicated as necessary by the McClellan Committee investigations. 23 Senator Kennedy appeared briefly in the House gallery to watch the debate. Secretary Mitchell broke a long silence by him to endorse the Landrum-Griffin bill. 24

On this same day, the Shelley bill was defeated with barely a struggle on a vote of 245 in favor to 132 against. Barden then moved that the Committee of the Whole rise, after which Landrum offered the Landrum-Griffin bill as an amendment to the Committee bill still under consideration for amendment.

22 Congressional Record, 86 Cong., 1 Sess., 1959, pp. 14180, 14326, 14483.
24 Ibid.
Chairman Barden gave the major address on the floor during the day, ridiculing the Elliott bill and calling for strict labor reform. Barden was given a standing ovation at the conclusion of his impassioned speech and the applause came from both aisles, causing the Kennedy-Ervin-Elliott supporters some concern over defections in their ranks. 25

On August 13, 1959, the House again sat as the Committee of the Whole on the State of the Union and several speakers continued the intense debate. The Landrum-Griffin adherents suddenly proposed an exemption under the Taft-Hartley Act, a stratagem devised to divide organized labor opposition to the bill. The proposal was rejected by a vote of 183 to 179. Barden then, at 3:05 p.m., succeeded in getting approval from the House by a vote of 276 to 26 to close debate at 4:00 p.m.

An amendment proposed by Representative Dowdy (Dem. Tex.) to permit civil suits rather than suits by the Secretary of Labor in rights violation cases was adopted after Landrum and Griffin gave their endorsement to it, 186 to 157. Representative Loser (Dem. Tenn.) proposed an amendment to reduce the fine for violence committee in a union hall from ten thousand dollars to one thousand dollars, which was approved on a voice vote after Landrum had endorsed it as well. Of these last minute concessions by Landrum and Griffin, the New York Times' Joseph Loftus commented:

The withdrawal of the injunction provision was designed to appeal to some Southern members who had long fought such a weapon in civil rights legislation. The reduction in penalty was a response to those who complained of harshness. After the vote, it appeared in retrospect that the bill's chances were better than its sponsors had believed and that the concessions might have been unnecessary. These concessions also reduce the bargaining area of the House in conference with the Senate.

The withdrawal of the injunction provision has an interesting story behind it. It seems that Sam Rayburn's House strategist, Representative Richard Bolling (Dem.N.C.) planned to spring the injunction provision as a "sleeper" on Southern members, informing them only on the last minute, after the deadline for amendments had passed, and panicking them into opposition of the Landrum-Griffin bill. The Democrats even leaked a phony tip regarding the "sleeper" provision to columnist Drew Pearson, saying it was in Section 102 of the bill. According to this story, the strategem might have worked had not Representative James Roosevelt risen in the House, unwittingly upsetting the strategy by pointing out that he had found a "silver lining" in the bill, in Section 609. Southerners immediately reviewed it and worked out the amendment resulting in its withdrawal.26

Debate was then completed on the Landrum-Griffin amendment; if passed at this point then no amendment to it would be possible; if rejected, then consideration of the Elliott bill would follow.

Landrum demanded tellers.27 The Committee of the Whole divided and the ayes won the big vote of 215 to 200, representing Committee approval of the bill. Then Mr. Walter (Dem.Pa.), Chairman of the Committee of the Whole, stated that the bill was now reported back to the House with an amendment. Barden asked for the yeas and nays on the question of adopting the Landrum-Griffin bill; on this second big vote the count was 229 to 201 in favor of the Landrum-Griffin bill. Only four members, among them the seriously ill Elliott, failed to vote and the 430 members voting was an all-time House record. Ninety-five Democrats joined Republicans in the winning total, ninety-two of them Southerners.28 Sixteen of the twenty Texans ordinarily held in line...

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27 On a "teller" vote, the members file past persons designated to count the votes, expressed individually by the members as they pass these "tellers."

by Rayburn defected to vote for the bill.29

Speaker Rayburn announced that it was impossible to get an engrossment that same day, so it would have to go over until Friday, August 14. At noon the House reconvened and HR 8342, now the Landrum-Griffin bill, was read until Barden interrupted to move unanimous consent to dispense with the reading. There was no objection and on Representative Kearns' (Rep. Pa.) motion to recommit the bill the vote was negative, 141 to 71; when Dingall (Dem. Mich.) demanded the tellers, the vote changed to 280 against and 148 in favor. The question then was put on passage of HR 8342 with the Landrum-Griffin amendment in it. On this final vote, the last chance for Representatives to record themselves on the bill, the vote was 303 for and 125 against, and a motion to reconsider that vote was laid on the table.

Barden moved to strike out all after the enacting clause of the Kennedy-Ervin bill and insert HR 8342. The motion was agreed to without the ayes and nays. The Landrum-Griffin bill, now transformed again into S.1555, passed on a voice vote and another motion to reconsider the vote was laid on the table. Barden moved the House to request a conference with the Senate, and shortly thereafter the Speaker announced the names of the conferees he had appointed: Barden (Dem. N.C.), Perkins (Dem. Ky.), Landrum (Dem. Ga.), Thompson (Dem. N.J.), Kearns (Rep. Pa.), Ayres (Rep. Ohio) and Griffin (Rep. Mich.).

After the vote it was immediately noted that many House members endorsed by labor organizations and elected with their aid had voted for the Landrum-Griffin bill.

One study, taking into account 254 House members elected in 1958 with

the backing of one or more labor organizations, showed that sixty-two of these voted for the Landrum-Griffin bill in the big 229-201 House vote of approval. Of the sixty-two, forty were Southerners, indicating they were endorsed perhaps for one or both of two reasons: 1) They were certain to be elected anyway, or 2) They were the least anti-labor of the available candidates.

Another study showed only sixteen of 181 union-supported congressmen defecting on the 229-201 vote.

Kennedy-Ervin Versus Landrum-Griffin. As the bills went into the Conference Committee the differences between the Senate and House bills, at this point both known as S.1555, were more of degree than of kind. The Senate-passed Kennedy-Ervin bill took a much more limited approach to controls over picketing and secondary boycotts, and provided for keeping all labor-management cases under Federal law, although it permitted state labor agencies, not courts, to apply that law. The Landrum-Griffin bill provided for jail sentences for violation of union members' rights, while the Kennedy-Ervin bill provided for court injunctions; Landrum-Griffin required all unions to file financial reports; Kennedy-Ervin exempted approximately seventy per cent of the smaller unions.

The following promised to be the major points of contention in the Conference Committee:

31 Ibid.
32 Business Week, No. 1557 (August 22, 1959) 83.
33 Time, XLXXIV (August 31, 1959), 13.
34 Ibid.
a. No-man's land, involving jurisdiction over cases excluded from NLRB consideration.

b. Blackmail and organizational picketing restrictions, involving union attempts to organize and force recognition of their organizations through picketing.

c. Secondary boycott restrictions, involving efforts by unions to put pressure on employers by action against other employers with whom they deal.

Points of difference in less fundamental areas included:

a. Extent of penalties to be levied.

b. Special exemptions to garment and construction industries.

c. Union recognition voting rights by members out on strike.
CHAPTER V

CONFERENCE COMMITTEE AND ADOPTION BY CONGRESS

The story of the conference committee deliberations between August 18 and September 2 is largely an account of the demise of the bill originally known as the Kennedy-Ervin bill, and the survival of only a portion of its substance in a much stronger labor reform bill. After the House had appointed its conferees on Friday, August 14, the Senate met on Monday, August 17, to consider the message from the House announcing passage of the Senate bill with the Landrum-Griffin amendment and asking for a conference. Lyndon Johnson announced to the Senate that Johnson, Kennedy, Dirksen and McClellan had agreed that the Senate would have an opportunity to debate any bill agreed to in conference, and that the Senate conferees would ask for instructions if the sessions became deadlocked. Johnson pointed out also that any member could at any time move to recall the bill and the conferees from conference.

Question of Instructions to Senate Conferees. Dirksen raised the question of instructing conferees. Then Muddt started a long argument over two requests, the first, for an immediate vote on the bill as passed in the House, and the second, for instructions to conferees to report back to the Senate prior to formal disagreement. His request for a vote on the Landrum-Griffin bill, which if adopted at that point would have obviated need for a conference and killed the Kennedy-Ervin bill, was rejected by Goldwater and McClellan.
without whose support such a vote could not hope to succeed. They affirmed
their belief that the conference could bring out a better bill than either of
the two was at that time. Goldwater even admitted in this connection that the
Kennedy–Ervin was tougher in its first five titles than the Landrum–Griffin
bill and that parts of Kennedy–Ervin were preferable.

Vice-President Nixon refused to accept Mundt's motion for instructions
to the conferees, saying Mundt could propose it again after the Senate agreed
to send the bill to conference. Goldwater did promise that he would bring the
bill back to the Senate within a week of the time that progress on it halted.
Mundt subsided at length, and Johnson moved that the Senate insist on its bill
and appoint conferees. The motion carried on a voice vote, and the Vice-
President announced that the conferees for the Senate would be Kennedy,
McNamara, Morse, Randolph, Goldwater, Dirksen, and Prouty, all the members of
the Senate Subcommittee on Labor, of the Committee on Labor and Public Welfare.

Johnson moved to reconsider the vote to insist on the Senate bill; Mans-
field moved to lay Johnson's motion on the table and the latter motion was
approved without difficulty.

Conference. Although no official transcript of the conference committee
was published, the progress (or lack of it) was well covered in the press
through the Washington correspondents' contacts with the conferees.

The Senate conferees were more seriously divided than the House team, but
with Kennedy as chairman of the conference, and supporting him the other three
Democrats from the Senate, Morse, McNamara, and Randolph, the Senate conferees
made a determined stand for the positions taken in the Kennedy–Ervin bill.
The House conferees were led by Graham Barden (Dem.N.C.), Chairman of the House Committee on Education and Labor, and although a Democrat, a strong advocate of the strict reforms embodied in the Landrum-Griffin bill. Supporting him were the sponsors of the Landrum-Griffin bill, Landrum and Griffin. Others included Representatives Thompson (Dem.N.J.), victim of the acid-throwing incident described in Chapter VI, Ayres (Rep.Ohio), who carried on the bitter running duel of letters and insults with James B. Carey, also described in Chapter VI. Representative Carl Perkins, Chairman of the Subcommittee on Labor-Management Relations and Representative Kearns (Rep.Pa.), rounded out a predominantly strong labor reform House conferee group.

The conference opened on Tuesday, August 18, with statements of hope and confidence expressed by both sides, feelings scarcely supported by the facts of the situation, especially when expressed by the Kennedy contingent. Actually, the first day was devoted to settling technical differences in the sections dealing with the rights of individual union members with respect to union discipline and the reporting requirements of unions and their officials. 1

In the following days agreement was reached slowly, but steadily, on the first six titles of the seven in the bills. The product to that point was largely the Landrum-Griffin bill, although a few excerpts from the Senate bill were adopted and a few compromises reached. But none of the really crucial issues had as yet been touched, and Kennedy was building a record of slow, reasonable concession, hoping that by yielding patiently on the smaller issues he could exact greater concessions based on preponderance in the record of his surrenders. This strategy was of dubious value in the situation, although the

1 New York Times, August 19, 1959, section 1, p. 17.
only one feasible under the circumstances. For one thing, a repetition of surrenders may induce belief in an opponent that the yielder is weak and afraid; and secondly, Kennedy at this point was without the support in the Senate needed to stymie the conference and still defeat the Landrum-Griffin bill in the Senate. Kennedy apparently knew that should the Landrum-Griffin bill go back to the Senate, it would be adopted as is. This was Majority Leader Johnson's view. So he could only beggar such compromises as the Landrum-Griffin forces could be persuaded to part with. Those turned out, predictably, to be meager. Kennedy, building his conciliatory record for the big battle, claimed in the Senate on August 28 that he had already compromised twenty-seven or twenty-eight times to the Landrum-Griffin supporters' three times. He admitted that he did not expect a deadlock but that he might be forced to disown the resulting bill.

One noteworthy agreement reached in these early debates in conference was the agreement to require all union officers to be bonded. This was pointed at the Teamsters, who were known to have had some of their officers refused bonds by surety companies. The Teamsters subsequently cancelled all bonds on their officers and took their business to Lloyds of London. The bonding requirement in the conference agreement required the bonds to be issued by surety companies holding grants of authority from the Secretary of the Treasury, thereby excluding Lloyds, though some foreign companies do hold such grants.

2 New York Times, August 23, 1959, section 1, p. 46.
3 Ibid.
4 Ibid.
5 Ibid.
On Monday, August 24, the conferees waded into the controversial issues involved in the bills, and they quickly mired there. They first considered the "no man's land" dispute, realized they were far from agreement there, and then went on to provisions dealing with organizational picketing, hot-cargo, and secondary boycotts. They were able to reach agreement on one so-called "sweetener" for labor in the Kennedy-Ervin bill, and that permitted workers on strike to vote in recognition elections called by employers or new employees hired as replacements. But even that was a compromise, as the Landrum-Griffin proponents exacted a stipulation that the election must take place within nine months for the strikers to be eligible to vote.\(^6\)

Two smaller points were won by the Landrum-Griffin proponents: one to keep service assistants (operators at telephone companies, usually) in the supervisor class exempt under the Taft-Hartley Act from organization as workers; and two, to deny authority to the NLRB to recognize a union prior to a preliminary NLRB hearing.

The conferees then deadlocked in debate over jurisdiction in disputes excluded by the NLRB from its consideration. The Kennedy forces favored the state agencies, specifically excluding state courts, with all actions governed by Federal law. The Landrum-Griffin bill provided for state courts jurisdiction as well, and allowed state law to be applied. At issue, basically, was the anti-labor reputation of the courts and state laws in the South. The conferees made no headway in this dispute.

On Monday, August 24, at the end of the day, Senator Goldwater was discouraged enough to announce that he would ask the Senate to instruct the

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\(^6\) *Chicago Sun-Times*, August 26, 1959, pt. 1, p. 6.
Senate conferees if agreement had not been reached by 5:00 p.m. Wednesday, August 26. If he did so, it appeared likely that the Senate would proceed to vote on the Landrum-Griffin bill as it passed the House, rather than instruct their conferees to surrender in negotiations.

Compromises. But on Tuesday, August 25, the conferees made more progress, and Goldwater retracted his earlier placed deadline, following a lengthy conversation with Kennedy, Dirksen and Lyndon Johnson. The big news of the day was a proposal of compromise offered by the four Senate Democratic conferees. It covered the disputed areas of secondary boycotts, organizational picketing and recognition picketing, and no-man's land jurisdiction. The terms of the package proposal were not made public, but press reports stated that they were known to be couched in the language of the Landrum-Griffin bill with certain "refinements, limitations, and provisos." One of the limitations placed by the Democrats in accepting the Landrum-Griffin position on no-man's land, that the state courts applying state law could handle cases excluded from NLRB coverage, was that the area of current jurisdiction of the NLRB would be frozen so that the NLRB would not in the future exclude any types of cases other than those at present excluded.

The principal incident of the day occurred when Archibald Cox, Kennedy's assistant and the chief writer of the Kennedy-Ervin bill, appeared at the conference to deliver a critique of the Landrum-Griffin bill. Cox pointed out

7 Ibid., p. 6.
8 Ibid., p. 12.
9 New York Times, August 26, 1959, article by Loftus, section 1, p. 21.
that the hot-cargo provisions would invalidate certain industry-wide agreements already signed, with which management and labor seemed to be mutually pleased. Cox cited the coal and railroad industries as examples of the existence of such agreements. Cox also testified that the garment workers would be handicapped by the secondary boycott restrictions in the Landrum-Griffin bill. His testimony irritated Landrum to the point that he disputed Cox's interpretations and demanded to know what business he had attending the conference sessions. But the sum of the day's deliberations showed definite progress via the road of Kennedy-Ervin bill compromise toward agreement.

Newspaper headlines Wednesday evening, August 26, proclaimed the conference committee progress, "Conference Nearing Labor Bill Accord." Wednesday's consideration of the compromise package of the four Senate Democratic conferees brought a considerable area of agreement. Tentative agreement was reached on the no-man's land compromise already mentioned; the conferees agreed, also, to eliminate the Taft-Hartley Act amendment which would have legalized pre-hiring agreements in the construction industry, a provision Kennedy had supported as vital to collective bargaining in the construction industry, where short work projects make agreements difficult to reach during the term of work. But this was not the finish of Kennedy's hopes for such an amendment.

Senator Goldwater presented a very delicate proposal to cover the Kennedy proposals regarding a more important Taft-Hartley amendment affecting the construction industry; the amendment to permit common-sites picketing, i.e.,

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10Chicago Sun-Times, August 26, 1959, pt. 1, p. 12.

11New York Times, August 27, 1959, article by Loftus, section 1, p. 17.
picketing unfair practices of a contractor operating at a variety of sites, although such picketing would affect sub-contractors who were not parties to the dispute, in violation of Taft-Hartley secondary boycott prohibitions. Goldwater extended this proposal to cover the garment industry workers' pressure for an amendment covering somewhat similar circumstances in the garment industry to those which prevailed in the construction industry. Goldwater wanted to immunize the construction workers from the Taft-Hartley prohibition against secondary boycotts by agreement in conference but not by inserting an amendment; this procedure would be recognized by the courts as legislative history, according to Goldwater. The day ended with Democrats still pressing for amendments to cover these points.\(^{12}\)

Other matter considered during the day were Kennedy's compromise offer on organizational picketing whereby unions could picket employers until an NLRB election was held; and Kennedy forces proposals to strengthen reporting requirements on payments by employers to labor consultants. Goldwater generally agreed to the Kennedy position on organizational picketing and the conferees did strengthen the Landrum-Griffin reporting requirements on the second issue. On the two most controversial issues remaining, those of picketing and secondary boycotts, only parts of the issues remained in dispute. At the end of the day, Goldwater characterized the product of the conferees to that point as "ninety per cent Landrum-Griffin bill—maybe more than that."\(^{13}\)

On Thursday, August 27, prospects for a final bill took another turn for the worse as Kennedy stood fast in support of amendments protecting the garment workers' and building trades' secondary boycott practices.

\(^{12}\)Ibid., p. 17.

\(^{13}\)New York Times, August 31, 1959, section 1, p. 1.
Two other issues also remained unsettled as of this day: how much advertising unions could do regarding "unfair" goods produced by a retailer, and how long a union should be allowed to picket to organize a plant before a representation election is held. On these questions the Senate Democrats retained the position stated in their compromise of two days before.

A session scheduled for the following day, Friday, August 28, failed to settle the questions at issue, and the same day Dirksen and Kennedy appeared in the Senate to request that the Senate conferees be instructed regarding these issues. Each advanced a resolution asking that the Senate conferees recede and accept specified positions. As Senate rules require a one-day layover, the resolutions were laid over until Monday.

**Final Agreement.** The conferees met Monday and made certain adjustments in their positions on secondary boycotts and organizational picketing which offered enough promise of eventual settlement to lead them to schedule Tuesday sessions, thus delaying floor discussion in the Senate on the resolutions to instruct the conferees. At this stage it seemed that reluctance to delay adjournment by another floor fight was as much a factor in inducing further compromises as was the desire to enact a labor reform bill. During the day Senator Morse walked out, announcing he was "through"; later, however, he promised to return Tuesday. Kennedy received some moral support from Secretary of Labor Mitchell, whose administration recommendations had included the Kennedy-sponsored issue in the conference regarding special exemption from

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15 Ibid., p. 12.
secondary boycott provisions for the construction trades. 16 On Tuesday, no votes were taken on the key issues, but the conferees neared agreement on language to be used in the amendment covering picketing after the labor committee staffs had worked all Monday night drafting new phrasing. The staffs were assigned to work Tuesday night on the same project. The conferees streamed in and out of the Conference to discuss the latest proposals with the labor and management lobbyists who crowded the corridors. 17

The conferees finally reached on Wednesday, September 2, 1959, a not altogether happy agreement on the final language of the labor reform bill. Senator Wayne Morse announced he would not sign the conference report; Representative Carl Perkins wanted more time to study it.

The final result resembled for the most part the Landrum-Griffin bill, although Kennedy termed it a "vast improvement over the House-passed bill." 18

The gist of the final agreements over the most disputed issues was:

a. As to secondary boycotts, all hot-cargo contracts were declared illegal with the exception of certain garment industry practices; picketing at primary sites only was permitted, not at common sites, as sought by Kennedy and the building trades. 19

b. Organizational picketing was banned for twelve months following a union representation election, or when another union had been certified to represent employees; no picketing was permitted more than thirty days prior to an election; picketing for information could not affect deliveries or

16 Ibid., p. 12.
service. Enforcement was authorized through mandatory injunction through the NLRB, but the House provision for damage suits was eliminated.

The proposed exemption for the building trades unions was eliminated after the conference was advised that the House Parliamentarian would rule it out if a point of order was raised against it. The point of order could be raised in this circumstance since the provision had been part of neither bill as it passed its respective house. Kennedy announced that Senate leaders had agreed to expedite in the next session of Congress a law protecting construction-site picketing. The pro-union lobbyists regarded Johnson and Rayburn as responsible for wrecking the common-site amendment hopes, mainly through the point-of-order opinion. 20

Conference Bill in Senate. The bill was taken immediately to the floor of the Senate where the leadership scheduled it for debate early Thursday. The question arose almost immediately as to what name the bill should now carry. Kennedy stated that it should be called "The Labor-Management Reform Bill" as it was neither the Kennedy-Ervin bill nor the Landrum-Griffin bill. 21

In a press statement issued by Landrum and Griffin, however, they stated that the bill is "...basically the Landrum-Griffin bill with a few clarifying amendments." 22 This statement is substantially true, though the compromises extracted by Kennedy and the other pro-Kennedy bill conferees were really more than clarifying amendments.

On Wednesday, when the bill was returned to the Senate floor, Kennedy


22 Ibid.
submitted the Report of the Conference Committee. Barden submitted his re-
port to the House on the following day. McClellan added an interesting obser-
vation in the Senate, that he regarded the Bill of Rights in the Kennedy-Ervin
bill as superior to the one that emerged in the Conference bill. The Senate
discussion on the bill was largely a round of compliments with a few cynical
expressions regarding the failure of similar provisions in the House in the
previous year's Kennedy-Ives bill. The vote on the conference report came
quickly, and as might now be expected, was overwhelmingly in favor of it, by
a vote of ninety-five to two, with only Morse and Langer opposed. Senators
Case, Church, and O'Mahoney (Dem.Wyo.) did not vote. A motion to reconsider
was laid on the table, and so ended the Senate consideration of labor reform
legislation in the First Session of the Eighty-Sixth Congress.

Conference Bill in House. In the House, Barden called up the report for
consideration on Friday, September 4, and asked unanimous consent that the
statement of the managers be read instead of the whole report. His request
was approved and the clerk read the statement.

A few members of the House spoke against the bill, actually explaining why
they intended to vote against it, but everyone was tired of the charges and
counter-charges and after Wier (Dem.Minn.), Shelley (Dem.Calif.), Dent (Dem.Pa.),
Libonati (Dem.Ill.) and Vanik (Dem.Ohio) condemned it, Barden called for a vote
on the bill. There were 352 yeas and 52 nays, one (Saylor, Rep. Pa.) voting
present, and thirty not voting. A motion to consider the vote was laid on the
table, and so ended the labor reform battle in the House of Representatives.
CHAPTER VI

LOBBYING

Because of the unusually strong demonstration of lobbying pressures during the congressional consideration of the labor reform legislation, it seems imperative to devote this chapter exclusively to some of the facts revealed concerning this activity. The general consensus of congressmen and Washington observers was that the lobbying activity on this issue in this session of Congress far exceeded any like activities in previous controversial legislative battles in their recollection.

Lobbying, of course, is nothing new to the Washington scene, and indeed, reports of the earliest congressional sessions carried with them accounts of special interests striving for advantage in legislation. Early House of Representative rules excluded lobbyists from floor seats, a reflection on how far lobbying had gone at that time. But only in recent decades, especially since World War II, has lobbying become a continuous and significant professional activity. Every important industry and activity maintains some form of representation in Washington.

History of Lobbying. It was not until the 1930's that any effort was made to formally regulate lobbying activity. The first inclusive act affecting lobbying was enacted in 1946—the Federal Regulation of Lobbying Act—as Title
II of the Legislative Reorganization Act of 1946. Under this Act representatives of special interests were required to register and make public their expenditures in lobbying activity. But under a Supreme Court interpretation of the Act in 1954, only those who solicit funds where a principal purpose is to communicate directly with congressmen to influence legislation need register and file reports thereunder. It is estimated that fewer than half of the lobbyists in Washington register and file reports; the others can claim if challenged that their principal purpose in Washington is legal practice, or education, or that money spent for influencing legislation is not necessarily money solicited for that purpose. So the current Federal regulation of lobbying cannot be considered to have appreciably diminished or rendered ineffective those harmful effects of pressure groups the laws were passed ostensibly to control.

Lobbying activity in matters concerning labor-management relations has been especially intense, since laws in this field have such tremendous impact on labor and management interests. One of the most successful lobbying ventures is attributed to two lawyers named Morgan and Iserman who, representing business interests, reportedly drafted the Taft-Hartley law of 1947.

And so with the advent of another important legislative proposal, this one with the inviting or dire—depending on the point of view—intention of reforming the labor organizations, was certain to elicit the very best lobbying efforts of interested parties.

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Since lobbying efforts accompanied every step of the bill, and affected every member of the Congress, it is impossible within the limits of this thesis to attempt an exhaustive examination of all the reported instances. But let us examine the most noteworthy examples of lobby pressure—those efforts which were reportedly of some influence in consideration of the labor reform bill.

**Zagri and the Teamsters.** By far the most outstanding and well-advertised activity was that put forth by the lobbyists of the Teamsters Union, led by Sidney Zagri. Zagri is an attorney and a graduate of the University of California at Los Angeles, Harvard and the University of Wisconsin; he set out on an ambitious program worthy of his background.

Zagri, quiet during the progress of the Kennedy-Ervin bill in the Senate, burst into bloom as the bill reached the House in May. Zagri and Harold J. Gibbons, Teamster International vice-president, played host at a series of breakfasts at the Congressional Hotel in Washington, to which were invited all 435 members of the House, about two dozen at a time. Zagri would wire Teamster local officers instructing them to wire, in turn, the breakfast invitations to the congressmen in their districts. These local union officials would usually be on hand themselves to apply additional pressure. At these breakfasts Zagri explained the labor (Teamster) position of the reform proposals pending, and in subsequent conversation concentrated on the House Labor Committee's thirty members. Through information gained during these

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5 *Time*, p. 13.
contacts, Zagri set up a notebook rating for each congressman, A to Z, depending on the degree of like-mindedness with the Teamster position found in the man.

Zagri took a great deal of interest in the House Committee deliberations on the labor bill. When a ten-man group of Democrats voted against a union-sponsored plan to bury the bill in committee, Zagri learned their identities and telegraphed Teamster officials in their home districts urging protests. He even provided form letters and helped plan protest meetings, bringing Teamsters to Washington for that purpose. Zagri personally offered fifty-nine pages of amendments before the Committee and took an entire day in testimony in the hearings held by the Committee.

But his activities went beyond the fine line between persuasion and insistence, and many congressmen were more than annoyed at him. Rep. Udall (Dem. Ariz.) excoriated him bitterly for his interference in telling Udall's constituents that he had "voted wrong"; Mrs. Green (Dem. Ore.) said, "He can go to hell." and Rayburn charged Zagri with lying in stating that Rayburn supported the Shelley bill. Rep. Barden threatened to bring an investigation of his "brazen outside influence."

An incident for which Zagri may not have been responsible had a worse effect than all the others; Zagri had been pressuring Rep. Frank Thompson

6Ibid., p. 13.
7Ibid., p. 13.
8Life, XLVII (July 27, 1959), 30.
10Ibid.
(Dem. N.J.), a friend of labor, to work for less stringent legislation than the moderate reform Thompson was advocating, and Zagri denounced Thompson for failing to fall in line. After this falling out, Thompson began receiving threatening phone calls, a typical one of which said, 'You’re anti-labor and we’re going to fix you.' Thompson reported the calls to the FBI and the following week, on August 18, 1959, an unidentified person ran up to his car at a stop light and squirted acid on him. Only bad aim saved Thompson from injury, and the public indignation occasioned by this incident as it was reported in the press nationwide boded ill for Zagri's efforts to influence the congressmen to modify strict labor reform.

A likely side-effect of the lobbying activity on the labor reform laws in the First Session of the Eighty-Sixth Congress may be the early passage of legislation providing for criminal penalties for the sending of false or fictitious communications to congressmen. This proposal has already been included in bills introduced in 1959 which will carry over to the Second Session in 1960.

**Hoffa Acts.** Zagri’s employer, James Hoffa, had kept himself out of the fight over the labor reform bill, with one exception which will be mentioned a little later, perhaps realizing that his public opposition might be all that such a proposal might need in order to succeed. But after the Kennedy-Erwin bill went to the House Hoffa changed his mind. In an appearance on a network television program on July 26, the agenda of which had previously been discussed with Hoffa, the leader of the Teamsters Union openly expressed his

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opposition to the Kennedy-Forbin bill, ternaing it "not corrective, but punitive."\textsuperscript{12} And having gone that far, Hoffa did not hesitate to show his union's intention to fight all the way. Hoffa announced that he was setting up a separate department in national union headquarters in Washington to tell his 1,500,000 teamsters about the voting records of congressmen. He of course denied that this was an attempt to frighten the congressmen during their consideration of the labor reform bill.\textsuperscript{13}

Again, after approval of the Landrum-Griffin bill in the House, Hoffa publicly stated his opposition to this type of legislation. He pointed out, however, that the bill would hurt the Teamsters hardly at all, and that his opposition was based on his concern for the labor movement in general.\textsuperscript{14} This sort of qualified opposition was obviously designed to influence those who were supporting the bill because of their determination to do away with "Hoffaism."

Zagri followed up on this tactic the following week, going into detail in examination of the bill to demonstrate how the Landrum-Griffin bill would hurt most unions other than his own by:

a. forcing Teamster drivers to cross picket lines, thereby making it almost impossible for smaller unions to win strikes;

b. forcing these smaller unions to join powerful organizations like the Teamsters;

c. imposing financial reporting requirements which would also induce smaller unions to affiliate with larger organizations whose staffs are well


\textsuperscript{13} Ibid.

\textsuperscript{14} New York Times, August 19, 1959, section 1, p. 16.
equipped to handle complicated accounting and reporting requirements; and
d. inducing unions to circumvent secondary boycott prohibitions by amalgamating into larger organizations to secure master nationwide contracts and allow general strikes. 15

This latter analysis had all the earmarks of plausibility and candor, but coming from Teamster sources, could not at this point have exercised much persuasive power. No one who could remember the famous Hoffa speech to a longshoremen convention in Brownsville, Texas on May 19, 1959, was likely to believe that Hoffa's union was soberly considering the good of the nation and the labor movement. In that speech Hoffa responded to the talk about closing the secondary boycott loopholes in the Taft-Hartley act by declaring that "they talk about secondary boycott. We can call a primary strike all across the nation that will straighten out the employers once and for all."16 Typical of the reaction this statement evoked was Senator McClellan's observation that it was "the most arrogant, brazen thing I've heard in my life."17

Carey Lobbying Efforts. But it was not anyone associated with the Teamsters that committed the biggest tactical faux pas of the lobbying efforts. That distinction must be assigned to James B. Carey, president of the International Union of Electrical Workers, and vice-president of the AFL-CIO. Carey, incensed at the passage of the Landrum-Griffin bill in the House, sent complimentary letters to the 17 Republicans and 184 Democrats who had voted

16 Newsweek, XLIII (June 1, 1959), 21.
17 Ibid.
for the bill. In this latter letter, Carey warned these congressmen that his union would do **everything** in its power to convince workers in their districts that they were anti-labor and should be defeated.

Many congressmen, friends of labor included, were indignant and several expressed their outrage at this "threat" and "attempt to coerce the Congress." Carey appeared to be genuinely surprised at this reaction and denied that he had intended his letter as a threat. But within a week Carey committed another lobbying error in his reply to Rep. Ayres (Rep. Ohio), who had publicly accused Carey of "Hoffa-like" tactics in sending his letters. In his letter Carey called Ayres a "mouthpiece" and "tool" of the National Association of Manufacturers.

Though he may not have intended it, Carey by implication included in his intemperate accusation all the other congressmen who had voted for the Landrum-Griffin bill. Carey's actions must have been a source of great embarrassment to the Committee on Political Education (COPE) of the AFL-CIO which was supposed to provide the lead to the international unions in analyzing the importance of voting records on specific issues.

**Labor Lobby.** Other examples of labor's lobbying tactics which backfired included the threat by a bakers' union representative to Rep. John Lindsay (Rep. N.Y.) that the union would "work you over in 1960," causing him to change a nay vote to yea on the Landrum-Griffin bill; and the remark attributed to

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18 *New York Times*, August 20, 1959, section 1, p. 11.
20 Ibid.
21 *Time*, LXXIV (August 24, 1959), 12.
Hoffa that he would elect a Congress to enact proper legislation on labor matters, which statement caused Democrat Clarence Cannon of Missouri to switch to support of the Landrum-Griffin bill.\(^{22}\)

The labor lobby realized after their defeat on the labor legislation that they had made many mistakes. One hundred of the lobbyists of the AFL-CIO met at Federation headquarters following that defeat to analyze its causes, but could not come to any conclusion. Based on their discussion, however, *Business Week* magazine gauged the causes to be the following:

a. The unions failed to assess public reaction to the issue of racketeering;
b. The unions were over-optimistic about the outcome of the battle;
c. The union leaders failed to grasp subtleties in the legislation;
d. They used threats rather than persuasion; and
e. They sowed confusion in not defining a clear-cut position, particularly in stating opposition to provisions they were actually prepared to accept as compromises.\(^{23}\)

**Management Lobby.** Lobbying on behalf of management organizations was every bit as intensive as that conducted by labor groups, but was somewhat more sophisticated, and considerably more successful, if judged by the results and the fact that no congressman expressed indignation or affront as a result of management lobbying pressures. Bernard D. Nossiter, writing in the *Washington Post* of September 11, 1959, analyzed the principal tactic of the management group as follows:

The National Association of Manufacturers, American Farm Bureau Federation,

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\(^{22}\) Ibid., p. 12.

\(^{23}\) August 22, p. 83.
United States Chamber of Commerce (and its state groups), and the less well
known National Small Business Men's Association collaborated in a maneuver to
influence moderate congressmen from districts which elected them by less than
55 per cent of the total vote. There were some 120 of these, fifty-four of
whom were selected for special attention, meetings, letter-writing and various
forms of contact to give them the idea that a key percentage of their constitu-
teuts were interested in strong labor reform. Left alone, these fifty-four
would probably have voted for the moderate bill which available information
indicated they preferred. But in the crucial vote which approved the Landrum-
Griffin 229-201 in the most important House vote, no less than twenty-three
voted for the bill, more than the fourteen who would have been sufficient to
change the tide. But this was achieved only after a most careful and effec-
tive campaign of gentle but insistent persuasion, aided inadvertently (?) by
the July 8, 1959 re-run of a television program on strong-arm labor tactics
in the jukebox industry. The program, Armstrong Cork Company's "Circle
Theater," was selected by the lobbyists for "plugging," i.e., promoting, and
this they did by advertising it to employers and employees around the country,
arranging for its showing in areas where it was not already tied in with the
network, taking advertisements in newspapers announcing the time and station
and urging viewers first to watch, then to write their congressmen, and mail-
ing out some five million pieces of mail concerning the show. Conveniently
enough, the show concluded with a tape of Senator McClellan urging viewers to
do something about the conditions revealed in the drama.

24Quoted in CR, (September 11, 1959), 17492.
Though the show was the vehicle around which the management lobby built much of its strategy for a few weeks, it did come a little too early to have maximum effect. It may be considered as a softener for what followed that much easier. When Landrum and Griffin introduced their bill later in the month of July, the lobby went to work again over the television circuits, this time with tapes of Landrum and Griffin pleading with viewers to write their congressmen in support of the strict labor reforms. The great volume of mail reported by the congressmen at this time must in some appreciable degree be regarded as a result of management's lobbying efforts.

There is little question but that the management lobby showed itself to be better organized, better coordinated, more subtle and generally more effective than that of labor.
CHAPTER VII

PRESIDENTIAL ACTION AND A SUMMARY

When the bill cleared Congress and was sent to the White House on September 4 for the presidential signature which would make it the law of the nation, the chief executive was in Scotland, visiting Prime Minister MacMillan and Her Highness Queen Elizabeth. There was no concern about the President's attitude toward the bill, however, as his advocacy of strong labor reforms was well-known in Congress and elsewhere, and his opinions had been expressed throughout the conflict by Secretary Mitchell, Senator Dirksen, Representative Halleck, and others. On August 13, when victory for the Landrum-Griffin bill was assured, he issued from the temporary White House at Gettysburg, Pa., the following statement: "With, I am sure, millions of Americans, I applaud the House of Representatives for its vote today in support of the Landrum-Griffin labor reform bill which would deal effectively with the abuses disclosed by the McClellan Committee. I congratulate all those who voted in support of this legislation." President Eisenhower's signature on the bill on September 14, 1959, without comment, was an anti-climax to the fierce legislative battle that had concluded several days before. But it represented for Eisenhower a victory he could leave with his party to use in claiming for his Republican administration vigorous and responsive leadership of Congress in

issues vital to the nation. And, in truth, the final summary of how the labor bill became law must include the fact that the President's appeal on television on August 6 for enactment of legislation of the kind found in the Landrum-Griffin bill marked a definite turning point in favor of the strict reform bill. It is a question, though, whether his was the leadership here. Both Dirksen and Halleck stated during the debate that they had urged the President to make such an address, and evidently the idea was not only not his own, but needed considerable urging on him before he consented.

Summary of the Law. A summary is now in order of the most important provisions of the Labor-Management Reporting and Disclosure Act of 1959, as the bill is now known:

Title I. The Bill of Rights guarantees union members the right to nominate candidates, participate in meetings with other members, and vote for union officers; it prohibits unions from preventing suits by members after union procedures are exhausted for settlement of members' grievances; protects the right of members to appear in governmental proceedings; prohibits the union from increasing assessments of members except by a secret majority vote; requires that members be furnished copies by the union of collective bargaining agreements and that the members be informed about the labor bill; requires that unions give written statements of charges to members in disciplining actions, and provide members with a fair hearing; and permits civil suits by members for infringement of rights guaranteed by the bill.

Title II. The Reporting Requirements section requires unions to submit reports to the Secretary of Labor on their constitutions and by-laws, annual

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2U. S. Congress, Public Law 86-257, Eighty-Sixth Congress, (September 14, 1959), S. 1555.
financial reports including a record of loans of more than two hundred and fifty dollars per person, records of all disbursements, and requires that this information be available to union members; provides for suits by members for court permission to view such records; requires reports of possible conflicts of interest; requires employers to file annual reports with the Secretary of Labor on non-wage money paid to unions or to their representatives or to labor relations consultants for influencing employees on bargaining rights; and requires labor relations consultants (but not lawyers) to file similar reports. This title also makes it a crime to fail to file or to falsify or destroy such reports.

**Title III.** This section on Trusteeships requires that semi-annual reports be filed with the Secretary of Labor by unions which hold other unions in trusteeship, detailing the conditions of the trusteeship and the financial condition of the local union so held; makes it a crime not to do so or to falsify such reports; permits suits by the Secretary of Labor or by unions to prevent violation of trusteeship requirements; provides in such suits that trusteeship would be undisturbed for eighteen months, but after that time it would be presumed invalid unless extended by court order.

**Title IV.** This section on Elections requires secret-ballot votes in the election of union officers at least every three years for locals, four years for intermediate unions and five years for national organizations; requires the union to mail the candidates' campaign literature to the members at the candidates' own expense; provides that where there is a union shop, candidates may inspect the membership lists; candidates may observe the counting of ballots and the voting procedure; requires that members be given the opportunity to nominate; permits the Secretary of Labor to conduct an election to
recall a union officer guilty of misconduct; permits union members to seek injunctions through the Secretary of Labor if their claims of violation of election and recall procedures are not decided by union procedures within three months.

Title V. The section Safeguards for Labor Organizations requires union officers required to handle money to do so solely for the benefit of the union and its members; permits members to sue for damages and to ask accounting when an officer is alleged to have violated this requirement and the union had made no attempt to recover; makes it a criminal act to embezzle union funds, or for a union officer handling money not to be bonded; prohibits loans of more than two thousand dollars to any officer or employee, and prohibits the paying of fines by the union for violations of the bill; bars officers from office for five years for convictions of felonies on the reporting or trusteeship requirements of the bill; bars from office Communist party members; repeals the requirement that union officers file non-Communist affidavits in order to have the union eligible for the services of the National Labor Relations Board.

Title VI. The section titled Miscellaneous Provisions provides penalties of one thousand dollars and one year in prison for use or threat of violence to interfere with the rights guaranteed in Title I. This section also prohibits extortion picketing; gives the Secretary of Labor power to investigate all violations of the bill with the exception of the Bill of Rights and the Taft-Hartley amendments; prohibits unions from disciplining their members for using their rights under the bill; provides that the Railway Labor Act shall not be affected by the provisions of the bill; provides that state laws on crimes covered in the bill shall not be diminished in authority.
Title VII: The title called Amendments to the Taft-Hartley Act provides that state agencies and the courts are permitted to assume jurisdiction over labor disputes excluded from consideration by the NLRB; bars the NLRB from enlarging areas it declines to consider; permits the President to designate an acting NLRB General Counsel if the office is vacant; makes it an unfair labor practice to coerce employers to approve a union or to obtain hot-cargo contract, to coerce him to recognize unions or to force another employer to recognize a union not certified by the NLRB in an election; to force him to stop doing business with another firm. This title also makes it an unfair labor practice to force workers to strike or refuse to handle goods for any of the purposes mentioned above. Exempting only the garment industry and the building industry under certain specified conditions, hot-cargo contracts are considered unfair labor practice.

Title VII also prohibits organizational and recognition picketing if the employer has not been guilty of an unfair labor practice and has recognized another union under an NLRB certification election within the previous year, or if the union had been picketing for thirty days without asking for an election. It brings railroad, airline, farm, and local government workers under the Taft-Hartley law provisions regarding picketing and secondary boycott; permits the NLRB to allow economic strikers to vote in representation elections conducted within a year of the strike's beginning; it permits pre-hire contracts in the building industry even if no NLRB election has taken place, and allows these contracts to require workers to join the union within seven days and except where outlawed by state law it allows these contracts to require hiring through the union.
How Much Kennedy-Ervin? How much of this is derived from the original Kennedy-Ervin bill is difficult to assess. Many of the bills and advocates of reform legislation sponsored similar provisions the differences among which defy the analysis of all but experienced labor law authorities. One or more of them may be the basis from which final provisions were taken.

Title I of the final bill was not present in the original Kennedy-Ervin bill; Title II in Kennedy-Ervin exempted about 70 per cent of the local unions from its requirements; Title III and Title IV, not very important or controversial, are roughly similar in effect as they were in the original Kennedy-Ervin bill; Title V in the final bill established fiduciary and bonding requirements which were not included in the original Kennedy-Ervin bill—the latter had a most vague voluntary code of ethical practices at this point; Title VI, miscellaneous provisions in the final, was merely definitions in the Kennedy-Ervin bill; Title VII, the real punch in the final, ran roughshod over the original Kennedy-Ervin bill, which merely had a building industry pre-hire amendment to Taft-Hartley as its backbone. It may fairly be said that the Kennedy-Ervin bill was wounded in the Senate, mortally wounded in the House, and died a lingering death in conference committee.

Based on the story of the bill’s consideration, among countless possible reasons for or causes of the triumph of the strict version of labor reform over the moderate Kennedy-Ervin type, the following emerge as the most significant, and are listed roughly in the order of their estimated importance to the outcome:

a. In the two and one-half years of Racket Committee Hearings, Senator McClellan’s prestige and efforts on behalf of stricter labor reform; Hoffa’s belligerent attitude throughout the hearings; and the public
reaction to these two men and the unsavory testimony revealed during the
hearings.

b. President Eisenhower's intercession on behalf of stronger labor reform,
especially his nationwide television address on August 6, 1959. In a
speech to labor leaders in Wisconsin in October 1959 Kennedy gave Eisen-
hower's efforts as the biggest reason for enactment of the strict reforms.¹

c. Senator Kennedy's determination, because of his presidential aspirations,
and regardless of obstacles, to get a bill. Goldwater called Kennedy "the
key" to getting a bill.² It is unlikely that the proponents of the moder-
ate labor reform provisions would have been successful in "moderating" the
Landrum-Griffin bill at all had not Senator Kennedy possessed and exercised
his great talent for timely compromise.

d. The over-publicizing by the press of labor scandals, and editorial pres-
sure for strict reform.

e. Senator's Goldwater's tireless and able efforts for strict reform.

f. Finally, the public attitude and pressure on congress as a result of the
above reasons and the additional irritation produced by the interrelation-
ship among three factors: relatively high union wages, continuing infla-
tion, and the prolonged steel strike.

Passage of strict labor reforms continues the reversal of the position of
the Federal Government in labor-management relations. The cycle that saw the
Federal Government evolve its position of early judicial restraint on

collective bargaining into expanding legislative protection up to the time of
the Wagner Act of 1935 found a first step in the process of reversal with pas-
page of the Taft-Hartley amendment to the Wagner Act in 1947, and now finds a
second step with this passage of the Labor Management Reporting and Disclosure
Act of 1959. And this new direction, especially as evidenced in the Federal
extension of control over internal union affairs, may well find its ultimate
expression if Congress should place union organizations under the coverage of
the anti-trust legislation.
BIBLIOGRAPHY

I. PRIMARY SOURCES


II. SECONDARY SOURCES


APPENDIX

CHRONOLOGY

January 20 ¹  Kennedy introduces bill in Senate (S. 1555).

Jan. 28 - Feb. 6  Senate Subcommittee on Labor holds hearings on labor reform.

February 18  Senate Subcommittee approves Kennedy-Ervin bill.

March 4  House Joint Subcommittee begins hearings on labor reform.

April 11  Kennedy-Ervin bill reported out of committee to Senate by thirteen to two vote.

April 16  Senate begins debate on Kennedy-Ervin bill.

April 22  "Bills of Rights" amendment approved.

April 25  Senate passes Kennedy-Ervin bill ninety to one.

May 19  Hoffa makes speech threatening nation-wide strike.

June 10  House Subcommittee concludes hearings on labor reform bills.

July 23  House Committee on Education and Labor votes bill out of committee sixteen to ten.

July 26  Hoffa announces opposition to Kennedy-Ervin bill.

July 27  Landrum-Griffin bill introduced in House.

July 30  House Committee on Education and Labor files report on labor reform bill.

August 6  Second Interim Report of McClellan Rackets Committee released; Eisenhower makes television appeal for strong labor reform.

¹All dates are 1959.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tr>
<td>August 10</td>
<td>Rayburn makes radio appeal for moderate labor reform.</td>
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<tr>
<td>August 11</td>
<td>House begins debate on labor reform bills.</td>
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<td>August 13</td>
<td>House approves Landrum-Griffin amendment to labor reform bill voting 229-201.</td>
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<tr>
<td>August 14</td>
<td>House approves Landrum-Griffin bill as amended by final vote.</td>
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<tr>
<td>August 18</td>
<td>Rep. Thompson is victim of acid attack.</td>
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<tr>
<td>Aug. 18 - Sept. 2</td>
<td>Conference Committee is in session.</td>
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<tr>
<td>August 25</td>
<td>Carey sends letter to House members.</td>
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<tr>
<td>September 4</td>
<td>Congress clears labor reform bill for presidential signature by vote in Senate, 95-2, and House, 352-52.</td>
</tr>
<tr>
<td>September 14</td>
<td>President signs labor reform bill.</td>
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The thesis submitted by Raymond Michael Ryan has been read and approved by three members of the faculty of the Institute of Social and Industrial Relations.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Social and Industrial Relations.

June 1, 1960

Date

Signature of Advisor