Unions and the Anti-Trust Laws
By Joseph Finley, General Counsel

THERE is a continuing discussion all over America about whether or not labor unions should be placed under the anti-trust laws. Critics of unions, from Sen. Goldwater to many segments of the public press, argue that labor may be the subject of anti-trust legislation. College professors are arguing the subject all across the land, and many well-intentioned people apparently believe that unions should be placed under the anti-trust laws.

This is an extremely dangerous idea for the labor movement. Unions should be protected by the laws of the land, not the same laws that destroy the greater financial interests of the country. The Congress has legislated for labor appeals to prejudgment, ignorance and gossip, and obscure analytical thinking. But despite this confusion and prejudice, and even the complexity of the subject, there are some simple fundamental answers that every trade unionist ought to know.

The most important consideration about placing labor under the anti-trust laws is that none of the critics of labor has advanced any specific plan as to how this would work. They are unable to tell us because they cannot. Do they wish to make a strike a matter of proof in civil court? Would a strike at one plant be a restraint of trade, or would it require a strike at three plants, or would it require a strike of an entire industry? These are questions that can be asked of the unionists who ask for anti-trust legislation are simply unable to answer. And there is a reason why.

First, let us consider industry-wide bargaining, such as is practiced in the steel industry. A group of steel companies bargain with the unions. If there is a steel strike and out of such bargaining comes a labor settlement, then what about the steel industry as a whole? A strike against one may be a strike against all, and the steel industry across the nation may be shut down. Is that the anti-trust supporters wish to prevent?

The difficulty with preventing this kind of bargaining is in the employers' desire to do it. The people who may think industry-wide bargaining is bad have no such understanding of the Taft-Hartley Act as affects the industry, but the people who do are usually certified as the bargaining agents for individual employers. No strike is possible in the industry, and the subject, if the union bargains with other employers, He may bargain individually by himself any time he desires, and federal law protects his right to do so. He may pull out any time he is ready, and most of you may remember the Steel Pullout of 1959 and the way it ended. Therefore, a strike against one is a strike against all, and the steel industry across the nation may be shut down. Is that the anti-trust supporters wish to prevent?

"Awesome Servant" Shown to Congress
Elmer J. Hollland, Chairman of the Subcommittee on Unemployment-Automation, arranged for a special showing of "The Awesome Servant" for all of the members of Congress at the House Caucus Room on February 5th.

Congressman Holland felt that this film, which among other illustrations of the effect of automation, shows OUCL President Howard Coughlin illustrating the purposes of an electronic data processing machine, graphically portrays the effects of automotive devices on employment possibilities. "The Awesome Servant" is also available through the AFL-CIO Research Department for showings by Local Unions to members.

This film was initially shown on television in a national one hour telecast on October 31, 1961.

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Strike Ends in a Day

The Steel Labor Relations Board Changes Its Mind
By Walter M. Colloran, Associate General Counsel

The so-called "new" Kennedy National Labor Relations Board has brought to a halt the steady flow of pro-management decisions which were the hallmark of the old Eisenhower Board. In some instances the "new" Board has reversed past policies which were detrimental to labor than lending encouragement to those engaged in organizational work and the protection of workers' rights.

In a recent case the Board held that state-wide bargaining was proper for the purposes of the agreement, whereas the old Board had been quite restrictive in upholding the organization of insurance workers. From now on it will consider smaller units as appropriate. This rule will serve to portray a relaxation of a former practice which placed great weight on the administrative set up of the employer and perhaps will prove a benefit for both the employers and their employees.

Another move in the right direction was the reversal of the Board's view that ambiguous union-security clauses would not be enforceable in the labor market for building an election. In Paragon Products Corporation the Board ruled that unless a union-security clause clearly is unlawful on its face it will bar an election sought by an outside union. Sometimes poorly drafted clauses which were susceptible of both legal and illegal test destroyed the effectiveness of the entire contract as a barrier to an election where a union seeks to secure such a vote during the life of the contract, even though the practice under the clause had been completely lawful. Happily this will no longer be the case in such situations.

In another case, that of unfair labor practices, the new Board has made significant decisions. In Cal- vist Contractors where a building trades union picketed with signs which were not within the scope of the complaint, no action was brought against the union.

The new Board has also nipped the practice of delinquency oumpers making last second tenders prior to actual discharge. That case is that if an employee does not maintain his payments and the worker requests his discharge the Company may discharge him even though the actual discharge charge, he makes an offer to pay. One of the main break-throughs was that the issue of fringe benefits was

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International White Collar Meeting Set

The Executive Committee of the International Federation of Com- mercial Clerical and Technical Employees has scheduled its next meeting for Washington, D.C. on October 22-27 of this year. The IFCCTE is the white collar section of the International Am- bassadors, the National Maritime Union, AFL-CIO, and Admiiral Williams, President of the American Export Lines, is to be a contestant in the meeting. A meeting, which is to be held in the Auditorium of the National Maritime Union, is to be held on board the liner Independence which was delayed from its scheduled sailing to the Caribbean. Thereafter, pickets were removed and an agree- ment was signed. Among numerous improvements called for was a 15% increase in a new-rate-teams. This photograph was taken of a television film that was taped at the time of the settlement.

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Blackboard Labor Relations Board Changes Its Mind
By Walter M. Colloran, Associate General Counsel

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Snap-On Tools Votes for Local 29

The office employees of Snap-On Tools voted in an NLRA election five to one in favor of Local 29, Oakland, California. The elec- tion took place on February 27, and NLRB will now take place to gain wage increases and other benefits for the employees. Interna- tional Representative Pat Perry assisted them in obtaining Union representation.

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Milwaukee Drive Is Successful

The successful organization of the clerical employees of Baxo, Inc., a division of Penn-Controls, Inc., has been organized by Local 15, Milwaukee, Wisconsin.

The campaign was conducted in the Watertown plant of the company under the leadership of Inter- national Representative Arthur Lechmanski. The final tabulation in the election showed 133 em- ployees voting, with 126 in favor of the organiza- tion with only one vote in opposi- tion.

Herald Beck, Business Representative of Local 9, announced that negotiations were underway for the first contract. Other branches of Baxo, Inc. have been previously organized by the OLEDL, composed of 80 clerical employees.
NEW LOOK AT PICKETING

In a 3-2 vote, the National Labor Relations Board revised its eight-year-old rule enunciated in the Washington Coca Cola case and stated:

"We shall not automatically find unlawful all picketing at the site where the employees of the primary employer (with which the Union has a dispute) spend practically their entire working day simply because, as in this case, they may report for a few minutes at the beginning and end of each day to the regular place of business of the primary employer."

Thus the NLRB has discarded a previous precedent which protected employers working on a common site with other employers. In such instances, a Union was rendered impotent when the law in effect prevented Union members from picketing on common property.

The new rule will deprive employers of the advantage of hiding behind a previous formula which had no basis in labor relations.

Shefferman is Back!

Nathan Shefferman, who headed a "union busting" firm which was exposed by the Senate Labor-Management Rackets Committee, is back in business.

It will be remembered that Mr. Shefferman and his "Labor Relations Associates" were employed by approximately 400 companies.

The OEIU well remembers Mr. Shefferman's tactics in our campaign to organize the employees of Dallas Blue Cross.

Mr. Shefferman, through Prentice Hall, is offering the "Shefferman Personnel Motivation Program." Paul R. Prentice states that "This unique program will relentlessly expose those individuals and cliques who are covertly sabotaging management's morale.

We are quite certain that we know what Mr. Prentice means by a taste of Mr. Shefferman's methods.

GIGACOMPUTER COMPUTERS NEAR

In statements to Congressional Committees and to other groups interested in the problems of automation in the office, the OEIU has outlined improvements in electronic data processing machines.

We have also called the attention of the authorities to the dishonest employment which are taking place in office employment. Predictions have been made by us that unless labor, management and the government work together for the purpose of preventing large-scale unemployment of office and clerical workers, we will face an economic catastrophe.

The transistorized computer which replaced the giant vacuum tube machine and now operates at about a million cycles a second is being sold faster than computer manufacturers can build them.

Spokesmen for the American Institute of Electrical Engineers, recently meeting in Convention, predicted that the Gigacompiler computer will be a reality by 1963.

Gigacompiler computers will operate at speeds of approximately a billion cycles a second. This entire computer will probably be contained in a box whose maximum dimension does not much exceed six inches.

Advances are being made before our economy can adjust to present revolutionary automation developments.

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CANADIAN FILE

'Mild' Recovery May Not Last, CLC Told

Ottawa, Ont.—A "mild" economic recovery is under way in Canada, according to economists at the Canadian Labour Congress, but the country will not be out of the doldrums until next August, some 18 months after the economic decline got under way.

Unemployment hit partner peaks in every month from July 1960 to July 1961; the study showed. But in every month after August 1960 and through November, which also showed fewer out of work than in the 1950 and 1955 comparable months.

But not all the signs are good, the labor economists noted. They pointed out unemployment at 6.1 per cent of the labor force, November is still high. "The employment level has risen only 1.4 per cent over 1960 though productivity increased up to 5.2 per cent and that the national Unemployment Insurance Fund, which paid $39 million to $42 million in a year," is "on the road to bankruptcy."

They go on to say a turning point to recovery that recovery in the United States may not be going just as it was a few months ago.

"There is nothing in any of the figures now available, the CLC staff said, "which appears to make it necessary to cut down on our previous estimates of peak winter unemployment as likely to reach 600,000 to 650,000." Canada's labor force, like that in the U.S., is slowing down in its growth. The economists report that recovery is "a good, but the indications are that it is not very large."}

Local 378 Negotiates With Peace River Power Project

A master agreement was signed by the Allied Hydro Council of British Columbia, representing 17 International Unions, and Peace Power Constructors Ltd.

It was signed that wages, fringe benefits and working conditions will be the same as those in the British Columbia construction industry.

A king air charter has been appointed by mutual consent and will rule on grievances and all other disputes occurring during the life of the contract.

It was ensured that the agreement covers some 3,000 employees.

In accordance with the terms of the agreement, Local 378, which represents the white collar workers, will negotiate an Appendix to the master agreement covering these employees.

Local 378 Gains Bargaining Rights from B.C. Government

The British Columbia Provincial Government recently announced that the employees of B.C. Electric and the B.C. Power Commission have been granted collective bargaining rights.

The vast majority of the 5,000 B.C. Electric Company employees are members of the OEU and the International Brotherhood of Electrical Workers.

Both Unions have participated in numerous meetings with representatives of the British Columbia Provincial Government after the government took over the B.C. Utilities Commission.

It had originally appeared that the employees of B.C. Electric and the B.C. Power Commission had not met the collective bargaining rights of the Unions involved. However, representatives of 10 Unions working through a joint council of B.C. Electric employees waged a diligent fight to retain collective bargaining rights.

After numerous meetings, Labour Minister Leslie Peterson told the Legislature that the Unions were recognized for collective bargaining purposes with the understanding, however, that the right to strike has been eliminated. In place of the strike weapon, Conciliation Board decisions will be binding on the parties.

Strong union membership will be called for in this instance. All of the Unions involved, led by the OEU and the IBEW, persisted in their insistence on collective bargaining.

While the Provincial Government has agreed to recognize all Unions in the B.C. Electric Employees Council for bargaining purposes, it is true that all other civil servants in British Columbia are without such protection.

The difference in treatment accorded B.C. Electric employees, now in effect Crown employees, as opposed to other civil servants has been brought into sharp focus.

While members of OEU Local 378 are concerned with the limitation on their right to strike, they have achieved a tremendous victory.
The most important piece of unfinished business pending before the Congress of the United States today is the King-Anderson Bill which will provide medical and hospital care for the aged through the Social Security system.

In its first complete month of operation, November 1960, medical care exclusive of administrative costs totaled $1,340 with Virginia paying $336. Seven months later, the monthly cost had increased to $391,859 with that State supplying $3,016 of the total. For the first 14 months of medical aid for the aged in West Virginia, the medical care cost came to $3,674,363 with the State’s share totaling $1,056,338. This does not include a total of $1,500,000 in unpaid bills.

In order to be eligible under the plan, West Virginia imposed stiffer eligibility requirements which cut the number of those eligible to receive medical assistance in half.

West Virginia also reduced payments for doctors’ visits from $3.00 to $2.00 and cut the hospitalization cost allowance from $35.00 to $20.00 a day. Prescriptions were cut from a non-limit basis to the wholesale price plus $1.00.

Immediately thereafter, hospitals and doctors took themselves off the medical assistance for the aged program. The number of participating hospitals dropped from 108 to 23. The number of participating physicians among the State’s 1,800 physicians dropped to 132.

In examining reasons for the collapse of the plan, welfare officials cited these contributing causes:

1. Unwillingness on the part of labor movement to provide any specific plan for dealing with labor under the anti-trust laws, apparently they want union activity to be made a restraint of trade.

2. The answer is clearly no. Because they are either unable or unwilling to provide any specific plan for dealing with labor under the anti-trust laws, apparently they want union activity to be made a restraint of trade. We then come full circle back to the position that any legitimate strike could be then a restraint of trade because it would halt the production and flow of goods. This goes back to the old Antitrust Halter cases of 1908, when the Administration was compelled to terrify union men that individuals lose their homes to satisfy government judgment against their union because of a legitimate and necessary boycott against a bad company.

But this is what the proponents of anti-trust laws for labor really seek. If it is not their purpose, let them draw a line—any line, somewhere. This they simply have been unable to do. Therefore, we have to repeat ourselves again—right to strike, within terms of the anti-trust laws.

If your strike is subject to the anti-trust laws and if damages may be assessed for such activity, then the right to strike is lost. Is this the purpose of the anti-trust advocates? If it is, and we think it is, they simply want to destroy trade unions.

The real issue in the anti-trust argument is that of the destruction of trade union power and collective bargaining. This is a gross misunderstanding of the anti-trust laws. In the absence of an anti-trust action, the national labor laws provide the necessary safeguard.

One must not let the anti-trust supporters obscure these issues by the smoke screen of “labor is too strong.” This is about the only argument they have, and upon analysis, it, too, is pathetically weak. Thousands of small unions in every industry and industry struggle for existence year in and year out. Even today, some large industrial unions are unable to even obtain arbitration clauses in their contracts from their employers. But do these critics mean single union is too strong—like the Steelworkers or the Auto Workers or the Miners? If, so, let them name the unions that are too strong. The Mine Workers are being membership by the thousands each year. The Auto Workers and the Steelworkers have both long since ceased to be national unions.

Long Strike at Yale & Towne Is Settled

A twenty-four (24) week strike, jointly waged by the International Association of Machinists and Office Employees International Union, Local 14 in Philadelphia, Pa., was recently terminated by both Unions.

The strike was initiated as a result of a report rendered by a three-man panel appointed by Mayor D’Worsh of Philadelphia. Additional recommendations made by the Director of the Federal Mediation and Conciliation Service also cleared the way for a settlement of this lengthy dispute.

A new agreement which will expire in August of 1964 provides for wage increases of 6 cents an hour effective September 1, 1961, September 1, 1962, and September 1, 1963. Dispatchers and timekeepers under the new contract will be paid $52.52 and $52.39 per hour respectively.

Philadelphia Strike Terminates

Unions and Anti-Trust Laws

(Continued from page 1)

The 1947 experience is extremely important. It demonstrated that when anti-labor forces were combined to think seriously and analyze the symptoms of their initial fears were not found worthy. Anti-labor Congressmen in 1947 were ready to give Cabot Lodge absolute authority that industry spokesmen not only wanted industry-wide bargaining. They demanded it.

But is it really industry-wide bargaining that anti-trust supporters want to stop? The answer is clearly no. Because they are either unable or unwilling to provide any specific plan for dealing with labor under the anti-trust laws, apparently they want union activity to be made a restraint of trade. We then come full circle back to the position that any legitimate strike could be then a restraint of trade because it would halt the production and flow of goods. This goes back to the old Antitrust Halter cases of 1908, when the Administration was compelled to terrify union men that individuals lose their homes to satisfy government judgment against their union because of a legitimate and necessary boycott against a bad company.

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declined in membership in the past five years. But even assuming the Steelworkers are “too strong,” how would one make them “too strong” without crippling the many thousands of other locals and internationals that are not “too strong?” This is a question the anti-trust advocates never answer. If they return to the argument of preventing industry-wide bargaining, the falsity of that position can be exposed.

Anti-trust laws designed against business combinations, not free trade unions. They can no more be applied to labor unions than one can apply higher mathematics to the teaching of Shakespeare. The cry to apply anti-trust laws to labor unions is merely another fraudulent anti-labor weapon much like the cry for “right-to-work” laws. The purposes and motives are the same, the evil is similar, and there is no logical basis for either. More thought and less prejudice supplies the answers that ought to convince any thoughtful person that anti-trust laws must not be applied to labor unions.