The original documents are located in Box 8, folder "Common Situs Picketing" of the James M. Cannon Files at the Gerald R. Ford Presidential Library.

May 27, 1975

Dear John:

Thank you for your May 22 letter to the President with which you included a copy of H.R. 5900, relating to situs picketing, on which the House Committee on Education and Labor has scheduled hearings to commence on June 5.

I will make certain the President receives your views concerning this bill without delay.

With kindest regards,

Sincerely,

Vernon C. Loen
Deputy Assistant
to the President

The Honorable John J. Rhodes
Minority Leader
House of Representatives
Washington, D.C. 20515

bcc: w/incoming to Roger Semerad - for appropriate handling
bcc: w/incoming to Bob Bonitati, OMB, for your information

VCL:EF:VO:vo

JOHN J. RHODES
1ST DISTRICT, ARIZONA

5-23

Office of the Minority Leader
United States House of Representatives
Washington, D.C. 20515

May 22, 1975

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

I want to bring to your attention the fact that the House Committee on Education and Labor has scheduled several days of hearings beginning June 5 on H.R. 5900, situs picketing.

I urge you to take a strong stand against this legislation. I believe it is imperative that the Administration's position on this issue be consistent from the very beginning. Your personal awareness of this legislative proposal prior to the June 5 testimony by the Labor Department is important.

Sincerely,

John J. Rhodes

John J. Rhodes, M. C.
Minority Leader

JJR/tp

94TH CONGRESS
1ST SESSION

H. R. 5900

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1975

Mr. THOMPSON (for himself, Mr. PERKINS, Mr. DENT, Mr. DOMINICK V. DANIELS, Mr. BRADEMAS, Mr. FORD of Michigan, Mr. PHILLIP BURTON, Mr. ANNUNZIO, Mr. JOHN L. BURTON, Mr. BEARD of Rhode Island, Mr. KARTH, and Mr. ROONEY) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 (b) (4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further,* That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services at the site of

the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective-bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers and the issues in the dispute do not involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry: *Provided further*, That nothing in the above proviso shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such proviso: *Provided further*, That nothing in the above proviso shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is the removal or exclusion from the site of any employee on the ground of race, creed, color, or national origin: *Provided further*, That in the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department

or agency of the Government if a major purpose of such facility or installation is or will be, the development, production, testing, firing, or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate. The notice requirements of the preceding proviso are in addition to, and not in lieu of the notice requirements prescribed by section 8(d) of the Act. In determining whether several employers who are in the construction industry are jointly engaged as joint venturers at any site, ownership or control of such site by a single person shall not be controlling".

SEC. 2. The amendment made by this Act shall take effect ninety days after the enactment of this Act.

File
Situs Picketing

STATEMENT OF JOHN T. DUNLOP
SECRETARY OF LABOR
BEFORE THE
SUBCOMMITTEE ON LABOR MANAGEMENT RELATIONS
COMMITTEE ON EDUCATION AND LABOR
OF THE
HOUSE OF REPRESENTATIVES

June 5, 1975

Mr. Chairman and Members of the Subcommittee:

I appear before you today to discuss H. R. 5900, a bill designed to remove certain restrictions upon peaceful labor picketing at construction and building sites. Accompanying me is William Kilberg, Solicitor of the Department of Labor.

The industrial relations climate in the construction industry under collective bargaining improved significantly in the period 1971-1974, it is generally agreed, following years of deterioration after the middle sixties. Only the superficial observer would confine attention to the marked retardation in the rate of wage and benefit increases under the Construction Industry Stabilization Committee. (First year increases declined from 15-17 percent in 1970 to 5.4 percent for wages and fringes in 1973.) No less significant was the marked reduction in this period in work stoppages over the terms of collective bargaining agreements; the widening of the geographical and craft structure of negotiations in many localities; the differentiation of wages and conditions in many localities

to particular branches of the industry, such as housing and heavy and highway work; the rationalization of work rules and conditions in many areas; the greater cohesiveness and devotion of the national labor and contractor leaders to the problems of the industry; and the greater understanding and organization of the owners in their concern with construction. I wish to pay my respect to the courage and responsibility exercised by the national union and contractor officials in the public interest in that period.

It was not possible to maintain this momentum in the industry with the disappearance of wage and price controls in construction on May 1, 1974, despite my repeated advance urgings. Some parts of the country have reverted to the former malaise of widespread stoppages, whipsawing negotiations, disregard for productivity, and excessive increases, and to a decline in the respect for leadership from national union and contractor groups alike. The long-term state of the industry and national interests understandably attracts local people much less than the national leaders on both sides. But the national leaders on both sides are largely without authority to deal with the problems of local bargaining, although a number are courageously seeking to use their influence constructively in a limited number of situations.

Into this somewhat volatile situation at the height of the bargaining season enters another stage in the legislative debate over situs

picketing after a lapse of six years. I want to say publicly what I have been saying in recent weeks to all segments of the industry. I implore all interested parties to conduct the discussion and the resolution of these sensitive issues factually, dispassionately, realistically, and in tolerance and good humor. Only a reasoned discussion can encompass the complex conditions that characterize the industry. Moreover, I would hope that these discussions can be carried on in a way not to exacerbate industrial relations in the industry, but rather to contribute to greater understanding and resolve to get this and other basic problems behind us. The industry is far too important to the country.

The common situs issue has a long history with which many members of this Subcommittee are very familiar, indeed, more familiar than I am with the legislative background. The Taft-Hartley amendments to the National Labor Relations Act prohibited union efforts aimed at a neutral employer to have him cease doing business with the employer against whom the union had a dispute. Although such "secondary boycotts" became unlawful, a union's right to engage in a strike or picketing against the primary employer was preserved. In interpreting the secondary boycott prohibition under circumstances where there was more than one employer at a worksite, the courts and the NLRB drew a sharp distinction between lawful primary picketing in a general industry setting and lawful primary picketing on a construction site. In general

industry, the interpreters of the law had no difficulty in determining that picketing of the entire plant site was, ordinarily, lawful primary activity. In construction, a project with many different contractors was not considered a site which could be broadly picketed. Complex restrictions were placed upon activities at construction sites.

Turning to the bill itself, H. R. 5900 would amend the secondary boycott provisions of the NLRA to make it clear that certain activities affecting secondary employers engaged as joint venturers or in the relationship of contractors and subcontractors with a primary employer on construction projects are not prohibited. The bill also contains a requirement of 10-day notice to the Federal Mediation and Conciliation Service for disputes involving defense or NASA facilities. The bill further provides that certain other kinds of activities are not permitted: (1) activities otherwise unlawful under the NLRA; (2) activities in violation of an existing collective bargaining agreement; (3) activities when the issues in the dispute involve a union which represents employees of an employer not primarily engaged in the construction industry; and (4) picketing for the purpose of excluding an employee because of race, creed, color, or national origin.

Both sides in the construction industry have long been of the general view that a construction site should have a common labor relations policy regardless of how many separate contracts or contractors, prime

or subcontractors, are involved. The mixing of labor policies is not conducive to industrial peace, productivity, or good management. Despite short-term presumptions in many quarters, it is not clear whether the adoption of this principle in this legislative form will enhance or reduce the segment of the industry that operates under collective bargaining agreements.

The basic proposal embodied in H. R. 5900 has a long history of bipartisan endorsement. Over the past 25 years, four Presidents, all Secretaries of Labor, and many Members of Congress from both parties have supported enactment of similar legislation. (See Secretary Shultz's testimony of April 22, 1969 before this Committee for a full account.) For example, in 1954 President Eisenhower's labor-management relations message recommended clarification of the NLRA, making it specific that concerted action against an employer on a construction project who, with other employers, is engaged in work at the site of the project, will not be treated as a secondary boycott.

For my own part, in the words of former Secretary of Labor George P. Shultz, "I am here today to indicate my support for legislation to legalize common situs picketing, if that legislation is carefully designed to incorporate appropriate and essential safeguards."

At that time, Secretary Shultz enunciated several guidelines or principles which he felt should be reflected in such legislation. First,

other than common situs picketing, no presently unlawful activity should be transformed into lawful activity. Second, the legislation should not apply to general contractors and subcontractors operating under State laws requiring direct and separate contracts on State or municipal projects. Third, the interest of industrial and independent unions must be protected. Fourth, the legislation should include language to permit enforceability of no-strike clauses of contracts by injunction. Fifth, the legislation should encourage the private settlement of disputes which could lead to the total shutting down of a construction project by such means as a requirement for giving notice prior to picketing and limiting the duration of picketing.

Most of the principles which concerned Secretary Shultz have been met by the present bill, or have been the subject of subsequent developments in case law, or can be dealt with by appropriate legislative history. For example, one significant potential source of unlawful activity which should not be protected is picketing which has the objective of excluding any employee on the basis of race, creed, color or national origin; the bill's antidiscriminatory provisions are clear in this respect. Additionally, the Supreme Court decision in the Boy's Market case satisfies the principle that no-strike clauses in contracts should be enforceable by injunction.

There is one principle suggested by Secretary Shultz which might well be substantially expanded, and I suggest that consideration be given in your deliberations to its incorporation. My reference is to the encouragement of private settlement procedures by notice to picket and authorization at a national level.

Requiring a notice of intent to picket would assure at least a limited cooling-off period, during which the immediate parties to the dispute could have an opportunity for considered evaluation of alternatives and the consequences of their proposed actions. Secretary Shultz proposed that such notice be served upon all employers and unions at the site. I would carry that proposal a step further, requiring ten day's notice to the standard national labor and management organizations engaged in collective bargaining in the industry whose local unions or member contractors are involved in or affected by the dispute. I would also suggest the principle that authorization of such picketing by the appropriate national union be required. The national union should be held not liable for any damages growing out of such authorized picketing initiated by local unions. Consideration might also be given to making the authorization subject to a tripartite arbitration process within the 10-day period.

The international unions and the national employer associations are the major private interested groups functioning at a national level.

Notice to such organizations, which are in a position to assist in bringing together the parties to a dispute, could materially contribute to the resolution of the dispute. The parties to the dispute would have not only the benefit of a brief cooling-off period, but also the benefit of potential guidance and mediation by national organizations of unions and contractors who may be able to encourage a settlement. They could take into account the vast variety of situations which practical people recognize and which have not been recognized by the NLRB and the courts in the past. Furthermore, such notice provisions would recognize, in some measure, the interests of the other employees and employers at the site and give appropriate warning of activities which could affect them. I can envisage the development of a joint labor-management machinery to review individual cases.

Insofar as the duration of picketing is concerned, I would suggest a limit of 30 days, a period which is analogous to that provided by section 8(b)(7) of the NLRA for recognition and organizational picketing. As with notice provisions, a limit upon the duration of picketing of the entire site strikes a reasonable balance between the right of labor organizations to take appropriate action and the need to recognize the separate identities of the employing contractors and subcontractors, as well as the potential for disruption flowing from picketing which is unlimited as to duration.

As I previously indicated, the basic principles underlying this bill have been repeatedly endorsed, on a bipartisan basis for many years. A basic and adequate legal structure recognizing the rights of the affected parties and achieving a balance among those rights is essential. But a legal framework is only one element in the overall picture. To achieve needed improvements in industrial relations in the construction industry requires a responsible exercise of those rights by all parties, and a continuing effort to work toward adjustments in many areas of dispute prevention and resolution. Mechanisms to assure resolution of problems can be developed best in an atmosphere generated by reasoned discourse.

I would like to reemphasize, therefore, that in dealing with the immediate issues of H. R. 5900, it is important to recognize that the atmosphere which develops on this bill can affect, and set the tone for, the approaches to other problems of industrial relations in the construction industry as a whole. As a practical matter, reasoned discussion calculated to promote positive solutions, or vitriolic debate enhancing bitter conflict, may well be as significant as any statute itself.

A more general comment may be appropriate. I have come to the conclusion over the past decade that the legal framework of collective bargaining in the construction industry is in need of serious review. On January 28, 1975 in a unanimous statement the leaders of labor and

management operating under collective agreements in this industry also expressed the view that "it is timely for labor and management to explore . . . a more viable and practical legal framework for collective bargaining." A vastly enhanced role for national unions and national contractor associations, working as a group, is essential in my view if the whipsawing and distortions of the past are to be avoided and if the problems of collective bargaining structure, productivity and manpower development are to be constructively approached by the industry itself, and in cooperation with governmental agencies. I would hope that this Subcommittee could give attention to this serious range of problems after the parties on each side have had the opportunity to consider the issues more thoroughly.

The Department of Labor will be available to the Committee to explore the suggestions which I have made in this testimony and to work with the Committee on the range of issues involved in the legislation.

Thank you for the opportunity to present my views on these issues. I shall seek to answer any questions you may have.

THE WHITE HOUSE

WASHINGTON

Date June 20, 1975

TO: JIM CANNON

FROM: JIM CAVANAUGH

_____ FYI

_____ For appropriate action

COMMENTS

THE WHITE HOUSE

WASHINGTON

June 18, 1975

MEMORANDUM FOR: SECRETARY DUNLOP
JIM CANNON
JIM LYNN

FROM: MAX FRIEDERSDORF m.f.

SUBJECT: Congressman Rhodes, House Minority Leader

Congressman Rhodes has complained about the Administration's slow reaction time to one of his letters to the President requesting a meeting on common situs picketing prior to the Secretary of Labor's testimony.

Rhodes' letter to the President was dated in May, 1975, and the Secretary of Labor testified on this subject June 5 without any response to Rhodes' letter.

We would appreciate an explanation why the Minority Leader's inquiry was not answered prior to administration testimony.

Our records indicate that Rhodes' letter was dated May 22 and received here May 23, acknowledged and sent to Domestic Council and OMB for action on May 27.

cc: Jack Marsh
Jim Cavanaugh
Paul O'Neill

Copy of correspondence received from East Wing June 20 (attached)

Cavanaugh Tracking this down OK

THE WHITE HOUSE

WASHINGTON

June 18, 1975

MEMORANDUM FOR: SECRETARY DUNLOP
JIM CANNON
JIM LYNN

FROM: MAX FRIEDERSDORF MF 6.

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cc: Jack Marsh
Jim Cavanaugh
Paul O'Neill

THE WHITE HOUSE

WASHINGTON

June 23, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF

FROM: JIM CANNON

SUBJECT: Your Memo of June 18 Concerning Delay in Reply to Congressman Rhodes' Letter of May 22

We checked our records and noted that Vern Loen sent the Domestic Council copy for appropriate handling directly to Roger Semerad. Semerad has been on detail handling the refugee program since mid-May and did not have the time to handle all of his mail.

In order to make sure that the Domestic Council properly handles action items, your staff should address their requests to me, so that they can be logged in and handled promptly.

Labor

U. S. DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON

JUN 25 1975

SIGNED MAILED

MEMORANDUM FOR MAX FRIEDERSDORF

SUBJECT: Congressman John Rhodes' Complaint on Situs Picketing Testimony

In your memorandum of June 18, 1975, you asked for an explanation of why the Minority Leader's inquiry was not answered prior to my testimony on June 5 before the House Education and Labor Subcommittee on Labor-Management Relations on the subject of Situs Picketing.

I certainly would have consulted with the Minority Leader prior to my testimony if I had known of his interest. Our records show that the White House referral of the Congressman's letter was received at the Labor Department at 12:30 p.m. on June 9, or four days after I testified. In addition, I am assured that no one in your office or the Domestic Council informed the Labor Department of the Minority Leader's interest.

You will be interested to know that prior to my testimony, I did conduct a series of consultations on this issue with the key House Republicans. Along with Jim Hogue, Deputy Under Secretary for Legislative Affairs, I met with Congressman John Anderson, Chairman of the House Republican Conference, in his office to discuss the matter. We also held a separate meeting in Congressman Al Quie's office with Congressmen John Ashbrook and John Erlenborn present. Congressman Marvin Esch was not able to attend this meeting but we later discussed the issue by telephone.

Secretary of Labor

cc: Jim Cannon
Jim Lynn
Jack Marsh
Jim Cavanaugh
Paul O'Neill

Attachment: White House Referral Slip

Drafted by: JHHogue:sks 6-24-75 523-6113
Office of Legislative Affairs

THE WHITE HOUSE OFFICE

REFERRAL

To: John Read
Executive Assistant to the Secretary
Dept. of Labor New Bldg. 2030

Date: June 2, 1975

ACTION REQUESTED

- ___X___ Draft reply for:
- _____ President's signature.
- ___X___ Undersigned's signature.
- _____ Memorandum for use as enclosure to reply.
- _____ Direct reply.
- _____ Furnish information copy.
- _____ Suitable acknowledgment or other appropriate handling.
- _____ Furnish copy of reply, if any.
- _____ For your information.
- _____ For comment.

NOTE

Prompt action is essential.

If more than 72 hours' delay is encountered, please telephone the undersigned immediately, Code 1450.

Basic correspondence should be returned when draft reply, memorandum, or comment is requested.

REMARKS:

Description:

___X___ Letter: _____ Telegram: Other:

To: The President
From: John J. Rhodes, M.C. Minority Leader, House of Rep.
Date: May 22, 1975
Subject: H.R. 5900

By direction of the President:

Roger D. Semerad
Staff Assistant to the President
Domestic Council

(Copy to remain with correspondence)

fyi

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

July 8, 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Visit with Robert A. Georgine, President, Building & Construction Trades Department, AFL-CIO, at 3:00 PM Today, July 8

On Wednesday, July 9, Chairman Thompson of the House Subcommittee expects the Administration to indicate its views on the several suggestions that were made by me to modify H. R. 5900 (situs picketing), in particular, the two proposals:

(a) 10-day notice; national union authorization required before picketing, and 30-day limitation on picketing;

(b) 10-day notice; national union authorization before picketing, plus an appeal to a tripartite review in exceptional cases, and 30-day limitation on picketing.

Mr. Georgine appears willing to accept the 10-day notice and national union authorization before picketing, but is opposed to the 30-day limitation, since the rest of the labor movement would strongly oppose such a limitation as a precedent which might be applied subsequently to other industries where no such limitation exists. Mr. Georgine is opposed to the tripartite proposal, partly on the grounds that the proposal as drafted involves the government in the appointment of arbitrators which he opposes, and on the further grounds that if there were no government appointment of the arbitrators, there would be a legal issue of undue delegation of governmental authority to private arbitration in violation of the Schechter Poultry (NRA) case.

Mr. Georgine appears willing to deal with the need for long-term reform in the legal framework of collective bargaining in the construction industry. He is prepared to agree that such legislation would have his support and should follow immediately in the House and Senate committees upon the favorable disposal of the situs picketing legislation. Attached is a copy of my proposals for such legislation. These proposals are far-reaching, indeed, and generally provide as follows:

(a) Local unions and local contractor associations shall give their national unions or national contractor associations 60 days notice of the expiration or reopening of agreements.

(b) No strike shall be called by a local union or lockout by a local contractor group in a dispute over the terms of a collective bargaining agreement unless explicitly authorized by the national union or by the national contractor association.

(c) No collective bargaining agreement shall be placed into effect by a local union or by a local group of contractors without approval of the national union or the national contractor association.

(d) There shall be established a Construction Collective Bargaining Committee which shall seek then to mediate these disputes, to maintain wage and benefit data and other information relative to collective bargaining, and to provide leadership through policy statements for local bargaining.

(e) In no event, however, shall such Committee be authorized to determine the terms of a collective bargaining agreement over the objections of the involved national union or national contractor association. So to do would be a form of compulsory arbitration and disguised wage control.

(f) The proposed legislation should run for a period of five years.

(My memorandum outlining such legislation is attached.)

Mr. Georgine may also wish to discuss your appearing at the building trades convention in San Francisco September 22-24. As has been mentioned to you, the question arises whether an invitation may also develop from the AFL-CIO, which meets also in San Francisco October 2-7. As you know, the Building & Construction Trades Department of the AFL-CIO has 3 million members, and the 17 unions which comprise the Department report an aggregate membership of 4 million, including members outside the building and construction industry. In addition, for practical purposes, the Teamsters, with 2 million total members, act in local areas as a member of the Department although outside the AFL-CIO and are so treated by the building trades unions.

John T. Dunlop

For Discussion Purposes Only July 7, 1975

A Legislative Framework for Construction Industry Collective Bargaining

A committee representing the presidents of the national unions and the officers of the national contractor associations in the construction industry agreed in a statement on January 28, 1975 that it was timely to seek a more appropriate legal framework for collective bargaining in the construction industry.

This memorandum seeks to specify the major provisions of legislation designed to provide a legal framework for collective bargaining in this industry better to serve the public interest and the interests of workers and contractors alike.

Outline of Legislative Provisions

1. (a) All local unions or intermediate bodies affiliated with standard national unions in the building and construction industry shall give 60 days notice of the expiration of their agreements, or reopening of such agreements, to their respective standard national union in addition to notice required to be given to contractor signatories to such agreements.

(b) All local contractor associations party to agreements with standard labor organizations in the building and construction industry are required to give 60 days notice of the expiration of such agreements, or reopening of the agreements, to their respective national associations

in addition to notice required to be given to labor organizations signatory to such agreements. If no national association exists, notice shall be provided directly to the Construction Committee, referred to below.

(c) The form of these notices may be that provided by local unions and subordinate bodies to national unions and by local contractor associations if already regularly provided.

2. (a) No strike shall be called by a local union or subordinate body in a dispute over the terms of a collective bargaining agreement unless explicitly authorized by the standard national union with which it is affiliated.

(b) No lockout shall be called by a local chapter of contractors in a dispute over the terms of a collective bargaining agreement unless explicitly authorized by the national contractor association with which it is affiliated. In the event that the local association is not affiliated with a national association, no lockout shall be called by such association in a dispute over the terms of an agreement unless explicitly authorized by the contractor members of the Construction Committee, referred to below.

3. Individual branches of the construction industry are encouraged to establish, but are not required to establish, national craft boards or other appropriate machinery comprised of one or more national unions and one or more national contractor associations to seek to resolve

disputes over the terms of local collective bargaining agreements and to review collective bargaining policies and developments in the particular branch of the industry, and such other collective bargaining functions as they may mutually agree to perform.

4. (a) No collective bargaining agreement shall be placed into effect by a local union or subordinate body of a standard national union without the approval of that national union.

(b) No collective bargaining agreement which involves an agreement with a standard labor organization shall be placed into effect by a local contractor association without the approval of the national contractor association with which the local association is affiliated and, if there is no national affiliation, approval by the contractor members of the Construction Committee, referred to below, is required.

(c) In the event that the national union and the national contractor association (or contractor members of the Committee) are unable to agree within ten days after the normal expiration date of the agreement, during which period they should confer and seek settlement and report to the Committee, the statutory obligation for national approval of the agreement by the national union and national association shall not continue to apply in the particular case.

5. There shall be established a Construction Collective Bargaining Committee comprised of an equal number of presidents of standard

national unions and officers of national contractor associations, representative of collective bargaining in the construction industry. The two sides shall propose a neutral chairman and such other neutral members as they may mutually agree upon. The members of the Committee shall be appointed by the President. The Committee shall be located in the Labor Department. The Federal Mediation and Conciliation Service shall maintain liaison with the Committee.

6. The standard national unions and national contractor associations in the construction industry shall furnish the Committee current information on wages and benefits and other provisions of collective bargaining agreements reported from local levels, as provided above, and shall also provide the Committee with information on notice of changes in agreements, proposals for changes in agreements and authorizations of agreements and strikes or lockouts as provided above. The standard national unions and national contractor associations shall also furnish similar information on national agreements or project agreements negotiated at the national level. The Committee may prescribe other information to be furnished generally or in particular cases or groups of cases. The Committee may undertake such studies relevant to collective bargaining in construction as it may deem appropriate.

7. The Committee is authorized to issue general statements recommending broad policies to negotiating parties in the construction

industry. Such statements may refer to issues of multicraft or area bargaining structures, productivity, manpower development and training, stability of employment, differentials by branch of the industry, dispute settlement procedures, wages and benefits, and other matters relevant to collective bargaining.

8. The Committee may at the request of a national union or a national contractor association consider, and seek to mediate, a dispute over a particular collective bargaining agreement or group of related agreements that is deemed to be of significance. In no event is the Committee authorized to prescribe the terms of any collective bargaining agreement over the objections of the involved national union or national contractor association.

9. The Committee is authorized to determine its rules and procedures.

10. The legislation is proposed for approximately a 5-year period, to expire on a March 1. Six months before the expiration of the statute, a report shall be submitted by the Committee to the President and the Congress on the operation of the statute and on the experience under these arrangements.

[June 1975]

File — Situs Picketing

See Dunlop

Dunlop —

Situs Picketing —

Testimony

approach of Serious, Dispassionate —

4 Pres — all seg of labor

Didn't endorse Bill, did the purpose

endorse 5 Principles

Notice by local union or local employer
No picket — until also next
~~[illegible]~~ union, national
emp notifies, and
national union notified

~~[illegible]~~

"in the middle"

St. Louis 9/12

[1975]

File

I had the temerity to recommend that that 8.66 percent be five percent rather than the higher figure. I am led to believe that my efforts to keep that difference which amounts to $1 billion 600 million -- just $1 billion 600 million -- will be overridden by either the House or the Senate. I hope you write your Congressmen and your Senators and tell them to stand firm and tough. This is just indicative of the kind of problems we are in -- in a financial bind, at the present time.

QUESTION: Thank you, sir.

THE PRESIDENT: Yes?

QUESTION: Mr. President, Earl Dille, President of Associated Industries of Missouri, and I would like your position on the issue of the legalization of common situs picketing at construction projects.

Common Situs Picketing

THE PRESIDENT: I believe that the legislation originally introduced should be vetoed. I believe that there are amendments that have been added, that will be added, if they are added to force local union responsibility, then the legislation ought to be approved.

I know the arguments that the building trades have gotten wage hikes of too high or too great an amount, and the people say, "Don't change the law."

My answer to that is they have gotten them under the present law. If they are inflationary, they came under the present circumstances. What we are trying to do with the amendments that we have advocated is to get some responsibility at the local level and if they don't achieve local responsibility the international unions have the right to veto it. I think that is a better way to achieve wage stability in the construction field and if those amendments are approved, I will support it; if they are not approved, I will veto it.

QUESTION: Thank you, sir.

QUESTION: Mr. President, I am Bill Parrish, Chairman of the Missouri American Revolution Bicentennial Commission.

One of the hopes of the Bicentennial is to revivify the positive aspects of American life so that the celebration becomes a catalyst to a rededication of the American people to work together to build a better future. We are finding a great enthusiasm for this throughout Missouri.

THE WHITE HOUSE
WASHINGTON

Pat
O.K.

October 24

THE WHITE HOUSE
WASHINGTON

TO: JIM CANNON

FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

__xx__ For Your Information

_____ Please Advise

11/1--Copies to Lissy, Leach.

October 24, 1975

Dear Hugh:

This is in response to your recent letter concerning common situs legislation.

I greatly appreciate your taking the time to bring these materials to my attention. I have forwarded copies to the individuals here at the White House working on this issue.

With kindest personal regards, I am

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Hugh C. Newton
618 South Lee Street
Alexandria, Virginia 22314

dl
ccs:
Jim Cannon

OCT 21 1975

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October 21, 1975

Mr. John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D.C. 20500

Dear John:

Attached are a few samples of some of the recent efforts of the Right to Work Committee on "Common Situs."

The second in our ad series runs in the Star today. One of the quotes used in that ad does a good job of telling the story. The Tulsa World says, "Barring a last minute change of signals, President Ford appears committed to signing one of the worst pieces of labor-management legislation to come down the congressional turnpike in years."

I can't imagine President Ford's position on this issue being beneficial to a Republican presidential candidate in 1976.

Best wishes.

Sincerely,

Hugh C. Newton

P.S. It is our expectation that the mail to the White House and to the Hill has just begun.

attachments

HCN:lh

RIGHT TO WORK
NEWS
From the NATIONAL RIGHT TO WORK COMMITTEE
8316 Arlington Boulevard • Fairfax, Virginia 22030
TELEPHONE: 573-8550—AREA CODE 703

RELEASE UPON RECEIPT
CONTACT: Herb Berkowitz

AMERICANS OPPOSE "COMMON SITUS" PICKETING

WASHINGTON, DC, October 10 -- The administration-backed "common situs" picketing legislation (HR 5900 and S 1479), which opponents say will greatly increase construction industry violence, is opposed by more than two-thirds of the American people, including 57 percent of all union members, a public interest group reported today.

According to Reed Larson of the National Right to Work Committee, a recent survey by Opinion Research Corporation, Princeton, N.J. (CONGRESSIONAL RECORD, July 18, 1975) showed that 68 percent of the general public feel building trades unions "should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site."

The survey showed that 72 percent of 30-39 year-olds opposed "common situs" picketing; 74 percent of the residents of smaller cities, and 72 percent of those people identified by the polling organization as "thought leaders."

The measure is being backed by President Ford, on the advice of Secretary of Labor Dunlop, as part of a construction industry collective bargaining "package." The other part of the package, Dunlop's Construction Industry Stabilization Act of 1975 (HR 9500), was approved last week by a House vote of 302-95.

The Right to Work Committee spokesman said passage of Dunlop's "smokescreen" legislation makes it "more important than ever to reject the vicious common situs bill."

Larson said the controversial picketing legislation, approved by the House this summer, is designed to drive "nonunion workers and open shop contractors off their jobs. Even the sponsors of the legislation admit this.

(MORE)

"If enacted by the Senate, and signed by the President, thousands of carpenters, electricians, plumbers, heavy equipment operators, laborers, cement masons, and other construction workers who presently are not union members will probably find it impossible to earn a living unless they agree, and are permitted, to join a union and abide by its rules.

"Workers who don't want to join an unwanted union, and employers who support their decision not to join, could be in for painfully hard times if the building trades unions record of bombings, beatings, and burnings is any indication."

Larson called on President Ford to "read the mail which has come into the White House on the issue."

According to reliable estimates, the White House has received nearly 200,000 letters and postcards from voters who oppose the "common situs" bill, more than on any other domestic issue. Congressional mail is reportedly running nearly 200-1 against the bill.

#####

#47 Sp. EP, WNS, MO2, MO3, MO6, MO7, MO8, M10, M13.KO1, KO2, KO3.

ON BUILDING SITES MANY UNIONS REPRESENT DIFFERENT KINDS OF EMPLOYEES OF CONTRACTORS WORKING THERE -- ELECTRICIANS, CARPENTERS, PLUMBERS, AND SO FORTH WHEN ONE OF THE UNIONS IS STRIKING AGAINST ONE OF THE CONTRACTORS, WHICH OF THESE TWO RULES DO YOU THINK SHOULD APPLY

RULE A -- THE UNION SHOULD ONLY BE ALLOWED TO PICKET THE WORK OF THE CONTRACTOR WITH WHOM IT HAS A DISPUTE AND NOT THE WHOLE BUILDING SITE

RULE B -- THE UNION SHOULD BE ALLOWED TO PICKET THE WHOLE BUILDING SITE, EVEN IF IT STOPS WORK OF ALL OTHER CONTRACTORS AND EMPLOYEES

	NUMBER OF INTERVIEWS UNWTD	WTD	**** RULE **** A.	B.	NO OPINION
TOTAL FORM B PUBLIC	1022	3426	68	21	11
MEN	515	1676	65	27	8
WOMEN	507	1750	70	16	14
18 - 29 YEARS OF AGE	257	944	70	19	11
30 - 39	208	593	72	23	5
40 - 49	169	564	64	27	9
50 - 59	155	555	69	21	10
60 YEARS OR OVER	233	769	63	19	18
LESS THAN HIGH SCHOOL COMPLETE	329	1187	61	25	14
HIGH SCHOOL COMPLETE	358	1270	71	19	10
SOME COLLEGE	330	947	71	21	8
PROFESSIONAL	139	401	77	12	11
MANAGERIAL	127	387	70	21	9
CLERICAL, SALES	108	363	77	15	8
CRAFTSMAN, FOREMAN	192	662	65	26	9
OTHER MANUAL, SERVICE	216	819	62	31	7
FARMER, FARM LABORER	23	82	80	1	19
NON-METRO					
RURAL	95	339	61	17	22
URBAN	158	587	74	11	15
METRO					
50,000 - 999,999	317	917	72	23	5
1,000,000 OR OVER	452	1582	64	25	11
NORTHEAST	267	806	63	25	12
NORTH CENTRAL	299	983	67	22	11
SOUTH	313	1099	70	21	9
WEST	143	537	72	15	13
UNDER $5,000 FAMILY INCOME	175	850	60	23	17
$5,000 - $6,999	110	337	67	18	15
$7,000 - $9,999	180	512	61	26	13
$10,000 - $14,999	237	715	73	18	9
$15,000 OR OVER	293	929	75	21	4
WHITE	930	3063	69	21	10
NONWHITE	87	353	55	29	16
UNION MEMBERS	150	517	57	36	7
UNION FAMILIES	289	974	62	30	8
NONUNION FAMILIES	724	2419	70	18	12
THOUGHT LEADERS	130	375	72	23	5

SEPTEMBER 1975

NATIONAL RIGHT TO WORK NEWSLETTER

Published by the NATIONAL RIGHT TO WORK COMMITTEE ☐ 8316 Arlington Blvd., Fairfax, Va. 22030

Vol. XXI, No. 9 September 26, 1975

"SITUS" PICKETING BILL DESIGNED TO DRIVE NON-UNION WORKERS FROM JOBS

Educators Will Fight Compulsory Unionism

The National Right to Work Committee has announced formation of a prestigious new educational coalition which will take dead aim at one of the most serious threats to academic freedom in America today —compulsory unionism.

Like the Right to Work Committee itself, the new organization, "Concerned Educators Against Forced Unionism" (CEAFU), supports the right of teachers to join unions, but feels no one should be forced to do so.

The new organization is headed by a 115-member advisory board which includes many of the country's leading educators.

Advisory board member Leon Knight, an English teacher at a Minnesota community college, and a state Democratic Party activist, summarized CEAFU's position like this: **". . . if they** (union officials) **can determine not what I teach in the classroom, but whether I teach at all, that is the ultimate threat to academic freedom."**

That threat, according to CEAFU spokesman Susan Staub, has only been heightened by the recent wave of illegal teacher strikes. "The strike frenzy," she said, "is an integral part of Big Labor's strategy to force Congress into passing public sector labor legislation which would further promote compulsory unionism among public employees."

Among the many advisory board members—representing all levels of education—are: **Dr. Yale Brozen,** professor of business, University of Chicago; **Dr. John Hospers,** chairman of the philosophy department, University of Southern California; **Dr. Edwin Klotz,** superintendent of schools, Newburgh, N.Y.; **Dr. Richard Koeppe,** superintendent of schools, Englewood, Colo.; **Dr. Mildred M. Alexandra Landis,** professor emeritus, art, University of Miami; and **Dr. Abner McCall,** presi-

(Continued on page 3)

Legislation openly designed to give construction union officials the power to drive non-union workers from their jobs is being railroaded through the Congress and is given a good chance of reaching President Ford's desk.

With the Ford Administration backing off from its earlier commitment to veto the dangerous legislation, public action is needed now!

Citizens who believe that employers who refuse to force their employees into unwanted unions should not be subject to coercive union picketing are urged to write immediately to President Gerald R. Ford, The White House, Washington, D.C.

The Right to Work Committee hopes to generate at least 50,000 letters to the President by mid-October. NEWSLETTER readers also are urged to write to their Senators and Representatives.

CALLED "COMMON SITUS"

The so-called "common situs" picketing bills, H.R. 5900 in the House, and S. 1479 in the Senate give vast new powers to officials of the building trades unions—new powers to the one group already privileged by federal law to use more vicious coercive tactics than any others.

According to Reed Larson, executive vice president, the outrageous measure has just one purpose, "to give added muscle to some of the most corrupt, ruthless, and violence-prone union bosses in the country."

This would be accomplished by authorizing building trades union pickets to shut down an entire construction site because of a dispute with a single sub-contractor. Usually, such disputes involve the hiring of construc-

(Continued on next page)

Also Inside

"SITUS" BILL

(Continued from page 1)

tion workers who have chosen not to work for closed-shop contractors.

The inevitable result would be that contractors would be forced to hire only union members in order to stay in business.

A spokesman for the National Society of Professional Engineers, whose members often are employed on construction jobs, warned that enactment of the bill would give union bosses a "death grip" on the entire industry —and the people employed in the industry.

COMPULSORY UNIONISM

The root of the problem, of course, is the National Labor Relations Act, which authorizes and encourages compulsory unionism. In the construction industry the problems are compounded by various other special privileges which have been granted to building trades union officials, including their authority to assign all work through their usually-discriminatory hiring halls, and the power to demand "membership in good standing" in their unions. (In other industries, the courts have ruled, *only* the compulsory payment of dues can be required from wage-earners who refuse to voluntarily join unions.)

As a result of those extraordinary powers of compulsion, Larson said, "Few other unions can match their shameful record for the consistent use of beatings, bombings, shootings, arson, and other acts of violence against individual workers, and employers who refuse to blackball non-union employees."

The question here, he said, is whether Congress is going "to force even more Americans to join scandal-ridden, violence-prone unions in order to earn a living."

As the PHILADELPHIA INQUIRER said, after an epidemic of lawlessness against construction workers earlier this year, "A person's right to earn a living, whether in a union or non-union job, is the most fundamental of civil rights. It must not be surrendered to goons seeking to substitute force for law."

The "situs" picketing bill would give any building trades union the power to shut down an entire construction project, involving dozens of contractors, because of a dispute (real or imagined) with even a single contractor—shut it down by setting up a job site picket line that no construction worker, truck driver, or delivery man in his right mind would dare cross.

"H.R. 5900 and S. 1479 would legalize a brand new package of coercive powers," Larson warned, "Powers which even the bills' proponents admit would be used to drive workers unaffiliated with unions off their jobs. "It must be stopped."

Write your Congressmen, Senators, and President Ford today! (And please send a copy to Andrew Hare, Vice President for Legislation, 8316 Arlington Boulevard, Fairfax, Va. 22030).

The Nation's Press and "Common Situs"

MIAMI HERALD—"It is our view that organized labor in the private sector of the economy has the right to walk off the job when there is dissatisfaction over wages or working conditions. This is a free country and there is no forced labor. But there should not be a right to prevent other people from working when those other people have no beef with their employer," August 11, 1975 . . . **YOUNGSTOWN VINDICATOR**—"The hard hats' pet legislation—despite a number of qualifications which disguise its fundamental thrust—is designed to give trade unions the power to influence hiring, firing and other crucial decisions in the domain of a free enterprise management," July 21, 1975 . . . **ARIZONA REPUBLIC**—". . . if H.R. 5900 and S. 1479 are passed, the union will be able to cause untold injury to a dozen or two employers, who have no connection with it and no quarrel with it, who simply are innocent bystanders. That is the purpose of these bills—to force the innocent bystanders to become allies of the union. The bills are an unconscionable power grab by the building trades unions," July 28, 1975 . . . **JEFFERSON CITY (MO.) POST-TRIBUNE**—"What Congress ought to do, instead of writing the construction unions a blank check, is direct a crack-down on violence and other acts which deny those who choose not to join a union equal protection under the law," July 1, 1975 . . . **DENVER POST**—"Unions . . . do not deny that a major aim is to force out non-union workers. If a contractor hires 10 subcontractors and one of these is non-union it is expected the other subcontractors will have a strike on their hands. The blackmail effect is obvious," August 8, 1975 . . . **BOISE (IDAHO) STATESMAN**—"What infuriates the construction unions is that subcontractors at a site can hire nonunion help. . . . Never mind the fact that not everybody wants to or should be forced to join a union in order to have a job and earn a living. The construction unions won't be satisfied until they can control the entire construction site—able to tie up or slow down the project at will, able to exclude those who voluntarily choose not to belong to unions, able to virtually dictate wages and working conditions," August 3, 1975. . . . **PORTLAND OREGONIAN**—"If the ban on secondary boycotts is abolished, general contractors will find that unions will be able to dictate which subcontractors they can do business with—leading to certain demise of the open-site or merit-site system in which union and non-union contractors work side by side. Construction workers, on their part, will have their freedom to choose between union and non-union employers eroded," July 19, 1975.

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Commentary

Mr. Gildea and the Art of Gentle Persuasion

The U.S. Postal Service, in a classic cop-out, has given postal union officials a green light to heap ridicule, coercion, and abuse upon postal workers who won't voluntarily join their unions.

On its face, the ruling by assistant postmaster general William Gildea simply allows the posting on union bulletin boards of the names of employees who are not union members. (The 1970 postal reorganization act contains a no-nonsense Right to Work provision guaranteeing all postal service employees the right to participate in or refrain from union activities).

Though innocent-enough sounding, Gildea's ruling must be viewed in context, because only last year—in a case involving one of the giant postal unions—the U.S. Supreme Court ruled that union organizers have a special "license" to all but crack heads in the name of organizing.

Wrote Justice Thurgood Marshall, speaking for the court majority, *". . . Federal law gives a union license to use intemperate, abusive, or insulting language without fear of restraint or penalty if it believes such rhetoric to be an effective means to make its point."* Gildea's ruling gives union organizers the right to publish a list of targets.

For years, the bosses of the construction trades, mine, and teamsters unions have found such organizing methods most effective. Now, apparently, it's the postal unions' turn. Asked FEDERAL TIMES, "Is it possible the postal service is handing the exclusive unions by fiat what they cannot gain through the legislative process?" Possible indeed!

NEWSLETTER readers are urged to pass on their opinion to James C. Gildea, Assistant Postmaster General, Labor Relations Department, U.S. Postal Service, Washington, D.C. 20260.

An Editorial

FEDERAL TIMES
August 20, 1975

Taking Names

THE U.S. POSTAL Service is now permitting locals of the four exclusive unions to post the names of non-members on post office bulletin boards.

The rationale of Assistant Postmaster General James C. Gildea is that such action is not clearly illegal.

We wonder. An opinion by postal service lawyers says in part:

"While the legality of the disputed postings would likely raise a close legal question if presented to the National Labor Relations Board, we have found no authority which suggests that the NLRB has already concluded that the mere public listing of non-members' names by a majority union violates the National Labor Relations Act."

Gildea stands on weak legal ground, it seems to us. But even if the law allowed this strictly gratuitous appropriation of one's right to privacy, we would oppose the postal service.

Gildea holds that the publication of non-member names is a somehow neutral exercise. We most emphatically believe that it subjects these persons to ridicule and the disapprobation of their fellow employees.

Obviously those locals that are engaged in giving notoriety to non-members do so for one reason. They are intent on compelling them to join up.

And we would remind Mr. Gildea that the law clearly forbids the application of force in union recruitment. The union shop is barred in the federal establishment.

Is it possible that the postal service is handing the exclusive unions by fiat what they cannot gain through the legislative process?

TEACHERS *(Continued from page 1)*

dent of Baylor University.

Also **Mrs. Charles Mellon,** chairwoman of the National Committee on the Crisis in Education; **Dr. Gerhardt Niemeyer,** professor of government, Notre Dame University; **Rabbi Dr. Jakob Petuchowski,** professor of Jewish theology and liturgy, Hebrew Union College; **Dr. Hans Sennholz,** chairman of the economics department, Grove City College; **Dr. Seymour Siegel,** professor of theology, Jewish Theological Seminary of America; **Dr. Ernest van den Haag,** New School for Social Research, and **Dr. Eliseo Vivas,** professor emeritus, philosophy, Northwestern Illinois University.

Co-chairmen of the board are **Neil S. Bishop,** former high school principal and long-time chairman of the Maine senate's education committee, **Fred Glahe,** professor of economics at the University of Colorado, and **Shirley Schaaf,** a classroom teacher and president of the Kansas City (Mo.) Education Association.

For more information contact Mrs. Staub at 8316 Arlington Blvd., Fairfax, Va. 22030.

Some Things You Just Can't Ignore

MORE BAD NEWS FOR COMPULSORY UNION STATES

Wage-earners in the 31 states where union officials rule the roost through compulsory unionism had better dig in for more hard times. Or so it would appear from another in a series of economic studies showing that the disasterous recession gripping the U.S. has struck hardest at the 31 states where forced unionism is permitted.

The new report, released at press time, shows that the 19 Right to Work states, though accounting for only 30 percent of the country's population, gained nearly 60 percent of the new manufacturing jobs during the past decade. The exact figures were 1,635,900 new manufacturing jobs for the states guaranteeing freedom of choice, and 1,361,900 for the states where workers can be fired for not supporting unwanted unions. (The 1973 figures, shown below, are the most recent available from the Bureau of Labor Statistics and Department of Commerce.)

The new data come on the heels of earlier studies (see June and July NEWSLETTERS) showing that:

1) The rate of unemployment in the compulsory unionism states has been nearly 50 percent higher than the rate in the Right to Work states for the past five years. In 1974, the Right to Work states averaged 4.6 percent unemployed; the compulsory unionism states averaged 6.3 percent.

2) The cost of living remains lower, generally, in the Right to Work states, than the other 31 states.

DETAILS

In dollars and cents terms, the dramatic increase in manufacturing jobs—*part of a continuing trend*—means that in 1973 there were more than 1.6 million workers in the Right to Work states employed in manufacturing jobs which *didn't even exist* ten years earlier. Wages paid the new employees amounted to more than $12 billion in 1973 alone!

Texas maintained its position as the national leader by gaining a spectacular 281,400 new jobs. While none of the Right to Work states showed a net loss of manufacturing jobs, four of the compulsory unionism states did: New York 187,700; Massachusetts 43,600; Maryland-D.C. 7,300, and Hawaii 800.

(Continued at right)

Net Increases in Manufacturing Jobs, 1963-73

RIGHT TO WORK STATES

1.	Texas	281,400	11.	Iowa	62,200
2.	North Carolina	230,000	12.	Arizona	50,500
3.	Tennessee	177,800	13.	Kansas	44,200
4.	Florida	143,800	14.	Nebraska	23,400
5.	Georgia	132,300	15.	Utah	9,300
6.	South Carolina	105,500	16.	South Dakota	5,600
7.	Virginia	103,200	17.	Nevada	4,500
8.	Alabama	101,100	18.	North Dakota	4,200
9.	Mississippi	84,300	19.	Wyoming	1,200
10.	Arkansas	82,000		**TOTAL**	**1,635,900**

NON-RIGHT TO WORK STATES

1.	California	231,900	17.	Idaho	14,800
2.	Michigan	200,500	18.	Delaware	13,400
3.	Ohio	191,500	19.	New Mexico	10,300
4.	Indiana	144,500	20.	New Hampshire	10,100
5.	Illinois	119,800	21.	Rhode Island	8,300
6.	Kentucky	102,100	22.	Vermont	6,100
7.	Minnesota	89,200	23.	West Virginia	4,100
8.	Pennsylvania	77,000	24.	Alaska	3,300
9.	Wisconsin	68,600	25.	Maine	1,600
10.	Missouri	60,700	26.	Montana	1,500
11.	Oklahoma	59,200	27.	Connecticut	100
12.	Oregon	51,800	28.	Hawaii	—800
13.	Colorado	41,100	29.	Maryland-D.C.	—7,300
14.	Louisiana	38,700	30.	Massachusetts	—43,600
15.	New Jersey	33,200	31.	New York	—187,700
16.	Washington	21,800		**TOTAL**	**1,361,900**

Source: Bureau of Labor Statistics, U.S. Department of Labor

ECONOMICS

(Continued from page 4)

National Right to Work Committee vice president for research Charles Bailey said that while the issue remains one of "individual freedom," the economic benefits "just can't be ignored."

He said the value of Right to Work laws to the wage-earner were best explained a couple of years ago by Velton Clark, administrator of Teamster Local 492 in Albuquerque. (Clark was later "taken care of" in typical Teamster fashion for opposing the top brass.)

Said Clark in a letter to members of the state legislature, *". . . where Right to Work laws exist and individual employees have a choice, the unions, through their elective and appointive officials, business agents and other representatives, have to get off their duffs and do a better job representing their members than is the case in a state . . . which does not have a Right to Work law, and the unions don't have to produce results and satisfaction to their members to . . . voluntarily attract their membership and financial support."*

For a copy of the new report, "some things you just can't ignore," write: Information, National Right to Work Committee, 8316 Arlington Blvd., Fairfax, Va. 22030.

An Editorial

LYNCHBURG (VA.) NEWS
August 18, 1975

Not Required

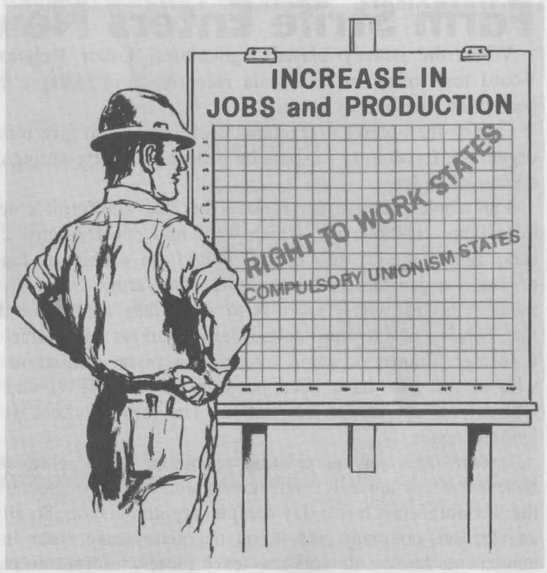
Compulsory unionism is not required for unions to prosper. The proof lies in those 19 states, including Virginia, which have Right to Work laws forbidding compulsory union membership as a condition for holding a job.

Congressman Charles E. Grassley of Iowa recently called attention to the progress of unions in Right to Work states. During the decade ending in 1972, AFL-CIO unions in the 19 RTW states collectively gained 714,000 members.

In the remaining 31 states, the AFL-CIO gained only 830,500 members.

The average gain in the RTW states was 35,579; the average gain in the compulsory union states was 26,790.

As Congressman Grassley noted, these figures show that employees will *voluntarily* join and support labor organizations which merit it.



Discrimination Continues

"Alternatives" Suggested To United Way of America

Despite a flood of protests, United Way of America (801 N. Fairfax St., Alexandria, Va. 22314) is no closer today than it was a year ago to amending its discriminatory "Memorandum of Understanding" with AFL-CIO officials.

As a result, the National Right to Work Committee is urging its 400,000 supporters to consider "alternatives" to United Way. "We regret having to do so," said executive vice president Reed Larson. "We will continue to urge our employees and supporters to voluntarily support all worthwhile charities, regardless of their affiliation with United Way.

"However, we feel it is our obligation to stand up for the principles we believe in. Not only has United Way violated those principles, it appears reluctant to either admit its mistake or take corrective action."

In the controversial "Memorandum of Understanding," officials of United Way of America promise to "purchase, whenever available, only union made goods and services." Details of the pact were published in the November 1974 NEWSLETTER. Since then, hundreds of United Way contributors—including some local United Way officials—have formally protested United Way of America's policy of discriminating against the three-fourths of the labor force which is not affiliated with organized labor.

Just recently, it was learned that the "Memorandum of Understanding" has been in effect for some 30 years.

Farm Strife Enters New Phase . . .

When the heavily biased Agricultural Labor Relations Board took office in California recently, farm workers expected the worst. They got it.

One of the board's first official decisions was to give union organizers freedom to trespass on private property, setting off a wave of violence.

The whole problem came about because California's new farm labor relations act, which went into effect August 28, subordinates the interests of individual farm workers to those of union organizers and large corporate farmers. The five-member board, whose job it is to impartially administer the law, consists of a former United Farm Workers union official, a former Teamsters union attorney, a priest and attorney who in the past have been partisans of the UFW, and a lobbyist for a growers' association. The farm workers were ignored again.

Rather than solving existing problems, many observers believe the new law will simply compound them. For example, the law authorizes a five-day compulsory union shop. So after an election, company and union negotiators can enter into agreements forcing all workers—even those who want no part of the union—to join the victorious union or lose their jobs.

"Evidently, Governor (Edmund) Brown never intended to set up an even-handed system of farm labor relations," commented a disgusted W. B. Camp of Bakersfield, a grower and member of the National Right to Work Committee's board of directors. "The law was written in conference with union officials and some growers who hoped to buy 'labor peace' by knuckling under to union demands. Individual farm workers—whose rights the law is supposed to protect—were excluded from the legislative negotiations, just as they are excluded from representation on the new Board."

Letters To The Editor

THE WASHINGTON POST
August 14, 1975

Unions vs. Workers' Wishes

For once, we'll take United Farm Workers union officials at their word. Mrs. Stephanie Caiola told a Washington Post reporter (July 27) that the union has "had trouble organizing the workers and so we've been concentrating on organizing consumers . . . on the boycott."

Think about it. The union that claims to represent California's 250,000 farm workers admits that it can't get the workers themselves to support their union (nothing has changed in ten years). So, they've organized a consumer boycott to force the producers to force the workers back into the union that organizers can't get them to join voluntarily.

It's time that some enterprising reporter put some hard questions to Senor Chavez . . . and more important, time to start looking at this decade-old controversy from the point-of-view of the workers. After all, they're what it's all about.

Herb Berkowitz,
National Right to Work Committee.
Fairfax.

IN OHIO, NEW JERSEY

Former Sen. Frank J. Lausche, who is also a former five-term governor of Ohio, discusses mounting grass-roots opposition to Ohio Senate Bill 70, legalizing compulsory unionism for public employees, with Right to Work Committee executive vice president Reed Larson (right). Lausche warned that enactment of S.B. 70 "would undermine orderly and responsible government in even the smallest locality, make a mockery of human rights and our claims of freedom, and further prove costly to Ohio citizens in terms of higher taxes and disruption of services." Similar opposition to compulsory public sector unionism in New Jersey, spearheaded by Democratic Senate President Frank Dodd (Essex County), has resulted in postponement of a Senate vote on Assembly Bill 524 until after the state's November election.

Syndicated Nationally by the National Right to Work Committee

FULTON (MO.) KINGDOM DAILY NEWS NEWTON (N.C.) OBSERVER-NEWS-ENTERPRISE ST. MARYS (PA.) PRESS
August 22-28, 1975

We Told You So

(EDITOR'S NOTE: The following editorial was written by Reed Larson, executive vice president of the National Right to Work Committee. His column appears in several hundred newspapers.)

Following the recent strike by sanitation workers, which spilled more than 30,000-tons of filth into city streets, a New York Times telephone survey found that half of New York's residents felt that municipal unions have "too much power."

Only 6.7 percent of the people questioned said that municipal union officials had "not enough power."

How much power is "too much" or "not enough" is, of course, a subject which could be debated endlessly. Not subject to debate are the facts that New York's economy came close to going under and that, to one degree or another, the insatiable demands of the city's municipal union bosses contributed to this. Not subject to debate is the fact that when a group of disruptive individuals is capable of bringing an entire city to a standstill, to its knees, something is seriously wrong. One pundit called it insurrection. We rather think of it as the culmination of years of foolish public policy in which elected city officials, in bits and pieces, gave to union bosses a vast array of special privileges which are now being exploited to threaten the very fabric of society — not only the sovereignty of the elected government, but the rights and freedoms of every taxpayer and every public servant.

It's a monster that was created, not born.

Obviously, Americans in every town and borough across the country, no matter how large or small, have a personal interest in seeing that New York's problems do not become their own.

It's to them, the more than 200 million non-New Yorkers that Ralph de Toledano should have dedicated his new book, "Let Our Cities Burn" (Arlington House, New York, $7.95).

As a former union publicist — now one of the country's leading political analysts — Toledano knows as well as anyone where to draw the line between "too much" and "not enough" union power.

And, he says, when that power is concentrated in the hands of a small, inbred, nonrepresentative, and virtually unchecked minority, it's too much.

The key to that power, the author concludes, citing innumerable examples, is compulsion . . . several compulsions, in fact.

First, the compulsion to force unwilling workers to accept unwanted union representation (called "exclusive representation") strips individual wage-earners of the right to represent their own best interests, and fuels the growth of monolithic labor organizations by eliminating free competition among unions.

Second, through the application of compulsory union shop and agency shop contracts, which Toledano characterizes as "the clearest derogation of the Bill of Rights since the enactment of the Alien and Sedition Acts," union bosses are guaranteed all the funds they need for their political high-rolling — regardless of their performance.

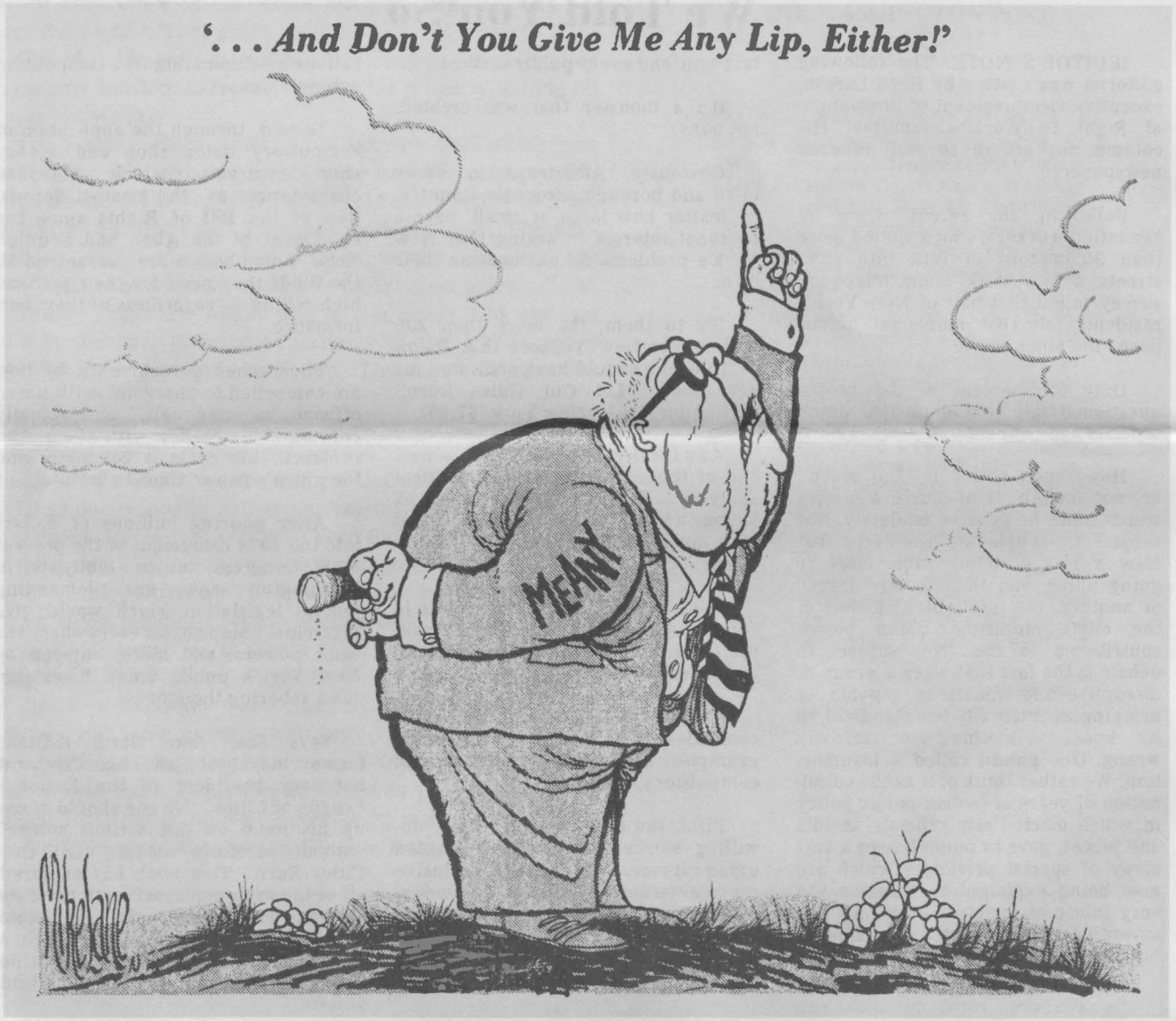
Then, when governments, by law, are compelled to "bargain" with union officials as "co-equals," and actually consummate treaties with them (the contract), the cycle is complete, and the union's power almost absolute.

After pouring millions of dollars into the 1974 campaigns of the present 94th Congress, union lobbyists in Washington now are demanding federal legislation which would give municipal union bosses everywhere the same powers, and more, enjoyed by New York's public union hierarchy. It's a sobering thought.

Says Sen. Jake Garn, R-Utah, former mayor of Salt Lake City and honorary president of the National League of Cities, "No one should make up his mind on this serious subject without carefully reading 'Let Our Cities Burn.' This book has explored all of the arguments, set forth the data clearly, and drawn the inevitable conclusions. If we enter into such a policy, and disaster follows, Ralph de Toledano will be entitled to say, I told you so.' "

BALTIMORE SUN
August 20, 1975

'. . . And Don't You Give Me Any Lip, Either!'



THE NATIONAL RIGHT TO WORK COMMITTEE
WASHINGTON D.C. HEADQUARTERS
8316 Arlington Boulevard
FAIRFAX, VIRGINIA 22030

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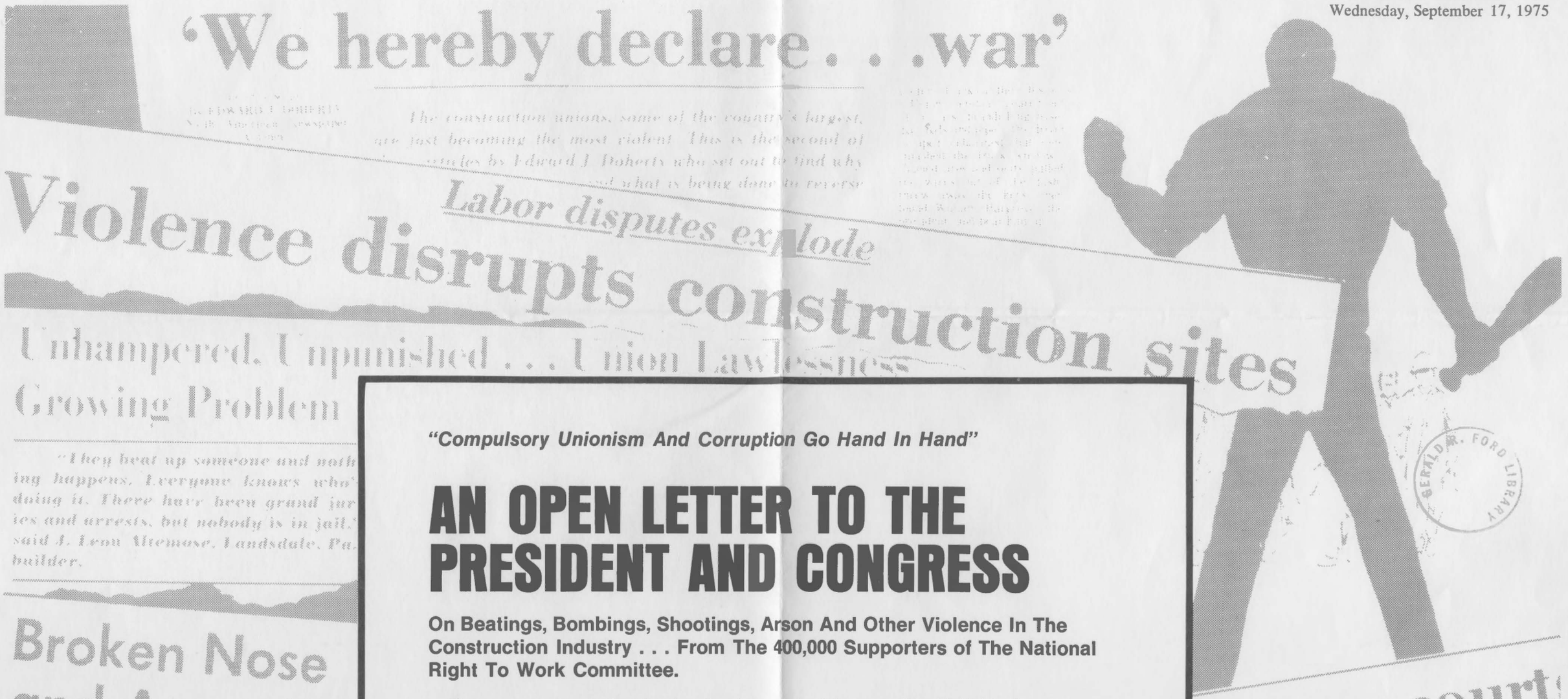
From **THE WASHINGTON POST**
Wednesday, September 17, 1975



"Compulsory Unionism And Corruption Go Hand In Hand"

AN OPEN LETTER TO THE PRESIDENT AND CONGRESS

On Beatings, Bombings, Shootings, Arson And Other Violence In The Construction Industry . . . From The 400,000 Supporters of The National Right To Work Committee.

Sixteen years ago, racket busting Senator John McClellan said "Compulsory unionism and corruption go hand in hand."

The meaning of that statement becomes clear when one takes even a casual look at the building trades unions—for here compulsory unionism is at its worst . . . and so is the corruption. Few other unions can match their shameful record. Few other unions are as scandal-ridden, mobster-tainted and violence prone.

In Washington's own version of Alice In Wonderland, officials of these very unions may soon be handed a vicious new weapon with which to enforce compulsory unionism: Legalization of "Common Situs" picketing.

The situation is serious. A "Common Situs" picketing bill has been quietly railroaded through the House of Representatives and will soon be considered by the Senate. The bill, if enacted and signed by the President, would give officials of the building trades unions power to shut down an entire construction project, involving dozens of contractors, because of a dispute—real or imagined—with even a single contractor. Shut it down by setting up a job site picket line that no construction worker, truck driver or delivery man in his right mind would dare cross.

The bill would legalize the ultimate in coercive picketing—power that even the bill's the "Common Situs" bill. The Dunlop sweeteners are attractive to big closed-shop contractors and, predictably, devastating for individual employees, small businessmen and consumers.

If the situation weren't so serious, the spectacle of Congress and some of the most corrupt, ruthless and violence-prone union officials in the country teaming up with the Ford Administration would be comic.

THE ROOT OF THE PROBLEM

The root of the problem is simple—the National Labor Relations Act which for 40 years has authorized and encouraged compulsory unionism. That's bad enough. But in the construction industry the problems are compounded by even more special coercive powers which have been handed to building trades union officials. These include pre-hire contracts that allow the signing of compulsory unionism contracts without the permission of even one employee, exclusive union hiring halls and the requirement that all employees become "members in good standing" within seven days or lose their jobs.

These and other concessions comprise a broad array of special privileges that have spawned a system of blackballing, cronyism and repression of individual rights unequalled in other industries.

Yet some members of Congress are claim-

Union Heads to Be Quizzed On Building Site Violence

'Mob' Blocked Way To U.S. Building, Altemose Charges

The Sheet Metal Union Tragedy

and will soon be considered by the Senate. The bill, if enacted and signed by the President, would give officials of the building trades unions power to shut down an entire construction project, involving dozens of contractors, because of a dispute—real or imagined—with even a single contractor. Shut it down by setting up a job site picket line that no construction worker, truck driver or delivery man in his right mind would dare cross.

The bill would legalize the ultimate in coercive picketing—power that even the bill's proponents admit would be used to drive non-union workers off their jobs.

The basic question involved then is whether Congress is going to force even more Americans into corrupt and violent unions in order to earn a living. As the PHILADELPHIA INQUIRER said editorially recently. "A person's right to earn a living, whether in a union or non-union job, is the most fundamental of civil rights. It must not be surrendered to goons seeking to substitute force for law."

THE SMOKESCREEN

To make all of this palatable to Congress, Secretary of Labor John Dunlop, a long-time ally (and business partner) of building trades union officials and a promoter of compulsory unionism, has offered a "compromise" construction industry legislative package that is nothing more than a smokescreen (described by the NEW YORK TIMES as "protective coloration") to divert public attention from trades union officials. These include pre-hire contracts that allow the signing of compulsory unionism contracts without the permission of even one employee, exclusive union hiring halls and the requirement that all employees become "members in good standing" within seven days or lose their jobs.

These and other concessions comprise a broad array of special privileges that have spawned a system of blackballing, cronyism and repression of individual rights unequalled in other industries.

Yet some members of Congress are claiming that all the "Common Situs" bill will do is "equalize the treatment of unions under the NLRA!"

WHO RUNS AMERICA?

The 400,000 supporters of the National Right To Work Committee do not believe the financial and political power of a handful of ambitious union officials should override the interests of the overwhelming majority of the American people—most of whom feel union officials already have "too much power" (70% according to a recent opinion study) and that union membership should be voluntary (68%).

Ours should be a government of the people, not of special interest groups.

Reed Larson

Reed Larson
Executive Vice President

THE CONSTRUCTION UNION DECLARE WAR

Nonunion Roofers Beat in Camden

$3.2 Million Burr Oak Scene of Recognition Fight—

Union Violence Closes Lodge

Maryland erupts into labor civil war

N. J. Roofers Hit by Tear Gas,

Union Violence Must Be Curbed

"Take away those restrictions and it's likely that strikes will be more frequent, harder to settle and much costlier," ***SCRIPPS-HOWARD NEWSPAPERS***

"We hope President Ford will find the courage to exercise another veto," ***DENVER POST***

"(the bill) is an embarrassment to the labor movement and a threat to the nation at large," ***YOUNGSTOWN VINDICATOR***

"One hopes the Senate will wise up and kill this insidious move," ***LOUISVILLE COURIER-JOURNAL***

"(the) measure, which would vastly increase the ability of any single construction union to shut down an entire project, would simply encourage irresponsibility," ***NEW YORK TIMES***

"Situs picketing is an unfair labor practice that should not be legalized," ***MIAMI HERALD***

"This legislation should be defeated. If passed, it should be vetoed," ***PORTLAND OREGONIAN***

"Politicians should be advised that the only way to deal with common situs is to spray it, swat it, stamp on it," ***WALL STREET JOURNAL***

National Right To Work Committee

WASHINGTON HEADQUARTERS: 8316 Arlington Boulevard • Fairfax, Virginia 22030

A national coalition of more than 400,000 citizens from all walks of life dedicated to the belief that every American should have the right, but should not be compelled to join or pay money to labor organizations for the Right to Work.

THE WHITE HOUSE
WASHINGTON

October 28, 1975

TO: JIM CANNON

FROM: JOHN O. MARSH, JR.

_____ For Direct Reply

_____ For Draft Response

__X__ For Your Information

_____ Please Advise

11/1- Copies sent to Lissy, Leach.

THE WHITE HOUSE

WASHINGTON

October 28, 1975

Common Situs Picketing

Dear Dick:

Many thanks for your letter of October 21 and its enclosures, wherein you express deep concern over H. R. 5900 and S. 1479.

I fully appreciate the sincerity of your comments and the depth of your concern.

Rest assured that we are fully aware of the controversial nature of this matter. I am placing your letter, together with the communication from Mr. P. A. Stevens in the appropriate hands here at the White House.

As always, it was good to hear from you.

With warmest personal regards, I remain,

Sincerely,

John O. Marsh, Jr.
Counsellor to the President

Mr. Richard D. Obenshain
Co-Chairman
Republican National Committee
310 First Street, S. E.
Washington, D. C. 20003

Republican
National
Committee.

Richard D. Obenshain
Co-Chairman

October 21, 1975

The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D.C.

Dear Jack:

I know you have gotten many letters from some of our mutual friends with respect to House Bill 5900 and Senate Bill 1479, relating to "common situs" picketing.

I know this is a deep subject, one which is too complex to go into at this time. I would just like to tell you that there is a great deal of ferment and discussion going on around the country about this bill, both in Republican circles and among those small business men who have been one of our strongest traditional supports.

Cliff Miller is, of course, a perfect example of a strong supporter of the President and his policies, who is deeply concerned about the implications of the common situs picketing bill.

It is pretty apparent to me that many of our strongest supporters will be deeply hurt if the bill is signed into law by the President. At a time when organized labor continues to gain in power and to use that power to defeat our candidate at the ballot box, this extension of union power and influence will be very keenly felt by the small and medium-sized businesses who bear the brunt of most union activism.

Conversely, I cannot believe that signing this bill will gain substantial political support from the leadership of organized labor, which has vehemently and consistently expressed its violent opposition to the President and his policies.

I would very much like to have the opportunity to discuss this bill with you and any other advisors to the President who may be conversant with this bill and its political implications.

With thanks and continued kindest personal regards.

Sincerely,

Dick

Richard D. Obenshain

Republican
National
Committee.

Richard D. Obenshain
Co-Chairman

October 21, 1975

The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House
Washington, D.C.

Dear Jack:

In connection with the enclosed letter, I'm taking the liberty of enclosing a copy of a letter which has been forwarded to me by Clyde Middleton, the new Republican Chairman in Kentucky. It was passed on to him by Charlie Coy, just as Charlie was being replaced by Senator Middleton as State Chairman.

I wonder if it would be possible for you to pass this letter along to the appropriate person in the White House who is conversant with the common situs picketing bill, and to have a response sent to Mr. Stevens, with a copy to Honorable Clyde Middleton, P. O. Box 546, Covington, Kentucky 41012.

Thanks very much.

Sincerely,

Dick

Richard D. Obenshain

Enc.

P. A. Stevens
1812 Tyler Lane
Louisville, Kentucky 40205

August 19, 1975

Charles R. Coy
212 N. Second Street
Richmond, Kentucky 40475

Re: Senate Bill 1479

Dear Mr. Coy:

As a registered Democrat who for the past several years has strongly supported the Republican Party at the polls, financially and verbally, I would like to urge you to use your influence with the President in soliciting from him, his position relative to Senate Bill 1479.

The bill passed the house under H.B. 5900 and is now known as common situs bill S. 1479. It appears the Democrats may also secure the passage of the bill in the Senate.

If the President does not take a negative position, I personally feel that the position of the Democratic and Republican Parties are the same and I would have no complusion to support the Republican Party in any way.

Very truly yours,

P. A. Stevens

PAS/pv

Clyde: I know you will handle this.
I always try to write them a reply.

FOR IMMEDIATE RELEASE DECEMBER 22, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

File

STATEMENT BY THE PRESIDENT

I am today announcing my intention to veto H. R. 5900, commonly known as the Common Situs Picketing Bill. I and my principal advisors have thoroughly analyzed the proposed legislation and all of its ramifications. The issues involved have become the subject of much controversy, and I believe the matter should be resolved as soon as possible. Therefore, I am taking the action of announcing my decision now.

Actually the bill before me represents a combination of H. R. 5900, which would overturn the United States Supreme Court's decision in the Denver Building Trades case and the newly proposed Construction Industry Collective Bargaining Bill, S. 2305, as amended. During the development of this legislation I stipulated that these two related measures should be considered together. The collective bargaining provisions have great merit and it is to the common situs picketing title that I address my objections.

For many years I have been familiar with the special problems of labor-management relations in the construction industry and sysmpathetic to all good faith efforts to find an equitable solution that would have general acceptance by both union and non-union workers and building contractors.

Because this key industry has been particularly hard hit by the recession and its health is an essential element of our economic recovery, I have been especially hopeful that a solution could be found that was acceptable to all parties and would stimulate building activity and employment, curtail excessive building costs and reduce unnecessary strikes, layoffs and labor-management strife and discord in the construction field.

Therefore, since early this year Secretary of Labor John Dunlop, at my direction, has been working with members of Congress and leaders of organized labor and management, to try to obtain comprehensive legislation in this field that was acceptable and fair to all sides, and in the public interest generally. Without such a general concensus I felt that changing the rules at this time would merely be another Federal intervention that might delay building and construction recovery but not effectively compose the deep differences between contractors and union and between organized and non-organized American workers.

(MORE)

From the outset, I specified a set of conditions which, if met, would lead to my approval of this legislation. Virtually all of these conditions have been met, thanks to the good faith efforts of Secretary Dunlop and others in the Building Trades Unions and the Congress. During the course of the legislative debate, I did give private assurances to Secretary Dunlop and others that I would support the legislation if the conditions specified were met.

Nonetheless, after detailed study of the bill, and after extensive consultations with others, I have most reluctantly concluded that I must veto the bill. My reasons for vetoing the bill focus primarily on the vigorous controversy surrounding the measure, and the possibility that this bill could lead to greater, not lesser, conflict in the construction industry. Unfortunately, my earlier optimism that this bill provided a resolution which would have the support of all parties was unfounded. As a result, I cannot in good conscience, sign this measure, given the lack of agreement among the various parties to the historical dispute, over the impact of this bill on the construction industry.

There are intense differences between union and non-union contractors and labor over the extent to which this bill constitutes a fair and equitable solution to a long-standing issue.

Some believe the bill will not have adverse effects on construction, and indeed rectifies an inequity in treatment of construction labor. But with equal sincerity and emotion there are many who maintain that this bill, if enacted into law, would result in severe disruption and chaos in the building industry. I have concluded that neither the building industry nor the nation can take the risk that those who claim the bill, which proposes a permanent change in the law, will lead to loss of jobs and work hours for the construction trades, higher costs for the public, and further slowdown in a basic industry are right.

It has become the subject of such heated controversy that its enactment under present economic conditions could lead to more idleness for workers, higher costs for the public, and further slowdown in a basic industry that is already severely depressed. This is not the time for altering our national labor-management relations law if the experiment could lead to more chaotic conditions and a changed balance of power in the collective bargaining process.

# # #