Gee, Thomas Gibbs, AO28084.
Gordon, Lawrence Norman, AO28550.
Gordon, Mose William, Jr., AO28647.
Gorman, Robert Thomas, AO28093.
*Green, Jesse Edwards, AO28472.
*Grier, Samuel, 3d, AO28479.
Griffin, William Aiken, AO28315.
Hackney, Donald Ingram, AO28150.
Hafer, Frederick LeRoy, AO28027.
*Hagan, Frank Stevens, AO28274.
Hairston, Guy Edward, Jr., AO28401.
Hamilton, Francis Frazee, AO28282.
Harper, Gilbert Stewart, Jr., AO27947.
Harris, Edgar Starr, Jr., AO28694.
Harton, William Martin, Jr., AO283912.
Hauenstein, Charles Judd, AO28089.
Heiberg, Harrison Howell Dodge, Jr., AO28124.
Hicks, Arlie Hugh, Jr., AO56732.
Hildebrandt, James Edwin, AO28063.
Hilovsky, Steve Edward, AO28443.
Hirsch, George Walter, Jr., AO28179.
Hopkins, Herbert Ziegler, Jr, AO28110.
Hopkins, Philip Bird, Jr., AO28692.
Horton, Clarence Frost, Jr., AO28621.
Hudspeth, Roy Ritter, AO28572.
Hughes, James Donald, AO28561.
Hunt, Senour, AO28303.
Hurley, James Patrick, AO28324.
Hutto, Merl Galbreath, AO28403.
Ingram, John Carl, AO27948.
Jackson, John Wallace, AO28741.
Jenkins, William Henry, AO28260.
Jernigan, Ernest Deloy, Jr., AO28067.
Jones, Gerald Marshall, AO28319.
Kellogg, Richard Allan, AO28400.
*Kimball, Jack Quentin, AO28382.
Knight, Harry Russell, AO28046.
Korn, Alden Davis, AO28518.
*Lamp, Richard Earl, AO28342.
*Langstaff, Thomas Corbett, AO28447.
Larson, Cecil Carlyle, AO28564.
Lawson, Gene Kenyon, AO28699.
Lembeck, Edward Adams, 2d, AO28485.
Lengnick, Roger Horace, AO27953.
Lester, Frank Gibson, AO28115.
Lobdell, Harrison, Jr., AO28092.
Logan, Lewis Benjamin Castle, AO28034.
Longarini, Edmond Charles, AO28405.
Lowry, Robert Mason, Jr., AO28355.
*Lundholm, Donald Alfred, AO28229.
Lusk, Joe Fenton, AO28128.
*Lyman, Walter Alfred, AO28035.
McBride, Benjamin Ransom, AO28375.
McCoy, Andrew Alexander, Jr., AO28536.
*McKay, William Irving, AO28659.
McKinney, Joseph Tomlinson, AO27937.
McMillan, Cornelius, Jr., AO28639.
*McPhee, Harry John, Jr., AO28474.
MacWilliams, Malcolm Means, AO28270.
Martin, John Alexander, AO28700.
Mason, William Henderson, AO28703.
Melo, Eugene Emil, AO28676.
*Memminger, Charles Gustavus, AO28663.
Messmore, Donald Morgan, Jr., AO28549.
Miller, James Robert, AO28595.
Minnich, E. Scott, AO28535.
Minor, John Max, AO28334.
Molchan, John Eugene, AO28241.
Moore, Arthur Raymond, Jr., AO28587.
Munkres, John Neil, AO28613.
Murphy, Robert Denslow, AO56727.
Naleid, Jerome Fredrick, AO27998.
Nelson, George Joseph, AO28637.
Nemetz, Albert Michael, AO28331.
Newell, Richard Gordon, AO28617.
*Newman, David Arnold, AO28330.
Norris, Paul Maxfield, AO28718.
Norwood, Billie Jack, AO56726.
Pasons, Charles Henry, 2d, AO28737.
Paschall, James Ernest, AO28385.
Pitts, John Emmett, Jr., AO28310.
Plank, David Heber, AO28343.
Poe, Bryce, 2d. AO28253.
Posvar, Wesley Wentz, AO27893.
Potter, Campbell McLeod, AO56730.
Poytress, Earl Francis, AO27900.
Prebbanow, James Campbell, AO38532.
Prevost, Ernest Willet, AO28723.
*Reed, Marvin Chapman, AO28657.
Reed, William Preston, AO28500.
Richards, Marion Rich, AO28398.
Riedel, John Alfred, Jr., AO28287.
Roddenberry, Harry H., Jr., AO28378.
Roney, William Rogers, AO28690.
*Rountree, Fred Brinson, AO28655.
Ruggiero, Charles, Jr., AO28629.
Safford, Philip Riviere, AO28424.
Schmidt, Julius Henry, Jr., AO50539.
*Schmitt, John Jacob, Jr., AO28566.
Shaw, Reginald Oras, AO28279.
Shawe, Hamilton Bruce, Jr., AO28264.
Sherman, Milton, AO28054.
Skladzien, Thaddeus Stephen, AO28532.
Sliney, George Michael, AO28437.
Smith, Clyde Barton, AO38531.
Smith, Sam Hugh, AO28167.
Stees, Hubert Sheldon, Jr., AO28733.
Stephenson, Robert Hogan, AO28195.
Stewart, Donald Warner, Jr., AO28080.
Stewart, Robert Benfred, AO27934.
Strain, Bailey Toland, AO27929.
*Stringer, Elbert Madison, AO28370.
Studer, William Francis, AO27994.
Tallman, Kenneth Lee, AO28006.
Temple, William Alan, AO27917.
Thomas, James Edwin, AO28461.
*Trexler, David Howerter, AO56728.
Tribolet, Robert Webb, AO28298.
*Turner, Richard Hugh, AO28431.
*Umlauf, John Louis, AO28353.
*Upland, Robert Theodore, AO28151.
VanSickle, Earl Rosenquist, AO28740.
*Waggener, Robert Rodney, AO28226.
*Walker, Robert Lawrence, AO28722.
Walsh, Robert Arthur, AO28526.
Walterhouse, Richard George, AO28230.
Wayne, Robert Earl, AO28271.
*Weber, Marvin Octavius, Jr., AO28533.
Welch, Stanford Alden, AO27993.
Wells, Emory Robert, AO28235.
Wheat, Allen Albert, AO27956.
White, Richard Taylor, AO28351.
Whitfield, Raymond Palmer, Jr., AO28545.
*Wiedman, Charles Orion, AO28575.
Wilcox, Arthur Burt, Jr., AO28487.
*Williams, Harold, Jr., AO28109.
*Williams, Henry Kirk 3d, AO28069.
Williams, Marshall McDairmid 3d, AO28670.
Wilson, Donald, Jr., AO28314.
Wilson, Robert Seedorf, AO28519.
Withers, William Price, Jr., AO28451.
Wright, Robert Kenneth, AO28048.
Wright, William Marion, AO28537.
Yancey, William Burbridge, Jr., AO28588.
Yeoman, Wayne Allen, AO27961.
Zeh, Theodore, George, Jr., AO28363.
Zuppan, Lawrence Louis, Jr., AO50541.

NOTE.—These officers will complete the required 3 years' service for promotion during the month of June. Dates of rank will be determined by the Secretary of the Air Force.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 3 (legislative day of April 11), 1949:

UNITED STATES COURT OF APPEALS

Philip J. Finnegan to be judge of the United States Court of Appeals for the Seventh Circuit.

UNITED STATES ATTORNEYS

Joseph Earl Cooper to be United States attorney for division No. 3, district of Alaska.

Dennis E. Sullivan to be United States attorney for the district of New Hampshire.

Scott M. Matheson to be United States attorney for the district of Utah.

UNITED STATES MARSHALS

Vernon P. Burns to be United States marshal for the southern district of Alabama.

Paul C. Herring to be United States marshal for division No. 3, district of Alaska.

John J. Wein to be United States marshal for the northern district of Ohio.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 3, 1949

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, Eternal God, for all Thy bountiful blessings, and pray that we may use them for the advancement of that which is right and just among our fellow men. May we surrender self for the common weal, and thus follow the guidance of our better impulses.

In both success and failure, implant within us self-restraint, the quietness of thought and the courage of our great Teacher. Help us to live out our Master's definition of a good life: do unto others what you would have them do unto you. Do Thou increase our strength in all those virtues that make us better men and women, and we shall praise Thee in all our works. In the Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1741) entitled "An act to authorize the establishment of a joint long-range proving ground for guided missiles, and for other purposes."

EXTENSION OF REMARKS

Mr. PATMAN asked and was given permission to extend his remarks in the RECORD in three instances and include certain statements and excerpts.

Mr. HART asked and was given permission to extend his remarks in the RECORD and include an editorial and an address delivered by the national commander in chief of the Veterans of Foreign Wars.

Mr. CHRISTOPHER asked and was given permission to extend his remarks in the RECORD and include a petition.

Mr. LYNCH asked and was given permission to extend his remarks in the RECORD and include an address by Mr. Shram.

Mr. DOUGHTON asked and was given permission to extend his remarks in the Appendix of the RECORD and include a short editorial from the Concord (N. C.) Tribune containing some remarks by James A. Farley in an address before the Kiwanis Club, of Syracuse, N. Y.

Mr. KEARNEY asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an editorial from the Bristol Courier of Saturday evening, April 30, 1949, entitled "Are We Outsmarted?"

Mr. HORAN asked and was given permission to extend his remarks in the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

RECORD in two instances and include in one an article.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

Mr. CASE of South Dakota asked and was given permission to extend his remarks in the RECORD and include an article appearing in the Rapid City Journal on his bill dealing with tidelands and Federal aid to education.

Mr. McDONOUGH and Mr. AUCHINCLOSS asked and were given permission to extend their remarks in the RECORD.

Mr. VAN ZANDT asked and was given permission to extend his remarks in the RECORD concerning the congressional New York-West Point tour, May 6, 7, and 8.

Mr. BEALL asked and was given permission to extend his remarks in the RECORD and include an article appearing in the Washington Post.

Mr. HESELTON asked and was given permission to extend his remarks in the RECORD and include a memorandum.

Mr. SMITH of Kansas asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. ROGERS of Florida asked and was given permission to extend his remarks in the RECORD and include an editorial.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 83]

Bulwinkle	Gilmer	Short
Byrne, N. Y.	Hobbs	Smith, Ohio
Clevenger	O'Konski	Taylor
Coudert	Plumley	Thomas, N. J.
Cox	Powell	Walsh
Crawford	Redden	Withrow
Crosser	Sadowski	Wolcott
Dawson	Scott, Hugh D., Jr.	
DeGraffenried	Shafer	
D'Ewart		

The SPEAKER. On this roll call 402 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ESTABLISHMENT OF A JOINT LONG-RANGE PROVING GROUND FOR GUIDED MISSILES

Mr. BROOKS submitted a conference report and statement on the bill (H. R. 1741) to authorize the establishment of a joint long-range proving ground for guided missiles, and for other purposes.

ARTICLES OF WAR

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution (H. Res. 201, Rept. No. 495), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4080) to unify, consolidate, revise, and codify the Articles of War, the Articles for the Government of the Navy, and the disciplinary laws of the Coast Guard and to enact and establish a uniform code of military justice. That after general debate, which shall be confined to the bill and continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

NATIONAL LABOR RELATIONS ACT OF 1949

Mr. KELLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 2032) to repeal the Labor-Management Relations Act, 1947, to reenact the National Labor Relations Act of 1935, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 2032, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Friday, April 29, there was pending the amendment offered by the gentleman from Georgia [Mr. WOOD].

Mr. MARTIN of Massachusetts. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 12 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Chairman, I understand from the newspapers that the backers of the original Lesinski labor bill have come to a more realistic appreciation of the situation. They are now prepared, so I understand from the press, to accept more of the Taft-Hartley bill. There is no longer any talk of crippling amendments or outright repeal. That, apparently, is out. Perhaps we now can complete amending the Wood amendment and secure for that a passage by a substantial vote.

Mr. Chairman, a debate which will live in the records of this great deliberative body is drawing to a close. For the most part it has been earnest, intelligent, and on a high plane. It is generally recognized that all of us, regardless of our opinions, are actuated by the single desire of bringing through cooperation and peace in the field of labor and management, more jobs, more production, lower prices, and more prosperity.

We may differ in our viewpoint on certain proposals. This is wholesome; it is wise; it is consistent with American democracy. We debate; we amend, and out of our discussions and decisions, come a sounder judgment than if the legislation had been the handiwork of one or two individuals.

This was the spirit which many of us had wanted to prevail in the consideration of this vital legislation.

We all knew there was a problem here; a problem which will never be permanently solved until it is resolved on the basis of fairness and justice to labor, to management, and to the great masses of our people—those who are obliged to pay the bills.

That there was a serious problem in the labor-management field is indicated because it has been a leading topic in Congress for many years. The Wagner bill was passed because of deficiencies in our labor-management relations and later other bills were enacted down through the passage of the Taft-Hartley bill in 1947. These all showed a public demand for legislation.

Let us not forget the Taft-Hartley bill became law not as a partisan measure but over the veto of President Truman, through the votes of a majority of both Republicans and Democrats in both branches of Congress. The credit for the legislation was shared by both major political parties. These overwhelming votes could not have been obtained unless there was a strong popular sentiment.

At the time of the passage of the legislation it was definitely stated the proposed bill was not the last word. That it might need amending was expressed and the so-called watchdog committee was named to bring in recommendations, as a result of their observations.

That committee did make some recommendations; other Members in the House and Senate had suggestions of their own. Many of us had hoped there would be a genuine judicial study of the subject and out of the committee would come a bill which could win bipartisan support. We had no pride in either authorship or in seeking party credit. We wanted only fair consideration. Unfortunately, this we did not get. The so-called Lesinski bill was reported out of committee without permitting any effort at amendments. And now even the leadership of this House admits that that was a serious mistake. That admission is indicated by the amendments which are to be proposed. How much better it would have been for the committee to do the job. This action of the committee presented a real dilemma for us who wanted to consider the measure in accordance with merit and facts. We knew it was difficult to rewrite the Lesinski bill on the floor. The whole subject is highly technical and, as a vehicle with which to operate, the Lesinski bill was grossly inadequate. We feared only confusion and legislation by hysteria and chance might result. It might create a situation where in all probability a majority would conclude to recommit the bill and send it back to the committee for further consideration.

This brings me to a subject that has been mentioned several times—a meeting in room 18. As a newspaper publisher, I know some columnists and commentators like to exaggerate and make an unusual story based on few facts.

Now for the facts. Room 18 is a room very generously assigned to me by Speaker RAYBURN for minority party use. I might say my two regular rooms were not sufficient to meet our needs. Room 18 is located on the first floor,

flush up against the rooms of my good friend, the majority leader, Mr. McCORMACK, and directly opposite the barber shop. Certainly if we were seeking privacy that is the last place we would hold a meeting.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I might say that there is a door leading from room 18 into one of my suites. The door is closed, of course, and I can assure my friend that there was no eavesdropping.

Mr. MARTIN of Massachusetts. Having known my good friend from Massachusetts for many years, I know he would not do that if he could have heard. I have confidence in his integrity. I might add it is generally known to newspaper and radio men and women that this room is used as a Republican meeting place. It was not a smoke-filled hotel room, nor were any present outside of Members of Congress.

So much for room 18. We did have a meeting in room 18 and the subject of the meeting was the revision of the Taft-Hartley bill. To this meeting were summoned by me as chairman of the Republican policy committee our full membership of 26 and in addition every Republican member of the labor committee, bringing the attendance to about 35. This meeting was generally known to every alert newspaper man and woman. We have had many similar meetings, and will again when the occasion arises.

For several hours we debated the issue. We concluded it would not be feasible to offer 20 or 25 amendments to the Lesinski bill and we decided to try to get them, as far as possible, into a single amendment.

We looked over the first Wood amendment. It made more easily possible the amendments the policy committee had in mind. We debated for one afternoon every item in the Wood amendment and found much we could not agree upon. We decided to seek changes.

The policy committee gave to SAMUEL McCONNELL, the ranking Republican on the Labor Committee, their version of the amendments that were needed and asked him to work out the phraseology.

I am free to admit this committee sought advice and assistance from both Republicans and Democrats in Congress, and we had very helpful suggestions from our associates in another branch of the Congress. We wanted all the congressional wisdom possible in our difficult task.

We believed—and we still believe—that our procedure was representative government working at its very best—debating the issue, receiving suggestions for changes and then the finished product from the decision of many minds.

May I say here this real democratic way of doing our legislative work is characteristic of the Republican procedure. We have our own gatherings in the policy committee, where we shape up our ideas, and then we submit the findings to a meeting of every one of the Republicans in a conference.

We had such a conference on the labor measure—this time in an equally secret place—the House chamber. We submitted our amendments and talked them over at length and secured general approval, and so they became to all general purposes a Republican policy.

May I say here, we in the Republican Party do not have a binding clause in our conference. We leave it to the judgment of the individual member as to his responsibility to the party. There is no coercion and no threats of reprisal.

I believe it is the better way and is one reason why we are generally in agreement.

My colleagues, I have talked longer than I intended. I have gone into more detail because I want you to know the truth. I shall not talk about the details of the Wood amendment to the Lesinski bill, the Rayburn-McCormack bill, or the Lesinski bill itself. These facts have been discussed and will be discussed much better by others.

One word more and I shall conclude. We face a serious situation not only in America but in every nation in the world. We face the possibility of a new war and we face the catastrophe of an economic depression. Either would be ruinous. We must avert both. We must keep this country sound, and we must avoid bitter internal dissension if we are to come through unscathed.

In such a situation it is childish to talk about granting or denying to a Democrat patronage in accordance to their vote on the request of the executive department. That is the road to totalitarianism. It is the road to the end of representative government. It is the collapse of a government of the people, by the people, and for the people, and when it comes, labor, management, and everybody loses. God forbid that such a condition shall ever come here in America.

It is small-potato talk to rail at Republicans and Democrats voting on the same side when they think alike on certain legislation. Should a Democrat vote against his convictions simply because he finds himself walking down the aisle with a Republican instead of a Democrat? That, of course, is sheer nonsense. What good is representative government if we do not express our own convictions. And may I say right here, it is time we established real tolerance and understanding between the sections of our common country as well as between races and religions. In war and in every great crisis like the present, northerners and southerners have stood side by side. We never let the party label prevent cooperation for the welfare of the country. We are one common people in this country; we shall all go up together or we shall go down together. Let us vote on great issues as Americans and not as petty partisans, as trusted representatives of the people and not as any one man or few men demand.

I want to help bring cooperation, understanding, and peace between labor and management. It is absolutely essential if we are to avoid a depression. It is absolutely necessary if we are to fulfill our obligations to the world. I believe the Wood amendment, as amended, and with amendments to come, will give us the best start and for that reason I am urging its adoption. I would not say it is the perfect answer, but it does make progress. I believe personally labor and management should sit down together and study the situation and reach an understanding. That should not be impossible where there is mutual respect for the other. And both groups have so much to gain by ending class hostilities. And they might find it very easy to reach a decision. Because they have not gotten together, Congress must act.

This better understanding must be reached. Two great and powerful minorities fighting each other sow the seeds of destruction. Soviet Russia can never conquer America through force of arms. It can only prevail when we are divided. This must not be allowed to come.

The one great urge of the American people at the present is for peace and jobs. They are tired of war and they want our efforts to be used to bring a real and lasting peace. There is plenty of chance for everybody in this big world of ours. And the people want peace in the industrial world to the end they can improve their position in life and give to their children more of the opportunities and comforts of life.

I sincerely believe the Wood amendment, as amended, is a contribution to that end. I hope the substitute will be rejected, several other amendments to the Wood bill be adopted, and then the Wood amendment be added to the Lesinski bill.

Such a bill will strengthen the union—the Union of the American States and the union of the American people in this march to progress, prosperity, and peace at home and abroad.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARTIN] has expired.

Mr. SIMS. Mr. Chairman, I offer a substitute for the Wood amendment.

The CHAIRMAN. The gentleman from South Carolina offers a substitute which the Clerk will report.

Mr. LUCAS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LUCAS. Will the Chair please tell the House what is the situation regarding amendments on the Clerk's desk? I have an amendment which was placed on the Clerk's desk last week, which I was hoping to discuss today. Will those amendments be called up after this substitute, or at what time?

The CHAIRMAN. No amendment can be called up until some Member rises and offers the amendment.

Mr. RANKIN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. I make the point of order that this amendment is not in order for the simple reason that the Wood amendment is not an amendment. It is a substitute for the bill before the House. A substitute for a substitute is not in order. It is one step too far removed under the rules of the House.

The CHAIRMAN (Mr. COOPER). The Wood amendment is an original amendment providing that certain language be stricken out and certain other language inserted. The point of order is overruled.

The Clerk will report the substitute amendment offered by the gentleman from South Carolina [Mr. SIMS].

The Clerk read as follows:

Amendment offered by Mr. SIMS as a substitute for the Wood amendment: Strike out all after the enacting clause and insert the following: "That this act may be cited as the 'National Labor Relations Act of 1949.'

"TITLE I—REPEAL OF LABOR-MANAGEMENT RELATIONS ACT, 1947, AND REENACTMENT OF NATIONAL LABOR RELATIONS ACT OF 1935

"REPEAL OF LABOR-MANAGEMENT RELATIONS ACT, 1947

"SEC. 101. The Labor-Management Relations Act, 1947 (Public Law Numbered 101, Eightieth Congress) is hereby repealed.

"REENACTMENT OF THE NATIONAL LABOR RELATIONS ACT

"SEC. 102. The National Labor Relations Act of 1935 (49 Stat. 449), as it existed prior to the enactment of the Labor-Management Relations Act, 1947, is hereby reenacted.

"MEMBERSHIP OF NATIONAL LABOR RELATIONS BOARD

"SEC. 103. Subsections (a) and (b) of section 3 of the National Labor Relations Act of 1935 are amended to read as follows:

"'SEC. 3. (a) The National Labor Relations Board (hereinafter called the Board) is hereby continued as an agency of the United States. The Board shall consist of five members, appointed by the President by and with the advice and consent of the Senate. The terms of office of the Members of the Board in office on the date of enactment of the National Labor Relations Act of 1949 shall expire as provided by law at the time of their appointment. Members appointed after such date of enactment shall be appointed for terms of five years each, excepting that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"'(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.'

"SEC. 104. (a) Subsection (a) of section 4 of the National Labor Relations Act of 1935 is amended to read as follows:

"'SEC. 4. (a) Each member of the Board shall receive a salary of $17,500 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint such employees as it may from time to time find necessary for the proper performance of its duties. Any arbitrators appointed by the Board under section 9 (d) may be appointed in the manner authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a) at per diem rates to be determined by the Board but not exceeding $100, and shall be entitled to traveling expenses as authorized by section 5 of such act (5 U. S. C. 73b–2) for persons so employed. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation (or for statistical work), where such service may be obtained from the Department of Labor.'

"(b) Section 4 of the National Labor Relations Act of 1935 is amended by striking out subsection (b) thereof and by relettering the succeeding subsection '(b).'

"BAR TO CERTAIN PROCEEDINGS

"SEC. 105. Notwithstanding the provisions of the act of February 25, 1871 (16 Stat. 432), neither the Board nor any court of the United States shall have jurisdiction to entertain, process, make, impose, or enforce any petition, complaint, order, liability, or punishment under the National Labor Relations Act, as amended by the Labor-Management Relations Act, 1947, with respect to any act or omission occurring prior to the date of enactment of this act, unless such petition, complaint, order, liability, or punishment could be entertained, processed, made, imposed, or enforced under the National Labor Relations Act with respect to a like act or omission occurring after the date of enactment of this act. No complaint shall hereafter be issued by the National Labor Relations Board based upon any unfair labor practice occurring prior to August 22, 1947, unless charges with respect thereto were pending before the Board on January 1, 1949.

"UNJUSTIFIABLE SECONDARY BOYCOTTS AND JURISDICTIONAL DISPUTES

"SEC. 106. (a) Section 1 of the National Labor Relations Act of 1935 is amended by inserting after the third paragraph thereof the following new paragraph:

"'Experience has further demonstrated that certain unjustifiable conflicts between or among labor organizations lead to strikes and other forms of industrial strife which substantially burden or obstruct commerce, and that failure of employers to maintain a neutral position aggravates and prolongs these conflicts. The public interest requires abatement of such industrial strife through just, peaceable, and final settlement.'

"(b) Section 2 of the National Labor Relations Act of 1935 is amended by striking out paragraph (11) thereof and by adding two new paragraphs (11) and (12), to read as follows:

"'(11) The term "secondary boycott" means a concerted refusal in the course of employment by employees of one employer to produce, manufacture, transport, distribute, or otherwise work on articles, materials, goods, or commodities because they have been or are to be manufactured, produced, or distributed by another employer.

"'(12) The term "jurisdictional dispute" means a dispute between two or more labor organizations (not established, maintained, or assisted by any employer action defined in this act as an unfair labor practice) concerning the assignment or prospective assignment of a particular work task by an employer.'

"(c) Section 8 of the National Labor Relations Act of 1935 is amended by inserting after the figure '8' at the beginning thereof the letter '(a)' and adding at the end thereof a new paragraph (6) to read as follows:

"'(6) To refuse to assign a particular work task in accordance with an award under section 9 (d) of this act.'

"(d) Section 8 of the National Labor Relations Act of 1935 is amended by adding at the end thereof a new subsection (b) to read as follows:

"'(b) It shall be an unfair labor practice for a labor organization—

"'(1) to cause or attempt to cause employees to engage in a secondary boycott, or a concerted work stoppage, to compel an employer to bargain with a particular labor organization as the representative of his employees if—

"'(a) another labor organization is the certified representative of such employees within the meaning of section 9 of this act; or

"'(b) the employer is required by an order of the Board to bargain with another labor organization; or

"'(c) the employer is currently recognizing another labor organization (not established, maintained, or assisted by any employer action defined in this act as an unfair labor practice) and has executed a collective-bargaining agreement with such other labor organization, and a question concerning representation may not appropriately be raised under section 9 of this act;

"'(2) to cause or attempt to cause employees to engage in a secondary boycott, or a concerted work stoppage, in furtherance of a jurisdictional dispute if such labor organization is seeking to compel an employer to assign a particular work task contrary to an award made under section 9 (d) of this act.'

"(e) Section 9 of the National Labor Relations Act of 1935 is amended by inserting between subsections (c) and (d) thereof a new subsection (d) to read as follows:

"'(d) Whenever a jurisdictional dispute results in or threatens to result in a concerted work stoppage, or a secondary boycott, affecting commerce, the Board may hear and determine, or appoint an arbitrator to hear and determine, the dispute, and issue an award, first affording the labor organizations involved in the dispute a reasonable opportunity to settle their controversy between or among themselves. In determining the dispute, the Board or the arbitrator, as the case may be, may consider any prior Board certification under which any such labor organization claims the right to represent employees who are or may be hired or assigned to perform the work tasks in dispute, any union charters or intersnion agreements purporting to define areas of jurisdiction between or among the contending labor organizations, the decisions of any agency established by unions to consider such disputes, the past work history of the organizations involved in the dispute, and the policies of this act. If an arbitrator is appointed to hear and determine a dispute, he shall proceed in accordance with such rules and regulations as the Board may prescribe; and his award determining the dispute shall have the same effect as an award of the Board. In any proceeding under this section, the employer whose assignment or prospective assignment of a particular work task is in controversy shall have an opportunity to be heard in any hearing conducted by the Board, or an arbitrator, as the case may be. If at any stage of the proceeding it shall appear to the Board that the dispute is in fact one concerning representation, it shall treat the case as one instituted under section 9 (c) of this act and proceed accordingly.'

"(f) Subsection (d) of section 9 of the National Labor Relations Act of 1935 is relettered '(e)' and, as relettered, is amended to read as follows:

"'(e) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section, or upon an award made in proceedings under subsection (d) of this section, and there is a petition for the enforcement or review of such order, such certification and the record of such investigation, or such award and the record of the proceedings under subsection (d) of this section, as the case may be, shall be included in the transcript of the entire record required to be filed under subsections 10 (e) or 10 (f), and thereupon the decree of the court enforcing,

modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.'

"FREEDOM FROM RESTRICTED STATE LAWS

"SEC. 107. The proviso of section 8 (a) (3) of the National Labor Relations Act of 1935 is amended to read as follows: 'Provided, That nothing in this act, or in any other statute of the United States, or in any State law, shall preclude an employer engaged in commerce, or whose activities affect commerce, from making an agreement with a labor organization (not established, maintained, or assisted by any employer action defined in this act as an unfair labor practice) to require as a condition of employment membership therein, or from paying to such labor organization, pursuant to a collective-bargaining agreement, membership obligations or sums equivalent thereto by deduction from wages or salaries, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made.'

"NOTICE OF TERMINATION OR MODIFICATION OF COLLECTIVE-BARGAINING CONTRACTS

"SEC. 108. Section 8 of the National Labor Relations Act of 1935 is amended by adding at the end thereof the following:

"'(c) It shall be an unfair labor practice for an employer or a labor organization to terminate or modify a collective-bargaining contract covering employees in and industry affecting commerce, unless the party desiring such termination or modification notifies the United States Conciliation Service of the proposed termination or modification at least 30 days prior to the expiration date of the contract, or 30 days prior to the time it is proposed to make such termination or modification, whichever is earlier.'

"BARGAINING BY LABOR ORGANIZATIONS

"SEC. 109. Section 8 of the National Labor Relations Act of 1935, as amended by subsection (d) of section 106 of this title, is amended by inserting at the end of subsection (b) thereof a new paragraph (3), to read as follows:

"'(3) to refuse to bargain collectively with an employer, subject to the provisions of section 9 (a): Provided, That nothing in this paragraph shall be construed to require a labor organization to bargain separately with respect to any particular unit or units, or to agree to any particular procedures or conditions with respect to collective bargaining so long as such labor organization is bargaining in good faith.'

"FREE SPEECH

"SEC. 110. Section 8 of the National Labor Relations Act of 1935 is amended by inserting at the end thereof a new subsection (d), to read as follows:

"'(d) The Board shall not base any finding of unfair labor practice under any provision of this act upon any statement of views or arguments, either written or oral, if such statement contains under all the relevant circumstances no threat, express or implied, of reprisal or force, or offer, express or implied, of benefit.'

"FILING OF ORGANIZATIONAL AND FINANCIAL STATEMENTS BY LABOR ORGANIZATIONS AND EMPLOYERS

"SEC. 111. Section 9 of the National Labor Relations Act of 1935 is amended by adding at the end thereof three new subsections (e), (f), and (g), to read as follows:

"'(e) The Board shall not certify any labor organization as bargaining representative under this section nor issue any complaint under section 10 of this act based upon a charge filed by a labor organization under subsection (b) of section 10 of this act unless such labor organization and any national or international labor organization of which such labor organization is an affiliate or constituent unit (A) shall have filed with the Secretary of Labor copies of its constitution and bylaws and a report, in such form as the Secretary may prescribe, showing—

"'(1) the name of such labor organization and the address of its principal place of business;

"'(2) the names, titles, and compensation and allowances of its three principal officers and of any of its other officers or agents whose aggregate compensation and allowances for the preceding year exceeded $5,000, and the amount of the compensation and allowances paid to each such officer or agent during such year;

"'(3) the manner in which the officers and agents referred to in clause (2) were elected, appointed, or otherwise selected;

"'(4) the initiation fee or fees which new members are required to pay on becoming members of such labor organization;

"'(5) the regular dues or fees which members are required to pay in order to remain members in good standing of such labor organization;

"'(6) a detailed statement of, or reference to, provisions of its constitution and bylaws showing the procedure followed with respect to, (a) qualification for or restrictions on membership, (b) election of officers and stewards, (c) calling of regular and special meetings, (d) levying of assessments, (e) imposition of fines, (f) authorization for bargaining demands, (g) ratification of contract terms, (h) authorization for strikes, (i) authorization for disbursement of union funds, (j) audit of union financial transactions, (k) participation in insurance or other benefit plans, and (l) expulsion of members and the grounds therefor:

and (B) can show that it has—

"'(1) filed with the Secretary of Labor, in such form as the Secretary may prescribe, a report showing all of (a) its receipts of any kind and the sources of such receipts, (b) its total assets and liabilities as of the end of its last fiscal year, (c) the disbursements made by it during such fiscal year, including the purposes for which made; and

"'(2) furnished to all of the members of such labor organization copies of the financial report required by paragraph (1) hereof to be filed with the Secretary of Labor.

"'(f) It shall be the obligation of all labor organizations to file annually with the Secretary of Labor, in such form as the Secretary of Labor may prescribe, reports bringing up to date the information required to be supplied in the initial filing by subsection (f) (A) of this section, and to file with the Secretary of Labor and furnish to its members annually within 120 days after the end of their respective fiscal years or such other reasonable period of time as may be prescribed by the Secretary of Labor financial reports in the form and manner prescribed in subsection (f) (B). No labor organization shall be eligible for certification under this section as the representative of any employees, no petition under section 9 (e) (1) shall be entertained, and no complaint shall issue under section 10 with respect to a charge filed by a labor organization unless it can show that it and any national or international labor organization of which it is an affiliate or constituent unit has complied with its obligation under this subsection.

"'(g) The Board shall not issue any complaint based upon a charge filed by an employer under subsection (b) of section 10 of this act unless such employer and any national or international employer organization of which such employer is an affiliate or is a member shall have prior thereto filed with the Secretary of Labor information such as is required to be filed by labor organizations by the provisions of paragraphs (A) (2), (A) (3), and (B) (1) of subsection (e) of this section and shall have filed reports bringing up to date the information thus required to be filed in the manner provided in subsection (f) of this section.'

"AFFIDAVITS BY LABOR ORGANIZATION OFFICERS AND EMPLOYERS

"SEC. 112. Section 9 of the National Labor Relations Act of 1935 is amended by adding at the end thereof a new subsection (h), to read as follows:

"'(h) The Board shall not certify any labor organization as bargaining representative under this section nor issue any complaint under section 10 of this act based upon a charge filed by—

"'(i) a labor organization unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit; or

"'(ii) an employer, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by such employer (including each owner, partner, receiver or trustee, or, if a corporation, each officer thereof), and each officer thereof, and the officers of any national or international employer organization of which such employer is a member or affiliate—

stating that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of, or supports, any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35A of the Criminal Code shall be applicable with respect to such affidavits. For the purpose of this subsection, the term "officer" is defined as including any person who performs any policy-making, governing or executive function in, or is a member of any policy-forming, governing, or executive body of an employer or labor organization or any national or international employer or labor organization, of which such employer or labor organization, as the case may be, is an affiliate or constituent unit.'

"TITLE II—MEDIATION AND ARBITRATION

"THE UNITED STATES CONCILIATION SERVICE

"SEC. 201. (a) The United States Conciliation Service is hereby reestablished in the Department of Labor; and the functions transferred to the Federal Mediation and Conciliation Service by section 202 (d) of the Labor-Management Relations Act, 1947, are hereby restored to the Secretary of Labor. The Service shall be under the direction of a Director of Conciliation (hereinafter called the 'Director'), who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of $15,000 per annum.

"(b) The personnel, records, property, and unobligated balances of appropriations, allocations, or other funds of the Federal Mediation and Conciliation Service are hereby transferred to the Department of Labor. Such transfer shall not affect any proceedings pending before the Federal Mediation and Conciliation Service or any rule or regulation heretofore made by it or by the Federal Mediation and Conciliation Director.

"(c) The United States Conciliation Service shall be administered under the general direction and supervision of the Secretary of Labor. General policies and standards for the operation of the Service shall be formulated and promulgated by the Director of Conciliation, with the approval of the Secretary af Labor.

"(d) The Secretary is authorized, subject to the civil-service laws, to appoint such clerical and other personnel as may be necessary for the execution of the functions of the Service, and shall fix their compensation

in accordance with the Classification Act of 1923, as amended, and may, without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such conciliators, mediators, and arbitrators as may be necessary to carry out the functions of the Service.

"FUNCTIONS OF THE SERVICE

"SEC. 202. (a) The United States Conciliation Service (hereinafter called the 'Service') shall assist labor and management in settling disputes through the processes of free collective bargaining. The Director shall have authority to proffer the facilities of the Service in any labor dispute in any industry affecting commerce either upon his own motion or upon the request of one or more of the parties to the dispute whenever, in his judgment, the facilities of the Service will assist the parties in settling the dispute.

"(b) Upon request of the parties to the dispute, the Service shall cooperate in formulating an agreement for the arbitration of the dispute, in selecting an arbitrator or arbitrators, and in making such other arrangements and in taking such other action as may be necessary.

"(c) The Service shall furnish to employer, employees, and other public and private agencies, information concerning the practicability and desirability of establishing suitable agencies and methods to aid in the settlement of labor disputes by mediation, conciliation, arbitration, and other peaceful means, and to promote and encourage the uses and procedures of sound collective bargaining. The Director is authorized to establish suitable procedures for cooperation with State and local mediation agencies and to enter into agreements with such State and local mediation agencies relating to the mediation of labor disputes whose effects are predominantly local in character.

"(d) Through conferences and such other methods as it deems appropriate, the Service shall seek to improve relations between employers and the representatives of their employees for the purpose of avoiding labor disputes and preventing such disputes as might occur from developing into stoppages of operations which might affect commerce or develop consequences injurious to the general welfare.

"CONDUCT OF CONCILIATION OFFICERS

"SEC. 203. The Director and the Service shall be impartial. They shall respect the confidence of the parties to any dispute. Commissioners of Conciliation shall not engage in arbitration while serving as Commissioners and they shall not participate in cases in which they have a pecuniary or personal interest.

"DUTIES OF EMPLOYERS AND EMPLOYEES

"SEC. 204. In order to prevent or minimize labor disputes affecting the free flow of commerce or threatening consequences injurious to the general welfare, it shall be the duty of employers and employees, and their representatives to—

"(a) exert every reasonable effort to make and maintain collective-bargaining agreements for definite periods of time, concerning (1) rates of pay, hours, and terms and conditions of work; (2) adequate notice of desire to terminate or change such agreements; (3) abstention from strikes, lockouts, or other acts of economic coercion in violation of such agreements; and (4) procedures for the peaceful settlement of disputes involving the interpretation or application of such agreements;

"(b) participate fully and promptly in such meetings as may be undertaken by the Service for the purpose of aiding in a settlement of any dispute to which they are parties.

"INTERPRETATION OF EXISTING AGREEMENTS

"SEC. 205. It is the public policy of the United States that any collective-bargaining agreement in an industry affecting commerce shall provide procedures by which either party to such agreement may refer disputes growing out of the interpretation or application of the agreement to final and binding arbitration. The Service is authorized and directed to assist employers and labor organizations in—

"(a) developing such procedures;

"(b) applying such procedures to individual cases, including assistance in framing the issues in dispute and the terms and conditions under which the arbitration proceedings shall be conducted, including methods for the selection of the arbitrator or arbitrators; and

"(c) selecting an arbitrator or arbitrators, including making available to the parties a roster of names from which the parties may choose one or more arbitrators and, if the parties so desire, designating one or more arbitrators.

"LABOR-MANAGEMENT ADVISORY COMMITTEES

"SEC. 206. (a) The Secretary of Labor shall appoint such labor-management advisory committees as he deems necessary or appropriate in the administration of this title. The membership of each such committee shall consist of equal numbers of labor and management representatives, and one or more public members. The Secretary shall designate a public member as chairman. Members of such advisory committees shall serve without compensation, but shall receive transportation, and per diem in lieu of subsistence at a rate of $25 a day, as authorized by section 5 of the act of August 2, 1946 (5 U. S. C. 73b–2), for persons so serving. Such committees shall have authority to adopt, amend, or rescind such rules and regulations as may be necessary to the performance of their functions.

"(b) Such advisory committees shall advise the Secretary on questions of policy and administration affecting the work of the Service and shall perform such other functions to help in achieving the purposes of this title as the Secretary may request.

"TITLE III—NATIONAL EMERGENCIES

"SEC. 301. Whenever in the opinion of the President of the United States a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position, and shall contain the recommendations of the board for the settlement of the dispute. The President shall file a copy of such report with the United States Conciliation Service and shall make its contents available to the public.

"SEC. 302. (a) A board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings, either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

"(b) Members of a board of inquiry shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

"(c) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of said board.

"SEC. 303. (a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

"(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

"(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof, and to make such other orders as may be appropriate.

"(b) In any case, the provisions of the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' shall not be applicable.

"(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 29, secs. 346 and 347).

"SEC. 304. (a) Whenever a district court has issued an order under section 303 enjoining acts or practices which imperil or threaten to imperil the national health or safety, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the United States Conciliation Service. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the Service.

"(b) Upon the issuance of such order, the President shall reconvene the board of inquiry which has previously reported with respect to the dispute. At the end of a 75-day period (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and the efforts which have been made for settlement, and shall include a statement by each party of its position and the recommendations of the board for the settlement of the dispute.

"SEC. 305. Upon a settlement being reached, or upon the elapse of 5 days from the date of the report of the board to the President, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such a motion is granted, the President shall submit to the Congress a full and comprehensive report of the proceedings, including the findings and recommendations of the board of inquiry, together with such recommendations as he may see fit to make for consideration and appropriate action.

"TITLE IV—MISCELLANEOUS PROVISIONS

"APPLICATION OF ANTI-INJUNCTION STATUTES

"SEC. 401. The act entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes' (Norris-La Guardia Act), approved March 24, 1932 (U. S. C., title 29, secs. 101–115), and sections 6 and 20 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' (Clayton Act) approved October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), are continued in full

force and effect in accordance with the provisions of such acts; except that the provisions of such act and such sections shall not be construed to be applicable with respect to section 10 of the National Labor Relations Act or with respect to action by the Government under and pursuant to title III of this act.

"POLITICAL CONTRIBUTIONS

"SEC. 402. Section 610 of title 18 of the United States Code (Public Law 772, 80th Cong., 2d sess.), is amended to read as follows:

" 'SEC. 610. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation who consents to any contribution by the corporation in violation of this section shall be fined not more than $1,000, or imprisoned not more than 1 year, or both.'

"DEFINITIONS

"SEC. 403. When used in this act—

"(1) The term 'industry affecting commerce' means any industry or activity in commerce or in which a labor dispute would burden or obstruct commerce or tend to burden or obstruct commerce or the free flow of commerce.

"(2) The terms 'commerce,' 'affecting commerce,' 'labor dispute,' 'employer,' 'employee,' 'labor organization,' and 'person' shall have the same meaning as when used in the National Labor Relations Act as reenacted by title I of this act.

"SAVING PROVISION

"SEC. 404. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this act.

"EXEMPTION OF RAILWAY LABOR ACT

"SEC. 405. The provisions of titles I, II, and III of this act shall not apply to any carriers, companies, employees, or any matter subject to the Railway Labor Act, as amended, or to any representative as defined in section 1, Sixth, of said act while acting in a representative capacity for individuals employed by any person subject to said act.

"SEPARABILITY

"SEC. 406. If any provision of this act, or the application thereof to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"TITLE V—TEMPORARY LABOR RELATIONS COMMISSION

"SEC. 501. There is hereby created a Temporary Labor Relations Commission (hereinafter referred to as the 'Commission'), to be composed of (1) 5 Members of the Senate, to be appointed by the President of the ate; (2) 5 Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) 10 members, 5 representing management and 5 representing labor, to be appointed by the President of the United States. One of the members shall be designated by the President as Chairman of the Commission. Vacancies in the membership of the Commission shall not impair its powers to exercise its functions and shall be filled in the same manner as in the case of original appointments. Members of the Commission appointed by the President shall receive compensation at the rate of $50 for each day actually spent by them in the performance of duties vested in the Commission, together with their necessary travel and other expenses, or a per diem allowance in lieu thereof. Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

"SEC. 502. (a) The Commission shall make a thorough study and investigation into the underlying causes of disputes between labor and management, including union and employer policies and practices, economic and other factors, methods and procedures for carrying out the collective-bargaining process, Government policies, present and proposed legislation affecting such disputes, and the measures by which such disputes may be minimized or eliminated in order to safeguard the public interest, including, particularly, voluntary and cooperative measures between labor and management which can be promoted or facilitated by the Federal Government. In making such study and investigation the Commission shall place particular emphasis upon the special and unique problem of Nation-wide strikes in essential industries affecting the public interest with a view to recommending a method to prevent or settle such strikes without endangering our general democratic freedoms.

"(b) The Commission shall also study and investigate the desirability of further legislation concerning the health and safety of employees engaged in industries that are essentially hazardous, with a view to the prevention of accidents and the improvement of health and sanitary conditions connected with such industries.

"(c) The Commission shall also study and investigate the feasibility of the establishment of a uniform voluntary system of welfare funds for the benefit of ill, disabled, or aged employees and their families, with a view to the enactment of legislation to assist in the promotion and encouragement of such a program.

"(d) The Commission shall confer and consult with responsible leaders of both organized labor and industry and shall seek, as far as compatible with their own judgment, to recommend legislation that will eliminate all reasonable objections of either labor or industry.

"SEC. 503. (a) The Commission is authorized, without regard to the civil-service laws and the Classification Act of 1923, as amended, to employ and fix the compensation of such officers and employees as it deems necessary for the performance of its functions. The Commission may make such expenditures as may be necessary for performing its functions.

"(b) The Commission may, with the consent of the head of the department or agency concerned, utilize the facilities, services, and personnel of other agencies or departments of the Government, and may cooperate with and utilize the services of other public and private agencies.

"SEC. 504. (a) On or before December 15, 1949, the Commission shall submit to the President, for transmission by him to the Congress, a preliminary report, together with such recommendations for legislation and such other recommendations as the Commission deems appropriate; and shall submit such further reports and recommendations from time to time to the President, for transmission by him to the Congress, as the Commission deems appropriate.

"(b) Upon the submission of its final report to the President, which shall be on or before December 15, 1950, the Commission shall cease to exist and its records and property shall be transferred to the Secretary of Labor.

"SEC. 505. There are hereby authorized to be appropriated such sums as may be necessary for carrying out the purposes of this title.

Mr. KELLEY (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. HALLECK. Mr. Chairman, I object.

The Clerk concluded reading the amendment.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SIMS. The substitute bill I have introduced is simply the Lesinski bill with seven changes.

The first change in effect adopts the Taft-Hartley provisions for dealing with a national emergency.

The second change adopts in effect the Wood bill provision requiring labor organization officers and employers to sign anti-Communist affidavits.

The third change guarantees free speech to employers.

The fourth change requires labor organizations to bargain in good faith.

The fifth change requires labor and employee organizations to file organizational and financial statements.

The sixth change creates a temporary labor relations commission to study and make recommendations concerning labor relations.

The seventh change makes it entirely clear that railroad employers, employees, and their representatives, as well as subject matter to the Railway Labor Act are exempt from titles I, II, and III of this bill.

Personally, I am not wedded to all the provisions of this measure. There are a number of changes which I would make if I were writing a labor-management bill to suit my own taste. But a bill that would suit my taste would not pass this House of Representatives.

I mention this because I realize that this bill will not meet with the complete approval of anyone here today. I believe that each of us here today is faced with a compromise. I believe that each of us here must weigh the good and the bad and then determine whether the good outweighs the bad.

Legislating would be a simple job indeed if we could vote our sincere convictions on each individual provision

without taking into consideration the ultimate goal and the over-all strategy involved.

Let us face facts. Those of us interested in repealing the Taft-Hartley Act and enacting the Lesinski bill know, or should know, that if the Lesinski bill is voted on without any amendments, it will be defeated. It becomes our duty then, if we are genuinely interested in repealing Taft-Hartley, to amend the Lesinski bill in such a way that it will pass this body.

From talking with some of the members of my committee, from talking with a number of southern liberals, from talking with key members of the House from all sections of the country, I am convinced that there are at least two amendments to the Lesinski bill which are necessary if a sufficient number of votes are to be gained to repeal Taft-Hartley. There are many Members in Congress who would like to vote for the repeal of the Taft-Hartley Act who feel and feel very deeply that a new labor law should include first, a strong provision dealing with a national emergency and second, a requirement for union and company officers to sign non-Communist affidavits.

Let us examine the substitute bill which I have introduced and see how it deals with a national emergency. On pages 23, 24, 25, and 26 of the substitute print, you will note that the national emergency provision of the proposed substitute is exactly the same as the Taft-Hartley provision dealing with national emergencies with two exceptions: First, the emergency boards of inquiry are required to make recommendations for settlement of the dispute which the President is directed to make public; and, second, the statement of and secret ballot on the employer's last offer of settlement are omitted. As under the Taft-Hartley Act injunctions against a strike or a lock-out may be obtained by the Attorney General for a period of not more than 80 days.

Now let us look at pages 15, 16, and 17 of the substitute print. This is the section requiring a non-Communist affidavit. This provision is exactly the same as the Wood bill with three exceptions:

First. Investigations or proceedings may be undertaken by the Board so long as no certification is made in a representation case and no complaint issued in an unfair labor practice case where the required affidavits have not been filed.

Second. Affidavits are required of employers, including owners, partners, receivers, trustees, and any officers of employers, or of any national or international employer organization, of which the employer is a member or affiliate.

Third. The term officer is broadened to include any person performing a policy making, governing or executive function or who is a member of any policy forming, governing or executive body of an employer or labor organization or of any national or international employer or labor organization as the case may be.

Section 110 of the substitute print on page 11 protects the freedom of speech of both employers and employees. The amendment provides that the National Labor Relations Board shall not base any finding of an unfair labor practice upon any statement of views or arguments, either written or oral, if such statement contains under all of the relevant circumstances no threat, express or implied, of reprisal or force, or offer, express or implied, of benefit. Under these provisions the statement, if relevant, may be admitted in evidence for what it is worth, and the statement may constitute an unfair labor practice, but only if other relevant circumstances show that the statement actually represents a threat of force or reprisal or an offer of benefit.

Section 109 of the committee print on page 11 is a new section which would make it an unfair labor practice for a labor organization to refuse to bargain collectively with an employer, subject to the provisions of section 9 (a). It is recognized that the provision will be applied only infrequently since unions exist for the primary purpose of collective bar- recognized that under modern economic gaining on behalf of employees. It is also conditions the procedures, scope and subject to collective bargaining are constantly changing and developing. Accordingly, it is provided that the provision contained in section 109 shall not be construed to require a labor organization to bargain separately with respect to any particular unit or units, or to agree to any particular procedures or conditions with respect to collective bargaining. Thus, the section safeguards industry-wide and area agreements such as those which have been reached through collective bargaining in many industries. It also leaves to the parties the development of procedures and conditions of collective bargaining, as seems best to them, for example, in accordance with their constitution or charter or bylaws. Situations of the type presented *In re American Radio Association* (82 N. L. R. B. No. 151, Apr. 19, 1949) and *In re National Maritime Union* (82 N. L. R. B. No. 152, April 19, 1949) are not intended to be unfair labor practices under the bill.

Section 111 of the substitute print on page 12 contains provisions similar to those contained in the Taft-Hartley Act with respect to the filing of organizational and financial data by labor organizations. In addition, certain organizational and financial data must be filed by employers bringing charges of unfair labor practices against a labor organization. It is provided that the Board is not to certify a labor organization as bargaining representative nor issue any complaint of unfair labor practice based on a charge filed by a union or by an employer unless the union or the employer, as the case may be, has filed with the Secretary of Labor the required organizational and financial information.

Section 405 of the committee print on page 29 makes it clear that those subject to the Railway Labor Act do not come under the provisions of title I, II, and III of this bill.

Title V of the committee print on page 30 creates a Temporary Labor Relations Commission composed of 20 members—5 representing management and 5 representing labor to be appointed by the President, 5 Members of the House to be appointed by the Speaker, and 5 Members of the Senate to be appointed by the President of the Senate. The Commission is to make a thorough study and investigation into the underlying causes of disputes between labor and management.

In summing up let me say, ladies and gentlemen, that the substitute which I have introduced is the Lesinski bill with seven amendments.

First. The Taft-Hartley provisions for a national emergency.

Second. An anti-Communist affidavit.

Third. Free speech.

Fourth. Labor organizations required to bargain in good faith.

Fifth. Labor organizations to file organizational and financial statements.

Sixth. Creating a Temporary Labor Relations Commission.

Seventh. And a clarifying amendment.

I urge the Members of this body who are genuinely interested in the trade-union movement and who are interested in discarding the restrictive provisions of the Taft-Hartley Act to join together on this compromise measure.

This substitute protects the American public from the whims of a labor gangster and at the same time protects and encourages the right to bargain collectively. I urge its adoption without crippling amendments.

Mr. KELLEY. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I do not know from where this substitute came, but I am no party to it. I did not see it until this morning. I did not know it was being prepared. I am opposed to it, since I have heard it read. It contains certain provisions that are most objectionable. They were most objectionable in the Taft-Hartley Act, they certainly are objectionable in this bill as well as in the Wood bill. I refer particularly to the injunction provision and the anti-Communist oath provision.

I am not going to deal specifically with these provisions because they have been covered in the past, but the anti-Communist oath I think is very unjust, because it assumes that certain groups of people in this country are Communists when they ask them to sign an anti-Communist oath. And that applies to management as well. That provision is contained in this bill.

I notice that title V has been inserted. Title V reads, word for word, with a resolution that was introduced before the Committee on Education and Labor, Resolution 24, in which I have pride of authorship. It sets it forth in this bill, a commission to study the problems of management and labor, inviting management and labor to sit around the table with Members of the House and Members of the Senate to write a labor code. I repeat that is the only way we will ever get fair and decent labor legislation. We cannot do it in a committee; we cannot do it in the House in Committee of the Whole. The problem is too intricate, too technical. Labor-management problems deal entirely with human relations, and we just cannot do it without having all the members concerned sit around a conference table and work it out. However, I feel very complimented that it has been accepted. But

it is in the wrong place. You cannot expect a commission to sit down in an atmosphere of resentment such as this bill will create, and hope to meet with success. You start out by antagonizing large labor groups by asking them to sign anti-Communist affidavits, and you do the same thing with management. In this bill you provide for the injunction, which all labor resents. In that atmosphere you are going to ask this commission to sit down and try to devise a labor code. You therefore very largely nullify the whole purpose of title V. That should have been done some time ago; it is not too late to do it now. I had proposed to offer it as an amendment to the original Lesinski bill; I think that is where it should be, because we should start with, let us say, zero, on labor bills in order to have a commission like this function thoroughly and properly; and it is the only method by which you can ever expect to achieve peaceful relationship between management and labor. I might call your attention to the fact that it was done in the Railway Labor Act; management and labor asked the Congress to pass that bill. This is the same idea.

I now yield to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Is it not true, however, that the gentleman from South Carolina, when we had the full committee meeting, asked that we be permitted to read the bill in committee and make these same amendments in committee? And he was denied that privilege by the chairman.

Mr. KELLEY. I do not remember, but I will agree with the gentleman.

Mr. KEARNS. Did we not want the bill read then?

Mr. KELLEY. I will agree.

Mr. KEARNS. Many of us had amendments that we indicated we wanted to offer in committee but we were denied that privilege because you would not permit us to read the bill.

Mr. KELLEY. All right; that is true, but that is water over the dam; what are you going to do about it? We have arrived at a point where we must do something.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. I yield.

Mr. RANKIN. Is it not a further fact that section 107 of this proposed substitute also wipes out State laws?

Mr. KELLEY. I am against the bill.

Mr. RANKIN. I understand, but it will wipe out State laws as they now exist.

Mr. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. I yield.

Mr. KENNEDY. I wish to ask the gentleman from Pennsylvania what the basic question is before us, the Wood bill or the amended Lesinski bill?

Mr. KELLEY. I do not know; that remains to be seen.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. I yield.

Mr. MARCANTONIO. That is not the case because in the event that the Sims substitute is adopted, then the choice will be between the Sims substitute and the original Lesinski bill. I believe the honest labor vote is to vote "No" on the substitute and "No" on Wood bill.

Mr. KENNEDY. I believe the Wood bill will be passed in this House, and every Member knows that in a choice between the Lesinski bill and the Wood bill, the Wood bill will be passed.

Mr. MARCANTONIO. That is your responsibility: To make a decision between two similiar bills which lead to the same result; to keep American labor under the main provisions of Taft-Hartley. I pledged to repeal Taft-Hartley and I shall vote against any bill, Sims or Wood, both of which reinstate the spirit and guts of Taft-Hartley. Anything else would be a surrender, and surrender under the present conditions is betrayal.

Mr. KELLEY. Mr. Chairman, I reiterate, that the proper way to proceed in writing a bill is to do it by way of commission and not by the Congress' sitting here and trying to do a patchwork job. That is all it can ever be if it is done in this manner.

Mr. Chairman, I am surprised that we have not heard more from management in trying to prepare a labor bill. If management thinks it is going to escape being subject to Federal regulation in some fashion, it is foolish. The camel has its nose under the tent, or will have if this passes, because now they are asking management to sign an anti-Communist oath and there is quite a bit of talk that instead of the injunction procedure, we should give the President the authority to seize plants, operate them by the Federal Government, and the profits to go to the United States Treasury. Do you think management is going to like that?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KELLEY. Mr. Chairman, as an employer I do not like that and management will wake up someday and regret that it has not put up a fight to see that a proper labor code is written by the Congress of the United States, not one that is gathered together from everybody's peeves or policies.

So, Mr. Chairman, I am opposed to this measure. I am opposed to the Wood amendment also, on the theory or basis that it is the incorrect way to do a job and that it will be a job that will be unsatisfactory. There will be no satisfaction for labor or management in the kind of a bill we try to write on the floor of this House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. NIXON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think that I express the sentiments of probably a majority of the members of this Committee regardless of which side they may be on in reference to the issue before us in commending the gentleman from South Carolina [Mr. SIMS] for the able and articulate manner in which he set forth the provisions of the administration substitute, and the gentleman from Pennsylvania [Mr. KELLEY] for the forthright manner in which he expressed his opposition to the substitute.

I am not going to direct my remarks in the time available to me to the question of where the substitute was written. Whether it was written in room 619 or for that matter room F-18 is, in my opinion, not particularly material in this debate.

What is important in the case of the Sims substitute as well as the Wood amendment is not where or how they were written but what provisions they would enact into law. How does the Sims substitute differ from the Wood amendment? On that point I wish to say at the outset that I am opposed to the Sims substitute and I believe that strong support for that opposition will be obtained from those members of the committee who witnessed the confusion which reigned on the floor of this House a few moments ago. We saw Members on this side rush down to the desk on my left and Members on that side rush to the desk on my right so that they could obtain for the first time copies of a substitute bill which contains seven major changes in the bill before the committee. Prior to this very moment no one on either side has been able to learn what those changes were to be. To cap the climax we have heard two members of the Committee on Labor, who heretofore have been together in representing the administration viewpoint, violently disagree as to what the Sims substitute does and whether the administration followers should support it. For these reasons alone I think the members of the committee should reach the conclusion that the Sims substitute is not a proper vehicle to use for the purpose of writing a fair, honest piece of labor-management relations legislation.

The gentleman from South Carolina [Mr. SIMS] has adequately pointed out the seven changes in the Lesinski bill which his substitute would make. His amendment has a non-Communist affidavit provision, a provision for the use of injunctions in national emergency strikes, a provision recognizing the right of free speech for employers, a provision requiring unions to make financial reports to their members, and a provision that both unions and management should bargain in good faith. I think the gentleman is to be congratulated for recognizing that in these seven instances the bill originally supported by the administration was wholly inadequate and

that therefore, the provisions of the existing law, at least in principle, should be written into the new law that the Committee is to adopt.

But I think that those of us who are studying this legislation should also bear in mind those provisions of existing law and of the Wood bill which are not contained in either the Lesinski bill or in the Sims substitute to the Lesinski bill. In other words, I should like to point out those principles, covered by provisions in existing law in which we would have to start out from scratch if we were to use the Sims substitute as the basis for our deliberations.

There are no regulations whatever of the abuses of the closed shops or the closed union. In fact, the Sims substitute contains that provision of the Lesinski bill which invalidates State laws limiting closed-shop contracts.

There is no provision against political contributions by unions while corporations are prohibited from making political contributions, unions are free to contribute any amount they like without regard to the opinions their individual members may have in a particular political contest.

There is no provision requiring that union members must sign a check-off agreement before union dues and assessments can be deducted from their pay checks by employers.

There is no provision against unions levying excessive initiation fees where they hold the power of economic life or death over those applying for membership.

There is no provision protecting the rights of union members in the welfare funds to which they contribute.

There are no restrictions on featherbedding; none on mass picketing.

There is no provision in this bill prohibiting strikes by Federal employees, and I wonder whether we realize how serious an omission this could prove to be in the future.

None of the valuable and workable procedural changes which the present law made to the Wagner Act are contained in the Sims substitute.

There is no provision that both employers and unions should be responsible for their contracts.

The point I wish to make is this: The House must now make a choice—we must select either the Wood amendment or the Sims substitute as a basis from which to write an adequate piece of legislation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. NIXON. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NIXON. It is true that the Sims substitute provides a better basis from which to start than did the Lesinski bill because it has these additional seven provisions which have been pointed out. But in the very limited time I have had, I have pointed out 10 very fundamental issues on which this House should make a decision, and on which we have no provisions at all in the Sims substitute from which to start. For that reason I say that if this committee honestly wants to write good labor legislation, it has no choice but to vote down the Sims substitute and proceed to amend, strike out, or adopt the provisions of the Wood substitute which are before the House and which have been the subject of study during the past several days.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAYBURN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have sat here for several days and been tremendously interested in the remarks that have been made for and against the Lesinski bill, the Wood amendment, and the various other amendments that have been offered. I think it has been an enlightening debate.

I quite agree with my distinguished friend from Massachusetts [Mr. MARTIN] that we live in a dangerous world. Crosscurrents are running throughout its length and its breadth. Many people in many sections of the earth feel that in the situations under which they must exist they are being done a grave injustice. I quite agree with them. Frankly, I do not know what kind of a world we are living in, and I do not think anybody else on the face of this earth does. Nobody can look into the mind of a dictator, no instrument has been factoried yet that would pierce his heart. So I agree that we are living in a dangerous time.

I do not want the people of the United States or any section of them, class, creed, or color, to think the Congress of the United States would do them a continuing injustice. Millions of good men and women throughout the length and breadth of this land have felt ever since the passage of the Taft-Hartley Act that they have been done a serious injustice.

We had a campaign last fall, and I shall try to steer clear of politics in my remarks. One side said the Taft-Hartley Act was unfair and unjust. The other side, when they spoke of it, defended it. It seems that we have been divided on the justice and the fairness of the Taft-Hartley Act up until today, when even the leader of the minority party, that was the majority party in the Eightieth Congress, said that he is for amendments, far-reaching amendments, to the Taft-Hartley Act. Yet he is for the Wood amendment, and most of those who have spoken against the committee bill have used the Wood amendment as their standard; and I say to you there is no difference whatever between the philosophy behind the Taft-Hartley Act and that behind the Wood amendment.

From the conversation we have heard since the beginning of the reading of the Sims substitute, it appears that we may find ourselves in a situation where it is both ends against the middle. I trust out of the good judgment of the Members of this House that they will not be swept off their feet by the arguments of either end, but that the great middle, thinking membership of this House will decide that the Sims substitute is the proper approach to passing legislation the vast majority of the people will feel is fair.

So I endorse wholly and fully the provisions of the Sims substitute, and I trust that the House in its wisdom will use it as a standard and march forward to wiping from the statute books some things that I feel now, as I felt when I voted against the Taft-Hartley Act, were unfair, believing that it made good men and women throughout the length and breadth of this land feel that we had not been fair to them. Some people living in almost totally agricultural districts, like I do, feel, in all probability, that their constituents are not tremendously interested in the condition of labor. They could never be more mistaken in their lives.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that our distinguished Speaker may proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RAYBURN. Mr. Chairman, the intelligent man in Texas or North Carolina or Wisconsin or Minnesota, or wherever he may be, knows that there cannot be one sector of the American people that is not reasonably prosperous and he remain reasonably prosperous. It is in the interests of the cotton farmer on the black lands of the Fourth Congressional District of Texas that labor be employed at good wages, that they may have a buying power to buy the things that they produce. It is just as much in the interests of the man who toils in the shop or in the factory. He knows that unless those thirty-odd million people out on the farms of the country sell the product of their toil at a price sufficient to give them a buying power, his job and his prosperity is insecure. Let us not legislate here to punish somebody. Legislation should never be passed to punish anyone. Legislation should be passed to bring about justice and fair play and equal opportunity between all classes in all sections of our country. Millions of people are demanding the repeal or the revision of the Taft-Hartley Act. I stand with them. In my opinion, the Sims substitute is the best answer to their plea that I know of. Let us be just, let us be fair, let us not move in an atmosphere of passion or of prejudice because somebody voted against us or because somebody voted for us. Let us move in such a way that the great House of Representatives will maintain its high standing as the representative body of the American people. Let us not have one sector of the millions of Americans known as labor, and their wives and their families, believe that we, for one moment, would press down upon their brow a crown of thorns.

Mr. BARDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the substitute amendment. Mr. Chairman, our Speaker, for whom I have the highest regard personally and in whom I have great confidence, has just enunciated some very fine and laudable principles. I find myself in agreement with him up to the point of his conclusion, in

which he calls upon this body to adopt the Sims substitute.

Now, Mr. Chairman, I expect when the eagles begin to fly around it is time for the sparrows to seek cover, but I have some very strong convictions about this matter. I doubt if there is a man in this House who has listened to any more labor hearings or given any more time to it than I have. Certainly I do not believe there is anyone in the House who has been reared in an environment where he has had better opportunity to get the view of both sides.

It is a rather peculiar situation that we should come into this House and debate a bill for approximately 5 days and then have a new labor committee. The gentleman from Pennsylvania [Mr. KELLEY] has taken everything that one could throw at him. He has put up a good fight. Then somebody snatches the rug out from under him.

Now, we return a little bit to the facts. First, there was an attempt to gag us. Next, they attempted to frighten us. Third, they now attempt to bait us. I am sure this House does not gag very easily. I am definitely sure there is a great majority in this House who do not frighten very easily. I am thoroughly confident that a majority of this House will not be baited by the dish offered because it is not palatable.

For the last 2 or 3 days there have been many amendments appearing in the press and over the radio. Now I cannot explain except by name the amendments that are supposed to be in the bill that is now offered as a substitute. You know, there is one thing in naming an amendment and another in finding out what is in it. Are you gentlemen to be called upon in this short space of time to digest what has been served to you? If you were to adopt the Sims substitute and all of the amendments that have been proposed and apparently agreed upon and carried around in Members' pockets were added, I say to you, gentlemen, in all frankness, I am inclined to think it would take a wheelbarrow to move it over to the Senate.

Now, we proceeded with the Wood substitute and the House has been, and will, in my opinion, continue to work its will on that piece of legislation. Talk about fairness. I yield to no man in my desire to be fair to my fellow man. Not to any one group, no. I pray God that he will give me the wisdom and vision to be fair to labor and fair to management and fair to that great group of people who belong to neither but who have faith in the Congress of the United States that they will be considered in the passing of this legislation.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. GATHINGS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from North Carolina may be extended for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BARDEN. Mr. Chairman, I am very familiar with the Wagner Labor Relations Act. I say to you that I do not recall a piece of legislation passed by the United States Congress that has brought about more confusion. It is seldom that I find myself—I do not know that I ever do—find myself in agreement with the gentleman from New York [Mr. MARCANTONIO]; certainly, not for the same reason, even though we might vote alike occasionally. But I must say that the gentleman from New York is consistent; he proceeds on the theory that there is a class war on in this country; I do not proceed on that theory. He proceeds, secondly, on the theory that confusion will weaken the adversary; and, thirdly, the thing that he thought would accomplish that more quickly and probably more adequately than anything else was the reinstatement of the National Labor Relations Act, and he offered such an amendment. The gentleman has the right to do that; he has the right to his opinions, and I want to say right here there is not a Member, whether on the right or on the left, with whom I have shown any impatience concerning their conscientious convictions. To every man I certainly would accord the privilege of being absolutely sincere and standing by his convictions, and I believe the American people do the same thing. The responsibility, nevertheless, rests upon us to pass this bill, to pass legislation. If amendments be necessary to the Taft-Hartley Act, and I subscribe to the theory that they are, then let us work them out; but, in the name of high heavens, not the Sims bill, for at one stroke of the pen by referring to statute number and page number of the United States statute law it reenacts about 4,500 words of statutory law that is not printed in the Sims substitute, and the Members are called upon to vote upon approximately 4,500 words of Federal law that does not appear in the language read by the Clerk as the Sims substitute.

Mr. Chairman, I hope we vote down the Sims substitute and that we continue to use the Wood bill as a basis for writing this law. Let the House continue to work its will in an orderly legislative manner and perfect it in a manner that will be acceptable. I do not believe you can take the National Labor Relations Act and jumble it up with the Sims substitute and come out with an answer that will be satisfactory to anyone. That is my honest opinion, because I have been through the hearings on the National Labor Relations Board. It would be most interesting and enlightening if some of you were to take up the hearings on the National Labor Relations Act and read them.

So, as my best judgment, I think we should continue to consider the Wood bill and vote down the Sims proposed substitute bill.

Mr. PERKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS to the Sims substitute: Page 23, line 1, section 301, strike out all of title III of the Sims substitute, and insert in lieu thereof the following:

"DECLARATION OF NATIONAL EMERGENCY

"SEC. 301. Whenever the President finds that a national emergency is threatened or exists because a stoppage of work has resulted or threatens to result from a labor dispute (including the expiration of a collective-bargaining agreement) in a vital industry which affects the public interest, he shall issue a proclamation to that effect and call upon the parties to the dispute to refrain from a stoppage of work, or if such stoppage has occurred, to resume work and operations in the public interest.

"EMERGENCY BOARDS

"SEC. 302. (a) After issuing such a proclamation, the President shall promptly appoint a board to be known as an emergency board.

"(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall, within a period of time to be determined by the President but not more than 25 days after the issuance of the proclamation, make a report to the President, unless the time is extended by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations of the board and shall be transmitted to the parties and be made public. The Secretary of Labor shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions.

"(c) After a Presidential proclamation has been issued under section 301, and until 5 days have elapsed after the report has been made by the board appointed under this section, the parties to the dispute shall continue or resume work and operations under the terms and conditions of employment which were in effect immediately prior to the beginning of the dispute unless a change therein is agreed to by the parties.

"POWERS OF EMERGENCY BOARDS

"SEC. 303. (a) A separate emergency board shall be appointed pursuant to section 302 for each dispute and shall be composed of such number of persons as the President may deem appropriate, none of whom shall be pecuniarily or otherwise interested in any organizations of employees or in any employer involved in the dispute. The provisions of section 11 of the National Labor Relations Act, as amended by this act (relating to the investigatory powers of the National Labor Relations Board) shall be applicable with respect to any board appointed under this section, and its members and agents, and with respect to the exercise of their functions, in the same manner that such provisions are applicable with respect to the National Labor Relations Board. Any board appointed under this section may prescribe or adopt such rules and regulations as it deems necessary to govern its functions. Members of emergency boards shall receive compensation, at rates determined by the President, when actually employed, and travel expenses as authorized by section 5 of the act of August 2, 1946 (5 U. S. C. 73b–2), for persons so employed. When a Loard appointed under this section has been dissolved, its records shall be transferred to the Secretary of Labor."

Mr. PERKINS. Mr. Chairman, my amendment simply strikes all of section 3 of the Sims substitute as it now reads and inserts the exact verbatim language of the original Lesinski bill concerning national emergencies that the Committee on Education and Labor studied and reported.

Mr. Chairman, the Taft-Hartley Act contained provisions regarding the use of the injunction in so-called national emergency strikes which has recently

aroused the angry opposition of all organized labor. It has restored "government by injunction," it has placed Government at the bargaining table and practically always on the side of the employer.

The Lesinski bill recognizes that national emergencies may arise out of certain types of actual or threatened work stoppages and that in such cases the public interest must be protected; but it avoids the use of the injunction process of unhappy experience. When the President declares that a national emergency exists, he may appoint a board of inquiry to investigate and make findings and recommendations which will serve to focus the interest of the parties and the public on a fair and reasonable solution.

It declares that it is public policy after a Presidential proclamation has been issued and until 5 days after the report submitted by the board of inquiry for the parties to the dispute to continue or to resume work under the terms and conditions of employment which were in effect immediately prior to the beginning of the dispute unless the change therein is agreed to by the parties.

This encouragement of the parties to continue to negotiate is just as effective and much fairer in a national policy of promoting collective bargaining than the overhanging threat of the issue of an injunction. Railway labor has been agreeable to maintaining the status quo under such conditions, in an industry which more vitally affects the public interest than almost any other industry for more than a generation. All other American labor is equally agreeable to being bound by such a statement of public policy.

Now it is proposed in this new amendment to the Lesinski bill to go back to the provisions of the Taft-Hartley Act. It is true that under this new amendment the board of inquiry may make recommendations and there is no longer the ridiculous vote on the employers' last offer; but essentially the procedures of the Taft-Hartley Act are retained.

There is no record that the use of the injunction as provided in the Taft-Hartley Act has either solved industrial relations problems or provided a guaranty against work stoppages. In a number of cases a strike ensued after the entire waiting period was consumed. The effect of the injunction in the maritime cases was to delay the strike and then to delay the settlement by bringing the issues raised by the injunction to the fore. This was also true in the coal miners' strike.

Of all the provisions of the Taft-Hartley Act the overhanging injunction is the most objectionable. But the restoration of "government by injunction" is a step backward which cannot be tolerated.

The provision in the original Lesinski bill shortened the waiting period to 25 days but it requires that the status quo be maintained during this period and the board of inquiry make actual recommendations for settlement. This makes altogether unnecessary any resort to the injunctive process. If and when, however, a national emergency were to confront the country, the Attorney General has already testified that the President has inherent powers in his high office to protect the national safety and secure it.

I move the substitution of sections 301, 302 (a), (b), and (c), and 303 of the Lesinski bill, H. R. 2032; Report No. 317 for title III of the Lesinski substitute, including sections 301, 302 (a), (b), and (c), 303 (a), (b), and (c), 304 (a) and (b), and 305.

We studied the original Lesinski bill in committee. We gave much time to the question of injunctions. Sometimes 12 and 15 hours a day we devoted to the study of the administration bill.

I cannot here this afternoon sacrifice the principle involved and go along with the Sims substitute. I personally campaigned for repeal of the Taft-Hartley law last fall, and I would not be loyal to my constituents if I accepted one of the most vicious provisions of the Taft-Hartley law—the injunction. This I cannot accept.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I cannot yield.

I am for the original Lesinski bill as reported out of committee. I sponsored a resolution calling for a two-package approach to the repeal of the Taft-Hartley law, because I thought this dilemma would be forthcoming. My resolution was voted down before the full committee, and then it was that we considered the one-package approach and reported the Lesinski bill out of committee with recommendations that same should pass.

There is another provision in this substitute to which I wish to voice my objection, and that is the non-Communist-affidavit requirement. This is just as un-American as anything possibly could be. To me a Communist is a person who is disloyal to our form of Government. In the Taft-Hartley law the affidavit requirement was only applicable to unions and their officials. This was unfair on its face, because this brought about the assumption that labor was communistic. Not only was this an un-American requirement, but this played right in the hands of the Communists. Communists do not mind to take such an oath. The leaders who sponsored the Taft-Hartley law recognized that this was a discriminatory provision against labor, so they came back with the idea that the oath requirement should also apply to employers or management. This provision has not only been carried over into the Wood amendment, but to the Sims substitute. Under our laws in America we are all presumed innocent until proven guilty, and it is an insult to both labor and management to cast any reflection that any American group of people are suspected of being tainted with communism. In my judgment this is what this provision does.

My amendment should be adopted. There is no necessity for the injunction.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

Mr. KEEFE. I object, Mr. Chairman.

Mr. COMBS. Mr. Chairman, I have sat here these 5 days of debate and listened with a great deal of interest to the arguments pro and con. There may have been a time in my youth that I thought a man who differed with me just wanted to be wrong and refuse to see the right but I have lived long enough to know better. I do not question any one's sincerity in this House. Labor relations is one of the most difficult fields of legislation with which we deal in Congress. That is so because it involves human relationships and human beings; it involves regulation by law of some of the activities of employers and employees in the public interest and for the general good; it involves not dollars and cents alone, not investments alone, not factories alone but also the labor of human beings. If workers are to have jobs there must be factories, farms, and shops where they can work. In turn factories, farms, and shops cannot operate without the services of people. No one can be required to invest his money in a factory against his will and he will not do so unless he can feel that he has a just and fair opportunity to make a profit on his investment and no one can be compelled by law to work for a private employer against his will so long as there is a Bill of Rights left in this country. Hence, legal compulsion of any kind directed at either management or labor must be avoided to the greatest extent possible and compulsion employed only when in fairness, honesty and common sense it can be accepted in good faith by the parties concerned, both the employer and the employee. On any other basis it is unjust, oppressive, and impossible of fair enforcement.

I voted against the Hartley bill and later against the Taft-Hartley bill when they were considered in this House in the Eightieth Congress. I consider the Wood substitute to embody the Taft-Hartley law and in some respects it is even worse. I cannot support it and, in my judgment, it cannot be made into a good bill by any amount of amendment. The whole spirit of it is wrong for it assumes that labor unions and the people who compose them are different from other people and must be singled out for special regulations and controls that are offensive to every sense of justice and right. It can no more be converted into a good labor-relations law by amendments on the floor than could the heart and soul of a man be changed by a surgical operation. I sincerely believe, as many of my colleagues do and as millions of Americans do, that the Wagner Act offers the correct approach to sound labor legislation. It recognizes that working people are human beings with rights and wills of their own and that they have a sense of justice and of right and of obligations even as other Americans do and that they do not constitute a separate class but are themselves part of the great American public which makes up our common country. In my judgment, the Wagner Act needs amendment in light of past experiences in its use and application. But we should take it as a working basis and seek to improve it wherever experience and sound judgment indicate a need. But under the parliamentary situation with which we are now confronted, the only practical means of being able to do that is to adopt

the substitute for the Wood bill offered by the gentleman from South Carolina [Mr. SIMS].

I do not favor everything in the Sims substitute and I would like to see other provisions in it that are not there but it does offer a working basis for a sound labor law. It was obviously an attempt at a compromise among those who believe in the philosophy of the Wagner Act, but who find themselves in disagreement as to details. It became perfectly evident during consideration of the Lesinski bill last week that the strategy of its opponents would be to destroy it by the adoption of the Wood substitute. By that strategy the Members of this House would have no opportunity to even consider the Lesinski bill for amendment, and, personally, I feel that it does need amending. Therefore, we should adopt the Sims substitute.

In that manner we, of the majority, will at least keep control of the bill and in that manner enable the membership to consider a bill embodying the philosophy of the Wagner Act. As I view it, that is an obligation that we on this side of the aisle owe the membership and the American people.

In the last Congress the Republicans kept control of their bill. They put it up for a vote. That was not the responsibility of the Democrats. It was their responsibility and because they met that responsibility, the American people last November had a clear-cut issue submitted to them as between the Taft-Hartley Act and its repeal. They spoke. And, today, we Democrats have the responsibility of keeping faith with the membership and with the American people.

As I have said, I am not in full agreement with the Sims substitute. Perhaps no one in this House is, but it does offer a working basis, it does embody the approach of the Wagner Act and it does incorporate many good features. In the first place it incorporates the Kelley resolution, which provides for the formation of a commission consisting of five Members of the House, five Members of the Senate, five members representing management and five members representing labor with the authority and the duty to sit down together, study the problems of management and labor, seek means of providing peaceful adjustments of labor disputes and of settling strikes should they occur and report their findings and recommendations for such amendment to the law as may be needed to the President and to the Congress. In my judgment, this is the best way to get a fair, just, and workable labor-relations law. The President has three times recommended to the Congress that such a Commission be created. I offered an amendment in the Eightieth Congress which sought to provide such a Commission. Nearly 25 years ago, to be exact in 1926, railroad management and railroad labor representatives sat down together and after weeks of study submitted their recommendations to the Congress and as a result the Railway Labor Act was passed. I am sure it is not perfect but at any rate I have heard of no agitation for its repeal. No doubt, since both employers and employees had been consulted and given a chance to participate in the making of that law they have a peculiar interest in making it work and have no doubt in good faith sought to make it work.

I think the gentleman from Pennsylvania [Mr. KELLEY] is to be commended for introducing his resolution. It has already been favorably considered, as I understand it, by the Committee on Education and Labor and, as I have said, it is incorporated in the Sims substitute.

Now, let us consider the question of the loyalty affidavit. It is far better than the one contained in the Wood bill. It embodies an oath of allegiance to the United States and a disavowal of any obligations to any foreign government. In addition it affirms that the maker is not a Communist nor a member of any organization advocating the overthrow of the Government by force and violence. Unlike the Taft-Hartley Act, it would require the employer and a responsible official of a corporation as well as the employees and a responsible official of a labor union to make such an affidavit. Is it wrong for officials of organized labor or for an official of a corporation to take an oath of loyalty to this country? You and I take an oath as Members of Congress. Every employee of the United States takes a loyalty oath before he or she can get a dime of pay. What is wrong with that? But some have suggested that it is an insult to labor in that it assumes, so it is said, that union officials are disloyal. I disagree. It no more assumes that the labor leader or the corporation official is disloyal than does the requirement for the oath of office assume that a Member of Congress would fail to bear faith and allegiance to the United States Government unless he took an oath.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. SHAFER. Mr. Chairman, I object.

Mr. POWELL. Mr. Chairman, reserving the right to object, and I will not object, I would like to point out that a member of this committee offered this amendment. The gentleman from Kentucky [Mr. PERKINS] asked for additional time and an objection was made. What is the situation now? Are objections going to be made only against those who are in favor of it?

Mr. RANKIN. Mr. Chairman, I demand the regular order.

Mr. SHAFER. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. MCCORMACK], that the gentleman from Texas be allowed to proceed for five additional minutes?

There was no objection.

Mr. COMBS. Mr. Chairman, I thank my colleagues. I know you are anxious to get a vote and I will be as brief as I can.

Mr. SHAFER. That is the only reason I objected.

Mr. COMBS. I know that. I want to thank the gentleman from Michigan for whom I have the highest regard for his consideration in withdrawing the objection.

It is my hope that I can offer some further observations on this Sims substitute that you may find of interest.

Now, let us consider the injunction provision contained in the Sims substitute. There is a lot of misunderstanding about it that is quite understandable in view of the short time the Members have had to acquaint themselves with the substitute bill. I know something about injunctions, their use, and their abuse; I know how susceptible they are to abuse in labor disputes, even when granted by judges of the best intentions, and I, for one, believe in the dignity and fairness of the courts of our country.

One of the reasons, among many, which caused me to oppose the Taft-Hartley bill was the injunction feature it contained, particularly those embodied in sections 8 and 10. It is those provisions that have been so construed and applied as to prevent peaceful picketing, interfere with the organizational work of the unions and in short to harass and oppress labor unions. But these provisions of the Taft-Hartley law and the Woods bill are not embodied in the Sims substitute. The injunction feature of the Sims substitute deals purely with a national emergency threatening the health and safety of the Nation. It can only be invoked by the Attorney General of the United States under direction of the President after investigation and the determination by the President of a national emergency. Such an injunction can exist for not longer than 80 days and during that time a special board would make investigations and findings and set forth the contentions of both parties to the dispute. These would be made public and thus the labor union, as well as the employer, would be assured that the American people could be given the facts. Also it contains a feature not in the Taft-Hartley or the Wood bill, a provision that this special fact-finding board would submit recommendations for settlement of the dispute. This would enable the American people to know what it is all about and to pass an intelligent judgment. Now if we should have a Nation-crippling strike that would affect the peace and security of our Nation and there is not some provision in the law that offers a chance for the President to deal with it then the legislation which the American people will demand at such a time would make the injunction provision of the Sims substitute look as harmless as a Sunday-school lesson by comparison.

I see no substantial harm that could come to either employer or employee in such a situation by application of this injunction feature, which is subject to review by the highest Court in the land, the Supreme Court. The worst trouble with it is, and I do not think an injunction is the final answer nor the most effective means of dealing with the question of a Nation-crippling strike, we must seek better means of preventing such

strikes and more effective means of dealing with them when they occur. The people of this country must not be subjected to constant fear and apprehension that any group or organization will exercise a power to endanger the health and safety of all the people of our country. At least the existence of this emergency injunction power will have a psychological and beneficial effect in preventing and dealing with Nation-crippling strikes. It would give opportunity for the public to get the true facts and in any case, by its inclusion in the Sims amendment of it shall be adopted and the Taft-Hartley Act repealed, if there is a Nation-crippling strike it cannot be said that the President would have had better means of dealing with it had the Taft-Hartley Act not been repealed.

Mr. CELLER. Mr. Chairman, will the gentleman yield briefly?

Mr. COMBS. I yield.

Mr. CELLER. On the question of injunction, the Sims bill reaffirms the Norris-LaGuardia Act, which prohibits an injunction, except in section 10 of the Taft-Hartley Act, so that it retains the right to issue injunctions in cases of unfair labor practices, prior to the adjudication of the merits of the case, and the Board may sue out an injunction.

Mr. COMBS. I do not so construe it.

Now, one other thing about the injunction feature. Not all injunctions are bad—I want to call attention to the fact that the Wagner Act itself provides for injunctions in certain situations.

Mr. NICHOLSON. Will the gentleman yield for a question?

Mr. COMBS. No, I am sorry, I cannot yield now. Let me say this in conclusion. Republican leadership, according to this morning's paper, is now in favor of certain amendments to the Wood bill. They have made the Wood bill their very own. The news account says that Republican leaders favor changing the Wood bill so a union acting under a union shop contract can get a man fired by expelling him from the union if he embezzles union funds or discloses union secrets. Thus our Republican friends come out of the Jimson weeds for the first time and publicly admit that under the Taft-Hartley law and under the Wood substitute the right of a union to determine its own membership or even to throw a member out for embezzlement of union funds is denied. They publicly admit that under the Taft-Hartley law and the Wood substitute that a union must retain in its membership the miserable fink, or labor spy, so long as he offers to pay his dues. This is but one example of how the Taft-Hartley law and its counterpart, the Wood bill, invades the right of union people to control their own unions which they have built through the years. To the union people and working people everywhere the Wagner Act is a sort of symbol as well as a repository of their rights, it is a symbol and a charter of their right to organize, to bargain collectively, and to preserve their union institutions. Let us adopt the Sims substitute which will result in restoring a considerable part of the Wagner Act by reference alone as is done in the Lesinski bill. It is not wholly satisfactory to any of us but it offers a working basis for something that is fair and just. I hope you will adopt it.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BAILEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kentucky. This amendment proposes to substitute for title III of the Sims amendment title III of the Thomas-Lesinski bill as reported out of the committee.

When I appeared on this floor in general debate 1 week ago today I made it clear that I was offering on behalf of the Committee on Education and Labor the committee's and the Democratic Party's objection to the inclusion of injunctions in labor legislation. I stated, if I recall, that I wanted no part of injunctions, mandatory or discriminatory. I still am of that opinion. My State of West Virginia has suffered more from the abuses of mandatory injunctions than any other State in this Union. Without having spoken to a single one of my colleagues from West Virginia I can assure you now that not a single one of the West Virginia delegation in the lower House of Congress is in favor of any kind of labor legislation that contains an injunction provision. Our State of West Virginia has learned its lesson through blood, and tears, and suffering. My State of West Virginia wants no part of any injunction procedure in any labor legislation, and I speak for the vast majority of the people of my State.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I will not yield; I am sorry.

Mr. Chairman, let me call your attention to this situation if you please: The Republican Party is on the spot over the passage of the Taft-Hartley Act. As good, self-respecting Democrats do you propose to take them off of the spot? Pass either the Wood substitute or even this present Sims substitute and you take responsibility and free the Republicans from it; they are on the spot; let us keep them on the spot.

Mr. HOFFMAN of Michigan. Mr. Chairman, I rise in opposition to the pro forma amendment and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WE NEED LABOR-MANAGEMENT LEGISLATION

Mr. HOFFMAN of Michigan. Mr. Chairman, it is right for the gentleman from West Virginia [Mr. BAILEY] to want no part of injunctions. Where does the unemployment come from? From West Virginia? Not long ago the coal strike down there threw 55,000 railroad workers out of their jobs. Deprived them of their pay checks for something like 10 days. Was that of benefit to the railroad workers?

All anyone needs to do in order to realize that we need labor legislation is to take a look at current strikes. Look at one of the more recent strikes, that at the Bendix plant in South Bend. Forty-seven employees were charged with a slow-down. Instead of arbitrating and settling the matter, the whole union went out; and 35,000 workers in Michigan, in Detroit, are out of their jobs. Was that an act tending to aid employees or was it not? It was an arbitrary act on the part of 47 and their union which harmed more than 35,000 other union employees who were not involved in the dispute. Now General Motors, Ford, and Hudson have moved their dies out of Bendix and it has lost much of its business and its 7,000 employees may lose their jobs permanently.

COMPROMISE LABOR LEGISLATION MAY LOSE AS WELL AS WIN VOTES

During the debate on the issue now before the House, it has been stated repeatedly that the November election was a mandate or order to repeal the Taft-Hartley Act and to reenact the provisions of the Wagner Act under the name of the Lesinski bill.

It is quite true that during the campaign the President called for the defeat of Congressmen who voted for the Taft-Hartley Act, the reelection of Congressmen who voted against it and of others who would support his demand for its repeal. However, that was not the sole issue in the campaign and his opponent took no definite stand, made no aggressive campaign on that issue.

Time and again, we have been told during the present debate that those who voted for the Taft-Hartley Act were no longer in Congress, and quite clearly it has been intimated, not by way of threat, but by way of giving information, that those who continued to support the essential provisions of the Taft-Hartley legislation would not, after the next election, longer represent their constituents because they would be defeated. For me those arguments are not very persuasive; certainly they are not terrifying—they inspire no fear of defeat in my mind.

According to a check made by my office on roll call No. 85, of the Eightieth Congress, which carries the vote on the President's veto, 331 Members of the House voted to override the veto of the Taft-Hartley Act, while 83 Members voted to sustain that veto. Of the 331 who voted to override the veto, 224 were reelected and are here today as Members of the Eighty-first Congress.

Four, Mrs. SMITH, Mr. MUNDT, Mr. CHAPMAN, and Mr. JOHNSON of Texas, who voted to override the veto, were reelected and are now Members of the Senate.

Mr. VAN ZANDT, Mr. DOLLIVER, and Mr. MCMILLAN of South Carolina, who were paired in favor of overriding the veto, are Members of the present House.

Mr. Gifford, who was paired, and Mr. Drury, Mr. Owens, Mr. Robsion, Mr. Springer, and Mr. Zimmerman, who voted to override, died.

To the 224 who voted to override, we should add three names, those of Mr. VAN ZANDT, Mr. DOLLIVER, and Mr. MCMILLAN, which gives us a total of 227 Members of the Eighty-first Congress who were in favor of overriding the President's veto of the Taft-Hartley Act.

And to the 227 should be added the names of the four—Mrs. SMITH, Mr. MUNDT, Mr. CHAPMAN, and Mr. JOHNSON of Texas—elected to the Senate who voted in favor of the Taft-Hartley Act, which gives us a total of 231 Members of the House who voted in favor of the Taft-Hartley Act, who are now sitting in the present Congress.

Yes, strange as it may seem, some of the 227 now seem to accept the President's statement that the Congress received a mandate to repeal the Taft-Hartley Act.

Are the 227 Members of the Eighty-first Congress who voted to override the President's veto now convinced that, as stated by the Democratic leader, the gentleman from Massachusetts [Mr. MCCORMACK] during the debate that they did not know the contents of the bill which their votes made the law of the land, or have they since learned that the bill was not sound legislation, or are they fearful of retaliation by the President or by those who claim to control the labor vote?

If they have learned that the act is not sound, I have failed to hear any of them state their reasons during the debate.

The following is a statement prepared by my office which gives the names of those who voted in favor of the Taft-Hartley Act when the President's veto came down to the House and who were reelected to the Eighty-first Congress:

TAFT-HARTLEY VOTE TO OVERRIDE THE PRESIDENT'S VETO

On roll call No. 85 on June 20, 1947, which was the vote on the President's veto, 331 Members voted to override, and of the 331, 224 were reelected. Their names are as follows, taken from the CONGRESSIONAL RECORD of that date:

Abernethy; Albert; Allen, Calif.; Allen, Ill.; Allen, La.; Anderson, H. Carl; Anderson, Calif.; Andresen, August H.; Andrews, Ala.; Arends; Auchincloss; Barden; Barrett; Bates, Mass.; Battle; Beall; Beckwith; Blackney; Bland; Boggs, Del.; Boggs, La.; Bolton; Bonner; Boykin; Bramblett; Brehm; Brooks; Brown, Ga.; Brown, Ohio; Bryson; Bulwinkle; Burke; Burleson; Byrnes, Wis.; Camp; Canfield; Case, N. J.; Case, S. Dak.; Chelf; Chiperfield; Church; Clevenger; Cole, Kans.; Cole, N. Y.; Colmer; Cooley; Cooper; Corbett; Cotton; Coudert; Cox; Crawford; Cunningham; Curtis; Dague; Davis, Ga.; Davis, Tenn.; Davis, Wis.; Deane; D'Ewart; Dondero; Doughton; Durham; Eaton; Ellsworth; Elston; Engel, Mich.; Engle, Calif.; Evins; Fallon; Fellows; Fenton; Fernandez; Fisher; Fulton; Gamble; Gary; Gathings; Gavin; Gillette; Goodwin; Gore; Gossett; Graham; Grant; Gregory; Gwinn, N. Y.; Hagen; Hale; Hall, Edwin Arthur; Hall, Leonard W.; Halleck; Hand; Hardy; Harris; Harrison; Hays; Hébert; Herter; Hesselton; Hill; Hinshaw; Hobbs; Hoeven; Hoffman; Holmes; Hope; Horan; Howell; Jackson, Calif.; Jenison; Jenkins, Ohio; Jennings; Jensen; Johnson, Calif.; Jones, Ala.; Jones, N. C.; Judd; Kean; Kearney; Kearns; Keating; Keefe; Kerr; Kilburn; Kilday; Kunkel; Larcade; Latham; LeCompte; LeFevre; Lodge; Lucas; Lyle; McConnell; McDonough; McGregor; McMillen, Ill.; Macy; Mahon; Martin, Iowa; Mason; Merrow; Meyer; Michener; Miller, Md.; Miller, Nebr.; Mills; Monroney; Morton; Murray, Tenn.; Murray, Wis.; Nixon; Norblad; Norrell; O'Hara; O'Konski; Pace; Passman; Patterson; Peterson; Phillips, Calif.; Pickett; Plumley; Poage; Poulson; Preston; Priest; Rains; Rankin; Redden; Reed, Ill.; Reed, N. Y.; Rees; Rich; Richards; Riehlman; Rivers; Rogers, Fla.; Rogers, Mass.; Sadlak; St. George; Sanborn; Sasscer; Scott, Hardie; Scott, Hugh D., Jr.; Scrivner; Shafer; Short; Sikes; Simpson, Ill.; Simpson, Pa.; Smathers; Smith, Kans.; Smith, Va.; Smith, Wis.; Stanley; Stefan; Stigler; Stockman; Taber; Talle; Taylor; Teague; Thomas, N. J.; Towe; Trimble; Vinson; Vorys; Vursell; Wadsworth; Weichel; Wheeler; Whitten; Whittington; Wigglesworth; Williams; Wilson, Ind.; Wilson, Tex.; Wolcott; Wolverton; Wood; Woodruff; Worley.

Two hundred and twenty-four Members reelected.

One hundred and seven Members did not return, but the 107 includes Mrs. Smith and Messrs. Mundt, Chapman, and Johnson, Texas, who were elected to the Senate; Messrs. Drury, Va., Owens, Robsion, Springer, Zimmerman, and Gifford, who died; and Messrs. Almond, Johnson, Ind., and Jones, Ohio, who resigned. So, from the 107 should be subtracted the 13 who were either elected to the Senate, died, or resigned.

In addition to the above the following were paired for and against:

For: Van Zandt, Gifford, Dolliver, McMillan, S. C.

Against: Kefauver, Kelley.

Many a Member of Congress who voted to override the President's veto is here again. Beyond question, a majority of those advocates of the Taft-Hartley Act who did not hesitate to announce their position when up for election last fall are here again. On the theory that the President received a mandate to repeal the Taft-Hartley Act, those Members of Congress who voted to override his veto, on the same theory, received a mandate of equal force from their constituents to vote against that repeal.

The question then arises: Am I, having received a mandate from—a majority of the votes of—my people, to disregard their wishes and go along with the President? Am I to desert my constituents who overwhelmingly supported me and go along with the President who did not receive a majority of the popular vote in November? If I am thinking about reelection, should I seek the favor of individuals who did not and cannot, because they are not residents of my district, vote for or against me?

If I am thinking solely of political results and of self-interest, then most assuredly I should not follow the political strategy of the political master minds who seek to obtain my support of legislation designed only to procure votes at the next election, and disregard the mandate issued to me personally last November.

Let us not be deceived or fooled into betraying our constituents by voting for legislation which we know they do not want, simply because some top-notch, so-called leader either thinks or pretends to think that we can win a national election by a compromise on fundamental legislation. The folks back home—at least those in the Fourth Congressional District of Michigan, and I assume, elsewhere—are not going to be fooled into believing that legislation which does not protect the individual worker and the public as a whole is good labor legislation.

While we know that in the enactment of all legislation there must be compromise, it is also true that in the history of every legislative proposal there comes a time when principle cannot, from a political standpoint, be successfully abandoned, when compromise may become a source of weakness instead of strength.

We have our Chamberlains in labor legislation as well as in world affairs. At Munich, Chamberlain, with his umbrella, compromised and appeased a Hitler. The ultimate result was disastrous. Some of those who, 2 years ago, courageously voted to override the President's veto, are now talking compromise and appeasement. To avoid war, Chamberlain sacrificed principle. The morning papers tell us that the administration is coming up with a compromise proposal, apparently drafted to appease labor leaders whom the President had overpromised in return for political support. Those who made possible the principles contained in the Taft-Hartley Act are now about to placate and appease certain labor leaders who have political weight. It is possible that the umbrellas carried by these compromisers in this present contest may turn aside the raindrops of displeasure now showered upon us by the labor lobby and the labor political leaders, but they will never save us from the hailstones of righteous wrath of the voters who were tired and disgusted with the misinterpretation and maladministration which forced us to a repudiation of the basically unfair provisions of the Wagner Act.

I, for one, do not propose to go along with or to vote for compromise legislation which does not protect nonunion as well as union employees against coercion from any source. I do not propose to go along and vote for legislation which gives us the principle of the closed shop, even though it be called union security or the union hiring hall—legislation which compels the American citizen to pay tribute to some nongovernmental organization in order to exercise his right to work. I do not propose to go along with legislation which makes no attempt to protect the public health, safety, and welfare.

So, may I say to those in charge of this legislation, you may, if you will, in order to obtain the support of this, that, or the other man, adopt amendments which will emasculate the essential provisions of the Taft-Hartley Act, but if you do, I feel under no obligation whatever to support it. I am interested primarily in obtaining sound labor-management legislation—not, at the moment, in following a course which some political strategist thinks will win an election which is to be held in 1950 or 1952.

Ultimately, those in the House and in the Senate who are willing to sacrifice principle and sound legislation in an effort to placate and appease the advocates of special privilege, be it advanced either by the supporters of free enterprise or those who speak for organized labor, will discover that the people—a majority of them—cannot in the end be fooled.

Now, the gentleman from West Virginia [Mr. BAILEY] may bluster all he wishes, but you are not going to frighten anybody on the Republican side with threats as to what you expect or intend to do, come next election. The New Deal

and the unions did their very best last year, may I say, but 227 of us are back here and it may be we will be back again.

LESINSKI-WOOD-SIMS COMBINATION

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, I desire first to confine my remarks to the Wood bill, and later I shall speak of the Sims substitute. If I may be permitted my little paraphrase, let me say that a thorn by any other name would stick just as much. The Wood bill is a sharp barb with which some would lacerate labor. Let us identify it properly. It is a reaffirmation of the principles and purposes of the Taft-Hartley Act. To consider it as a substitute for or an amendment to the Lesinski bill is taking a completely divergent road upon which we had set our feet when we started consideration of the Lesinski bill. I say that essentially the Wood bill is not germane to the discussion of the Lesinski bill despite the appearances of language and subject matter. The two bills are only parallel in the respect that they can never meet.

Let the distinguished Members of this Congress, the Eighty-first Congress, face the issue squarely. Will this Chamber, the representatives of the people, mistake the temper of the country again as it did in the Eightieth Congress? Will it remain, as did the Eightieth Congress, smugly indifferent to the majority will of its citizenry? And is it prepared to take the personal consequence in the national elections in 1950?

There are those who say that the repeal of the Taft-Hartley law was only one of the issues in the Presidential election that returned the Democratic President to office. It was not one among many. It was one of the major issues of the campaign. It was one of the major planks in the Democratic platform. That platform is law for me. Whatever obscurities and double interpretations surrounded other issues, this one was clear. The Taft-Hartley law was repudiated by the majority. Now the Wood bill offers this unpalatable dish again in almost the same form, but the disguise is a most transparent one. It will fool nobody.

It is almost amusing to watch those who tumble all over themselves in being first to cry the virtues of free enterprise embrace a bill that would destroy one of the fundamentals of a free society—collective bargaining. It is equally as amusing to watch these logicians rail against Government interference and yet place the whole weight of their power behind a bill that would make it mandatory for the Government to regulate, control, and bind one of the most vital segments of our society—labor.

True, none is so blind as he who will not see. What are the Taft-Hartley law and the Wood bill but the expression of an attitude that the laboring man is a commodity to be procured at the lowest price? What security is there for the worker in individual bargaining? The strength of the worker, which in essence is the strength of the country, lies in collective free bargaining. When, except in times of war, have there been more jobs than workers? What is this talk about equalization between the powers of labor and management? Where does the need for protection actually and factually lie? Is it the worker who has reaped the harvest of inflation, or is his the struggle to meet the cost of living? In times of depression where is the largest number of victims found? Among the ranks of labor or management? Where does the buying power of the Nation come from? Can the wheels of industry keep running with the worker subjected to low wages, hired and fired at will? Cannot you see the direst relationship between a secure and free labor movement with the health of our economy? A worker gripped with fear of the future with a shrinking pay envelope does not buy. Only free collective bargaining can bring him the assurance and the pay which inures to the benefit of both labor and management. I say that organized labor is not merely to be tolerated, but to be welcomed. Every time you hack away at the freedom of such bargaining you hack away at the freedom of all society.

There is no need for me to go into an analysis of either the Lesinski or the Wood bill. You have heard these analyses again and again during the course of this debate. But I am impelled by conscience and logic to emphasize and reemphasize the general principles upon which we as a representative body must proceed.

At no time during the life of the Wagner Act do I recall the victimization of management. Nor do I recall the economy of our country so weakened that we could not prepare to meet the demands of a world war. Rather, I recall more vividly the economic woes that preceded the Wagner Labor Act and before that the chaos and economic dismay in the days of the yellow-dog contract prior to the enactment of the Norris-LaGuardia and Clayton Acts.

There is not one economist who will say that we are not stronger and wealthier because of labor's gains.

As to the Sims bill, I would call it ersatz. It just sugar-coats the Taft-Hartley Act, but it is still quite unpalatable. It is an attempt at the eleventh hour to pull the brand from the burning bush. It is an attempt to write a labor bill on the floor of the House. Labor is not a commodity like ships and shoes and sealing wax. It involves human relationships and gives rise to diverse emotions and passions that usually attend discussions of any labor bill on the floor of the House. Even the Democratic members of the Labor Committee were not consulted on the Sims proposal. They heard its provisions for the first time a few moments ago. Our distinguished Speaker is for it as a compromise. I am anxious to follow the Speaker, but cannot in good conscience, and in consideration of the interests of my good people back home, follow him in this instance. The Sims bill still retains many of the obnoxious provisions of the Taft-Hartley Act, particularly the provisions for injunctions. If there are any heavy burdens cast upon labor, the most frightening is the injunction. Under the Sims proposal, the injunction is retained not only in the case of national emergency, but in many other instances; instances that would give rise to the infamous yellow dog contracts of the buccaneer days.

I am against the Sims bill, the Wood bill, and I am for the Lesinski bill, period. I shall assume fullest responsibility for that choice.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, the Sims substitute makes it obvious more than ever before in this debate that we have gone a long, long way from the last election and the promises of the last election. This debate was started by the administration leadership in an atmosphere of surrender, and it now continues its course of surrender with this Sims substitute. I tell you that if the atmosphere of the election campaign had been translated into this House, that if there had been no talk of amendments to the Wagner Act last week, that if this Sims substitute had not been offered as evidence of abject surrender to the forces of Taft-Hartley here, that if a militant uncompromising fight had been made, the Wood bill would be defeated.

I want to direct my remarks to those who campaigned for outright repeal of the Taft-Hartley Act. No one can expect a Member of Congress who was elected on a platform of repealing the Taft-Hartley Act to keep that promise and at the same time accept either the Sims substitute or the Wood substitute. No matter how you try to quibble, no matter how you try to trim, the Sims substitute places in the original Thomas-Lesinski bill the very heart, the brains, and spirit of the Taft-Hartley law. I predicted last week that this was going to happen. I said last Wednesday, last Thursday, and again last Friday that surrender was the policy of the administration leadership on the issue of Taft-Hartley, despite the clear demand of the American workers for outright repeal.

First, there was talk of these amendments, there were rumors. I recited an article that appeared in the New York Times which defined these amendments almost word for word. No one would either confirm nor deny nor reply to my repeated charges and challenges. At long last we finally find them in the Sims substitute.

Oh, I know the arguments that are going to be advanced in support of this betrayal of election promises; but in my experience I have never failed to find that when people want to go back on promises they can find excuses and they can find arguments. The argument will be made here that this is a compromise. Tell that to the millions of American workers who will be facing the gun of unemployment, tell that to those who constitute a labor market which is becoming cheaper as a result of unemployment, tell them that it was a compromise when they are forced to battle for their very existence under the tyranny of the Taft-Hartley law which you have rein-

carnated and reestablished in the Sims substitute.

Yes, we are told that this is a choice between the Wood bill and the Sims substitute. Superficially that is so; fundamentally the choice is the Sims substitute as an amendment to the Thomas-Lesinski bill, and you cannot get away from it.

We are also told that certain so-called leaders of labor want this Sims substitute. If they do, then they are misleading labor. I challenge them to go before their locals and read to the rank and file the provisions of the Sims substitute. They will face the charge of sell-out, and the charge will be sustained by the facts.

There is no real difference between the Sims proposal and the Wood bill. Both revive all the viciousness of Taft-Hartley. That is what the issue here is in substance; that is what it is in reality, so that in voting for the Sims substitute you are voting for a mere statement of repeal but you are also voting for the reinstatement of the Taft-Hartley law. It is not necessary for me to describe to you people who have studied labor problems the significance of these amendments contained in the substitute. They constitute Taft-Hartley all over again. The gentleman from North Carolina said I was preying on confusion. I think the RECORD shows otherwise. I think that the position I have taken here and that I advocated last Friday when I called for outright repeal of Taft-Hartley and reinstatement of the Wagner Act, was the only clear-cut position which cleared the atmosphere of any confusion. He states that I press the class struggle. I have not put the class struggle into existence. As long as man can exploit his fellowman and exploit his labor, there is a struggle, and all we seek in a democracy is equality in bargaining. We seek genuine, collective bargaining in the light of that struggle. You cannot talk of equality under the law unless it is implemented with economic security. Anatole France once said:

> The law in all of its majestic equality forbids the rich as well as the poor to sleep under bridges, beg on the streets and steal their bread from shop windows.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MARCANTONIO. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. So, Mr. Chairman, I say that the proper course for those who want to keep both the spirit and the letter of their promise to the people to vote for outright repeal, that the honest course in the interest of labor is to vote "no" on the Sims substitute and "no" on the Wood substitute, and if we are defeated let the responsibility rest on those who seek to reincarnate the Taft-Hartley law and on those who have advocated surrender. Let us go back to the people. I have always had an abiding faith in the intelligence of the American people. They have spoken once in the election. They will speak again in this struggle for freedom and security. I propose to support labor not only here, but I propose to support labor on the picket line, too, to bring about that equality which is so necessary in a democracy such as ours and to bring justice to the men and women who toil for a living.

Mr. KELLEY. Mr. Chairman, I move that all debate on the Perkins amendment close in 5 minutes, the 5 minutes to be given to the gentleman from New York [Mr. POWELL].

The motion was agreed to.

Mr. POWELL. Mr. Chairman and members of the Committee, I wish to first state for the benefit of the RECORD that when our esteemed colleague the gentleman from Texas, Judge COMBS, had the floor, I did not intend to object to his unanimous-consent request to continue for five additional minutes. I did want to point out that a member of our committee, the gentleman from Kentucky [Mr. PERKINS], the author of this amendment, had previously received an objection from this other side of the House when he wanted his time extended, and I did not think it was fair to cut off the time of a proponent and then to allow extra time to an opponent; that is all. I think if we are going to allow extra time to speakers, it should be allowed to both sides.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield to the gentleman from Indiana.

Mr. HALLECK. I agree with that, and I trust we can have equal treatment on both sides and on all subjects.

Mr. POWELL. I thank the gentleman from Indiana. He has always been fair.

I rise in support of the Perkins amendment, because the Perkins amendment would remove from the Sims substitute the most objectionable feature, objectionable as far as labor and those of us who represent laboring districts are concerned. If the Perkins amendment is not agreed to, then I must take my place along with those of us from urban centers who represent trade-union people, and vote against the Sims substitute.

As a matter of practical politics, I should like at this time to congratulate the leadershp on the Republican side on maneuvering my side into the place where the onus of being the sponsors of the Taft-Hartley Act has been removed but the philosophy of the Taft-Hartley Act has been retained. If the Sims substitute passes this House, we can look forward to the Eighty-second Congress being a Congress dominated by our friends on the Republican side of the aisle. Gentlemen, you are in, because at least 50 men on this side will not be here in the Eighty-second Congress if the Sims substitute is adopted. In fact, I can see the campaign slogan now of the northern Democrats—defeat the Lesinski Act instead of the Taft-Hartley Act. The Sims substitute, while it does not include all the things the Taft-Hartley Act included, does include the major item to which labor objects—the injunction provision.

We come here as men to write legislation for laboring people. We of the urban centers of the North do not write the agricultural acts. We take the advice of you gentlemen from the agricultural districts. We come before you today and ask that agricultural Representatives do not write labor legislation. If the Sims substitute is not defeated, then you are putting around the workers in our urban centers the same chains the Taft-Hartley Act put around them in the Eightieth Congress. There is no difference between the two except in the matter of words. The philosophy is the same.

If you say that the only choice is between the Wood amendment and the Sims substitute, you are wrong. There is a third choice, and that choice is the choice of whether we are going to vote as our voters sent us here to vote, according to our conscience, or whether we are going to adopt what is called a compromise but is not a compromise. Neither the Sims substitute nor the Wood amendment is a compromise; they are the Taft-Hartley Act.

Therefore I feel that if we vote in favor of the amendment offered by the gentleman from Kentucky, which will take away the sting of the injunctive provision, we will have taken the first step toward making a fundamental difference between the worst Taft-Hartley philosophy and the Sims substitute.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. PERKINS] to the Sims substitute.

The question was taken and on a division (demanded by Mr. BAILEY) there were—ayes 109, noes 197.

Mr. PERKINS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PERKINS and Mr. SIMS.

The Committee again divided and the tellers reported there were—ayes 132, noes 238.

So the amendment to the amendment was rejected.

Mr. KELLEY. Mr. Chairman, I move that all debate on the Sims substitute and all amendments thereto close in not to exceed one-half an hour.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Strike out all of line 2, page 23, and all following through page 26 and insert the following:

"301. The United States Conciliation Service shall immediately certify to the President all notices, under section 8 (c) of title I of this act, whereby it is proposed to terminate or modify any collective-bargaining agreements covering a substantial portion of any industry. If the President believes a resultant work stoppage therein is likely and would if it occurred imperil national health and safety he shall immediately appoint and convene an emergency board composed of such persons and to be compensated as he directs.

"302. Such Board shall immediately hold public hearings, affording all interested parties full opportunity to be heard. It shall

have available such facilities and assistance as the President shall direct, and shall investigate, hear evidence, make findings and recommendations, and report the same to the President as follows:

"(a) The normal amount of production or services in that portion of the industry covered and, separately the normal amount of production or services in that portion of the industry not covered by such agreement.

"(b) The minimum amount of production or service covered by such agreement which will be necessary to avoid endangering the national health and safety (as distinguished from public convenience), taking into consideration the amount of the finished product available at the time of the hearing.

"(c) The positions of the respective parties to the agreement or dispute.

"(d) Such recommendations as the Board deems just for a settlement of the dispute, together with its written reasons therefor.

"The report and recommendations shall be returned to the President, made public, and a copy thereof filed with the United States Conciliation Service at least 5 days before the final notice to terminate such agreement expires.

"The President shall affirm, modify, or reverse such findings, but to the extent he affirms the same he shall immediately issue his proclamation directing the parties to continue operation of sufficient facilities (without designating which facilities) as is found necessary to avoid imperiling the national health and safety, as distinguished from public convenience.

"Unless the parties otherwise agree such operations as are continued shall be under the terms and conditions of the existing collective-bargaining agreement; and the price of the product or service shall not be increased during such emergency except in cases where the President finds that due to a rise or fall in the current costs of living and general price structure as compared with those existing when such agreement was entered into, that great hardships will result, he may direct that the wage scale and price of such product or service be accordingly modified, but only pending full agreement of the parties, and he may in any event, pending agreement of the parties, direct the adoption of any safety measures he finds necessary.

"The President shall also include in his proclamation such directions as he deems necessary for the allocation of such reduced product or service, but only pending full agreement of the parties.

"Such proclamation shall be enforceable in any Federal district court having jurisdiction of any party violating the same, notwithstanding the provisions of the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity and for other purposes.'

"The Board, the President, and such court or courts shall retain continuing jurisdiction to review and modify and may when circumstances warrant, and shall when the parties agree, dissolve both the proclamation and any enforcing court decree."

Mr. RANKIN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. Mr. Chairman, I make the point of order that the amendment is not germane for the simple reason that it goes far beyond the scope of the legislation and involves price fixing which is not provided for in the bill before the House.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. JACOBS. I do, Mr. Chairman.

Mr. Chairman, while it is true that this amendment would fix prices during an emergency if there were a fluctuation in the cost of living or price structure, it is no different from the existing provision which fixes prices as they existed in the collective-bargaining agreement. It is only an escape in case there is a violent fluctuation in the cost of living or in the price structure, but the general purpose of the amendment is to reduce the area of the strike so that we will not be led into permanent price fixing.

The CHAIRMAN. Permit the Chair to inquire of the gentleman, does the amendment go into price fixing so far as products are concerned?

Mr. JACOBS. It goes into the fixing of prices so far as products are concerned in that area where a strike is forbidden, because the production would then be limited on account of the cutting back of the area of the strike.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Indiana has offered an amendment, which has been reported, and the gentleman from Mississippi [Mr. RANKIN] makes a point of order against it on the ground that it is not germane. The Chair has examined the amendment, and has submitted a question to the gentleman from Indiana which he has answered very frankly.

The Chair is of the opinion that the amendment providing for fixing prices for products is beyond the scope of the pending bill, and is therefore constrained to sustain the point of order.

Mr. JACOBS. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JACOBS. Would it be proper to offer an amended substitute with that portion stricken at this time?

The CHAIRMAN. The gentleman may offer another amendment, and if the question is raised the Chair would pass on it. The gentleman is recognized to offer another amendment.

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Strike out all of line 2 on page 23 and all the following through page 26, and insert the following:

"301. The United States Conciliation Service shall immediately certify to the President all notices, under section 8 (c) of title 1 of this act, whereby it is proposed to terminate or modify any collective-bargaining agreements covering a substantial portion of any industry. If the President believes a resultant work stoppage therein is likely and would, if it occurred, imperil national health and safety he shall immediately appoint and convene an Emergency Board composed of such persons and to be compensated as he directs.

"302. Such Board shall immediately hold public hearings, affording all interested parties full opportunity to be heard. It shall have available such facilities and assistance as the President shall direct, and shall investigate, hear evidence, and make findings and recommendations and report the same to the President as follows:

"(a) The normal amount of production or services in that portion of the industry covered and, separately the normal amount of production or services in that portion of the industry not covered, by such agreement.

"(b) The minimum amount of production or service covered by such agreement which will be necessary to avoid endangering the national health and safety (as distinguished from the public convenience), taking into consideration the amount of the finished product available at the time of the hearing.

"(c) The positions of the respective parties to the agreement or dispute.

"(d) Such recommendations as the Board deems just for a settlement of the dispute, together with its written reasons therefor.

"The report and recommendations shall be returned to the President, made public and a copy thereof filed with the United States Conciliation Service at least 5 days before the final notice to terminate such agreement expires.

"The President shall affirm, modify, or reverse such findings, but to the extent he affirms the same he shall immediately issue his proclamation directing the parties to continue operation of sufficient facilities (without designating which facilities) as is found necessary to avoid imperiling the national health and safety, as distinguished from public convenience.

"Unless the parties otherwise agree such operations as are continued shall be under the terms and conditions of the existing collective-bargaining agreement; and the price of the product or service shall not be increased during such emergency, except in cases where the President finds that due to a rise or fall in the current costs of living and general price structure as compared with those existing when such agreement was entered into, that great hardships will result, he may direct that the wage scale be modified, but only pending full agreement of the parties, and he may in any event, pending agreement of the parties, direct the adoption of any safety measures he finds necessary.

"The President shall also include in his proclamation such directions as he deems necessary for the allocation of such reduced product or service, but only pending full agreement of the parties.

"Such proclamation shall be enforceable in any Federal district court having jurisdiction of any party violating the same, notwithstanding the provisions of the act of March 23, 1932, entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity and for other purposes.'

"The Board, the President and such court or courts shall retain continuing jurisdiction to review and modify and may when circumstances warrant, and shall when the parties agree, dissolve both the proclamation and any enforcing court decree."

Mr. JACOBS (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, because it is exactly the same as the previous amendment except that the words pertaining to price fixing have been stricken out.

Mr. RANKIN. I object, Mr. Chairman. Let us hear the reading of this amendment.

The Clerk concluded the reading of the amendment.

Mr. RANKIN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. Mr. Chairman, I make the point of order that the amendment is not germane, for the reason that it injects new matter into the bill in two or three different places. In the first place, this is not a public-health bill. The President is given power under this amendment to exercise under certain conditions involving the public health, which is not involved in the measure before the House. Again, it provides for the distribution of the material and for the price-fixing of the material that is to be produced. From every parliamentary standpoint, Mr. Chairman, this amendment is out of order.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Indiana has offered an amendment, which has been reported. The gentleman from Mississippi makes the point of order against the amendment that it is not germane.

In response to the argument offered by the gentleman from Mississippi that it is sought to inject something new in the pending provision, of course if an amendment did not seek to make some change in a pending provision there would be no purpose in offering the amendment.

The Chair has examined the amendment with considerable care. The Chair invites attention to the fact that the amendment deals with specific powers of the President of the United States in relation to labor disputes. In response to the argument offered by the gentleman from Mississippi that the proposed amendment affects public health, the Chair invites attention to the fact that the Sims substitute relates to public health and safety.

The Chair is of the opinion that the amendment offered by the gentleman from Indiana [Mr. JACOBS] is germane, and therefore overrules the point of order.

Mr. JAVITS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JAVITS. Mr. Chairman, is it the intention of the Chair to recognize all Members who were standing at the time of the adoption of the motion, including those who had amendments to the pending substitute?

The CHAIRMAN. The Chair was about to ask the indulgence of the Committee to make a statement on that point. The Chair invites attention to the fact that debate on the Sims substitute and all amendments thereto has been limited to 30 minutes. The Clerk has listed the names of 19 Members standing at the time. The Chair assumes that all 19 Members were seeking recognition. The fact is that several amendments to the Sims substitute are on the Clerk's desk. The Chair cannot know, of course, whether all of those listed desire recognition on amendments which are to be offered or whether they want to move to strike out the last word in order to obtain recognition to speak. The Chair will call the names of those Members listed and, if any of those called do not desire recognition, the Chair would appreciate being so advised.

The Chair will recognize the Members on the list.

The Chair recognizes the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, a minute and a half is a very short time to discuss a matter which is so fraught with significance. The amendment I have offered is offered in perfectly good faith, with reference to a problem which faces the Nation, which will eventually have to be solved by an approach different from what we have ever taken before. Heretofore we have enjoined an entire strike. We have done that for a certain length of time. We recognize that we have no right to force men to work permanently unless we fix their wages. But the strike is enjoined for 80 days. What are we going to do when the 80 days are up? Eventually we are going to fix wages, and ultimately we will fix prices. Ultimately, then, we will have a controlled economy. The purpose of my amendment is to survey the production of an industry where the dispute arises and determine what amount of production is necessary in order to safeguard the public health and safety. The President then issues a proclamation directing the parties to keep in production sufficient facilities to produce what is necessary to safeguard the public health and safety. In the balance of the field the strike is free to proceed. If either of the parties violates the proclamation of the President the courts may take such steps as are proper to enforce the proclamation.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. JACOBS] has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. JACOBS].

The amendment was rejected.

Mr. LYLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LYLE: On page 10, lines 3 and 7, strike out all of line 3, and that part of line 7 which reads "or in any State law."

Mr. LYLE. Mr. Chairman, the amendment which I offer reserves for the States the power to legislate against what they believe to be injurious practices in their internal commercial and business affairs. It is questionable whether a single member of this House would find such a proposal repugnant or in conflict with his philosophy of American government.

There appears to be an unfortunate attitude in the Chamber today, causing good men to turn their backs upon constructive ideas through fear of assisting in the passage of certain legislation. Whatever your position may be on the Sims amendment, on the Lesinski bill, or the Woods substitute, you cannot rightfully escape the responsibility of sound ideas offered with the intention of perfecting legislation under consideration.

Our American philosophy of government recognizes the sovereignty of our 48 State legislatures within their proper fields. The present bill does violence to that sovereignty, without the adoption of this or a similar amendment protecting the power of the State to legislate within the field of labor relations. I am confident that a majority of this House does not subscribe to this provision of the bill. It is not within our province, nor is it our privilege or obligation to sterilize the State legislatures in this field. Recently the Supreme Court, in the case of *Lincoln Federal Labor Union, et al,* v. *Northwestern Iron & Metal Co.,* said:

This Court, beginning at least as early as 1934, when the Nebbia case was decided, has steadily rejected the due process philosophy enunciated in the Adair-Coppage line of cases. In doing so it has consciously returned closer and closer to the earlier constitutional principle that States have power to legislate against what are found to be injurious practices in their internal commercial and business affairs, so long as their laws do not run afoul of some specific Federal constitutional prohibition, or of some valid Federal law. See *Nebbia* v. *United States,* supra, at 523–524, and *West Coast Hotel Co.* v. *Parrish,* supra, at 392–395, and cases cited. Under this constitutional doctrine the due process clause is no longer to be so broadly construed that the Congress and State legislatures are put in a straitjacket when they attempt to suppress business and industrial conditions which they regard as offensive to the public welfare.

The amendment I now offer is consistent with the philosophy expressed by the Court. I am disturbed, however, not because of any lack of soundness in the proposal I advocate, but because I fear that those who are opposed to the bill as a whole will turn their backs upon the validity of the proposal, hoping that it will defeat the entire measure. No man in this House, I sincerely hope, would deliberately do away with the soundness and integrity of the State legislatures, yet if you refuse to adopt this amendment, you have, in effect, contributed materially to such a circumstance.

The CHAIRMAN. The time of the gentleman from Texas [Mr. LYLE] has expired.

The question is on the amendment offered by the gentleman from Texas.

Mr. WORLEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion of the gentleman from Texas.

The Clerk read as follows:

Mr. WORLEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes on his motion.

Mr. WORLEY. Mr. Chairman, I hate to resort to this parliamentary device in order to secure time to speak on this bill. However, I believe the seriousness of the legislation we are considering fully justifies such action.

I believe that the rank and file of the American people feel that there is some middle ground which will not allow labor to be exploited nor which will give labor

a license to ride roughshod over management. I am trying my very best, and I believe all of us are, to be as fair as we can; but today there seems to be two distinct extremes. I can no more follow the gentleman from Michigan in his original Lesinski bill than I can at this time subscribe to the so-called Wood bill. It seems to me that the fair approach to this would be—and it is admittedly a compromise between the two extreme views—is the Sims substitute, with additional amendments. I believe that the amendment offered by the gentleman from Texas [Mr. LYLE] will, if adopted, be an additional basis for both factions to work on. I hope, Mr. Chairman, that we can agree on a bill which will be fair, completely fair to both management and to labor, and at the same time protect the welfare of the general public.

I trust that the amendment offered by the gentleman from Texas will be adopted.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. LYLE].

The question was taken; and on a division (demanded by Mr. LYLE) there were—ayes 63, noes 165.

So the amendment was rejected.

Mr. BURKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURKE: On page 15, line 21, after line 20, strike out all of lines 21, 22, 23, 24, and 25 on page 15, all of page 16 and lines 1 through 8, inclusive, on page 17.

Mr. BURKE. Mr. Chairman, this amendment strikes out of the Sims substitute the provision calling for the filing of the anti-Communist affidavit. I do not believe I need to go into the reasons too deep and certainly I cannot in the time allotted me.

Although I quite agree with my colleague from Texas [Mr. COOMBS] on the subject that we in the House of Representatives and public employees have filed such an affidavit, certainly when we stood in the well of the House and took our oath of office we in effect did the same thing. I quite agree with that. But this provision requires people in private enterprise, both employee and employer, to sign a loyalty oath in order to conduct their regular calling in life. To me that is the wrong approach to the subject and I do not think it cures the situation that we propose to remedy. I would much prefer a more positive approach to this subject by requiring that members or officers of corporations, unions, and what not shall not be permitted to be such officers if they are members of subversive organizations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BURKE].

The amendment was rejected.

Mr. KENNEDY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KENNEDY. Mr. Chairman, I am supporting the Sims bill as a substitute for the original Lesinski bill. I am doing this because I believe that the original Lesinski bill if it comes to a vote will be defeated by the Wood bill which bears a strong resemblance to the Taft-Hartley bill.

Rather than burden labor for the next years with this legislation, I shall support the amended Lesinski or Sims bill, as the best compromise that can be had from this House. I do this with reluctance but with the firm conviction that it is the only course open to us and that it is for the best interests of labor.

Mr. BAILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAILEY to pending Sims substitute: Page 16, line 24, after the word "method", strike out the remainder of line 24, line 25, on page 16, and lines 1 through 8, inclusive, on page 17 and insert the following:

"The Board shall not require the filing of any such affidavit as to any union or employer which by its constitution, charter, or articles of partnership or association has the effect of prohibiting any officers thereof from being a member of any of the organizations above specified if such prohibition is being enforced in good faith. Any such affidavit shall, for the purpose of this subsection, be conclusive upon the Board as to the statements contained therein. The provisions of section 35A of the Criminal Code shall be applicable with respect to such affidavits."

Mr. BAILEY. Mr. Chairman, in discussing the pending legislation in general debate 1 week ago today I stated and I quote:

There is no place in these United States for a second-class citizenship such as is set up under the Taft-Hartley law.

I was, of course, referring directly to the anti-Communist affidavit that is required in the Taft-Hartley Act of all union groups as a prerequisite for using the facilities of the Labor Relations Board in labor-management disputes.

The proposed Wood bill and the Sims substitute just offered serve only to enlarge the scope of this discrimination. They merely add the employers to the list of citizens whose loyalty is under suspicion. Two wrongs never made anything right. Such discrimination as is contained in all three of the proposals is unfair and has no proper place in the scope of labor-management relations.

While the amendment I have just proposed does not remove the onus of assumption of guilt from all of the individuals covered under this provision, it does serve to protect a large part of both labor and management who have given evidence of their loyalty by having set up within their constitution and bylaws proper safeguards against disloyalty and subversive activities.

Many of these groups anticipated even the action of the Congress 2 years ago by having set up several years prior to the Taft-Hartley law their own safeguards within their membership against the activities which are sought to be corrected by both the Wood proposal and the Sims substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. BAILEY].

The amendment was rejected.

Mr. BENNETT of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT of Florida: On page 11 between lines 22 and 23 insert a new subsection (4), as follows:

"(4) (A) To refuse to grant membership to persons, having the qualifications generally required, upon the same terms and conditions generally required; or

"(B) To penalize a member or a subordinate body for criticizing or demanding an explanation of the conduct of its officers or agents; or

"(C) In any event to penalize a member or a subordinate body without written charges; adequate notice thereof with copy of such charge attached; and a hearing before a tribunal composed of disinterested persons with opportunity to produce favorable witnesses and cross-examine adverse witnesses."

Mr. BENNETT of Florida. Mr. Chairman, I have introduced two amendments to this bill, one of which is set out in yesterday's CONGRESSIONAL RECORD at page A2570, and the other which we have heard read just now.

This latter one gets at the chief evil that sometimes arises out of the closed-shop situation. There are good things about a closed shop and there are bad things about a closed shop. This particular provision is primarily designed to see to it that no man is refused the opportunity to join a union. It says that you can have a closed shop, but you cannot refuse to let a man join a union if he is qualified.

Point (B) makes it an improper labor practice for a union to penalize a member or subordinate body for criticizing or demanding an explanation of the conduct of its officers or agents.

Point (C) makes it an unfair labor practice in any event to penalize a member or a subordinate body without written charges upon adequate notice.

The main objectives of the provison of this amendment are to get at some problems which have arisen in the labor movement in the past. I think they are each salutary and each is a thing which you have thought about before, and I hope you see fit to approve this particular amendment.

The other amendment I shall offer is set out on page A2570 of yesterday's CONGRESSIONAL RECORD. It is designed to give a tax incentive for the establishment of profit-sharing plans. Personally, as I have said before on the floor of this House, I feel that something like that perhaps may make unnecessary all the rules and regulations we have established in the past and are establishing here today. What we need is more harmony, more cooperation, more pro-

ductivity. An amendment of the kind I am suggesting here I think would bring that about.

I am speaking now on both my amendments, since because of the limitation of time I shall have only one opportunity to take the floor. I do hope you will see fit to act favorably on both the amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

Mr. BENNETT of Florida. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT of Florida to the Sims substitute: On page 10, after line 2, insert the following:

"PROFIT SHARING AS INDUCEMENT TO BETTER LABOR-MANAGEMENT RELATIONS

"SEC. 109. (a) Section 23 of the Internal Revenue Code (relating to deductions from gross income) is hereby amended by adding at the end thereof the following new subsection:

"'(bb) Amounts paid by corporations to employees as a share of profits—

"'(1) In general: If a corporation, prior to the beginning of any taxable year, adopts a plan legally obligating itself to pay to its employees a percentage of its profits for such year, 150 percent of the amount of the profits paid for such year under such plan to any employee shall be deductible under this subsection for the taxable year in which paid, and no part of such amount payable to such employee shall be deductible for any taxable year under any other subsection of this section.

"'(2) Special rules: The provisions of paragraph (1) shall apply—

"'(A) only if every employee who is employed by the taxpayer for more than 150 days during the taxable year for which the plan is adopted is entitled to share in the profits for such year; and

"'(B) only if the amounts payable under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees; and

"'(C) only to amounts paid to an employee before the fifteenth day of the third month following the close of the taxable year of the corporation for which such amounts are paid, and only to so much of such amounts paid as does not exceed 25 percent of the compensation otherwise paid or accrued during such taxable year to such employee. In the case of a corporation on the accrual basis, amounts paid after the close of the taxable year of the accrual of such amounts and before the fifteenth day of the third month following the close of such year shall, for the purposes of paragraph (1), be considered as paid in the year of accrual.'

"(b) The amendment made by this section shall be applicable only with respect to taxable years beginning after December 31, 1948."

And renumber the remaining titles and sections of the bill accordingly.

Mr. BENNETT of Florida (interrupting the reading of the amendment). Mr. Chairman, in order to save the time of the Committee, since this amendment relates to profit sharing, I ask unanimous consent that the further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

Mr. JAVITS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAVITS to the Sims amendment: On page 24, after line 15, strike out sections 303, 304, and 305, running from page 24, line 16, to page 26, line 22, and substitute the following:

"SEC. 303. Whenever the President, having acted pursuant to this section 302 and to section 301, finds after investigation and proclaims that a labor dispute has resulted in, or imminently threatens to result in the cessation or substantial curtailment of interstate or foreign commerce in an industry essential to the national health or security of sufficient magnitude to imperil or imminently threaten to imperil the national health or security, and that the exercise of such power and authority is necessary to preserve and protect the national health or security, the President is authorized to declare a national emergency relative thereto, and by order to take immediate possession of any plant, mine, or facility, the subject of such labor dispute, and to use and to operate such plant, mine, or facility in the interests of the United States: *Provided, however,* That (1) such plant, mine, or facility while in the possession of the United States and while operated in its interests, shall be operated only to the minimum extent which seems to the President necessary to protect the national health or security of the United States, or of a material part of the territory or population thereof; and (2) the wages and other terms of employment in the plant, mine, or facility so taken, during the period of Government possession and operation shall be as prescribed by the President pursuant to the applicable provisions of law, and to the findings of a board appointed for the purpose by the President, which wages and other terms of employment shall be not less than those prevailing for similar work in the area of such plant, mine, or facility by private business; and (3) such plant, mine, or facility shall be returned to the employer as soon as practicable, but in no event later than 30 days after the restoration of such labor relations in such plant, mine, or facility, that the possession and operation, thereof, by the United States, or in its interest, is no longer necessary to insure the minimum operation thereof required for the protection and preservation of the national health or security; and (4) the President may by order confer authority upon any Government department or officer to take possession of, to operate, or to exercise any other of the powers herein granted to the President with respect to any such plant, mine, or facility; and (5) fair and just compensation shall be paid to the employer for the period of such possession and operation by the United States, or in its interests, as follows:

"(A) The President shall determine the amount of the compensation to be paid as rental for the use of such plant, mine, or facility while in the possession of or operated by the United States, or in its interests, such determination to be made as of the time of the taking hereunder.

"(B) If the employer is unwilling to accept as a fair and just compensation for the use of the property taken hereunder by the United States and as full and complete compensation therefor, the amount so determined by the President, the employer shall be paid 50 percent of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by section 24 (20) and 145 of the judicial code (U. S. C., title 28, secs. 41 and 250), for an additional amount which when added to the amount so paid shall be equal to the total sum which the employer considers to be fair and just compensation for the use of the property so taken by the United States."

Mr. RANKIN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. JAVITS. Mr. Chairman, this is the national seizure amendment, which appeared in the RECORD at page 5283. I do not think I need to take the time of the Committee to go into the details of the amendment. Its five major points are as follows:

First, the property is not to be operated on a strikebreaking basis, but it is to be operated by the Government only to the minimum extent required to preserve or protect the public health or security. Second, the employees—those who choose to remain on the job—are to be paid not less than prevailing wages in the area, and a special board is to consider the wage scales during Government control. Third, the Government is to pay only just compensation for the value of its use of the seized property, and is not to operate for the account of the employer as if it were a going concern. Fourth, the property is to be restored to its owner when normal labor relations have been restored. Fifth, the President is given authority, not direction, and may act through an officer or department.

The point is that the disquiet which people have had, and which was the public fear played upon during the last Congress to get support for a law like the Taft-Hartley law, was the fear of national paralysis due to a strike or labor conflict.

The debates on the question of the use of the injunction in national emergencies have clearly shown that labor regards injunctions which seek to make men work against their wills as opposed to the rights of freemen and as involuntary servitude. If the Nation is to have the residual power to protect itself against a paralyzing condition as a result of a great labor conflict, this amendment shows the way in which it can have it.

It is likely that this is the last opportunity which will be had to so revise the Sims substitute as to attract those who are friends of labor and who are genuinely anxious to truly repeal the Taft-Hartley law and at the same time genuinely anxious to protect and defend the public interest.

The President is said to have power under the Constitution to protect the country in the event of national emergencies, but we all should recognize, first, that no one knows who will be in the Presidency at some future time; and second, that the President is unlikely to want to alarm the whole country that a labor dispute may result in national paralysis in a particular State or particular part of the country, by declaring that he must exercise his constitutional powers to keep public order. Furthermore, there are no provisions in the law which tell the President what to do in such an event and how to do it; how to protect labor, or how to protect the employer.

As bearing on this subject it is interesting to consider the testimony of Hon. William H. Davis, Chairman of the War

Labor Board during most of the war, who in his testimony before the Committee on Labor and Public Welfare of the other body, said in his prepared statement dated February 7, 1949:

The history of the Taft-Hartley law illustrates and confirms what I have just said. There have been six cases in which the President has declared a national emergency under the Taft-Hartley law. In two of them, the meat-packing case and the telephone case, no injunction was sought. In the coal dispute of March 1948 involving the miners' welfare fund, an injunction was issued on April 3. The strike, however, continued until April 12, when it was announced that a new neutral trustee had been appointed and that he and Mr. Lewis had approved a plan under which the welfare fund might be activated. Thereupon the miners went back to work. In the three remaining cases injunctions were issued, but the disputes were not settled in the 80-day period, and in each case the injunction was discharged at the end of that period, leaving the workers free to strike. In the atomic-energy case, under the tremendous pressure of the national interest in the atomic-energy program, the parties continued their negotiations without a strike and, with the assistance of the Federal Mediation and Conciliation Service, finally negotiated an agreement. In the west-coast maritime case the injunction was discharged at the end of the 80-day period, and the strike was called and continued for over 3 months. In the east-coast maritime case the 80-day period also expired without settlement, and the longshoremen were on strike for several weeks.

* * * * *

Since the Taft-Hartley law does not extend protection by injunction beyond the cooling-off period, the real question that arises on comparison of the Taft-Hartley Act with the proposal now under consideration by this committee is merely the question whether the injunction is a good or necessary means of preventing a strike during the cooling-off period.

I think all the evidence is to the contrary. In no case in which an injunction issued under the Taft-Hartley law has there been settlement of the controversy during any cooling-off period. On the other hand, the provisions of the Railway Labor Act, which are the pattern for the substitute now proposed, have never failed in any significant case to secure the cooling-off period of 60 days. I think the reason is that an injunction compelling a man to work even temporarily for a private employer—and that is the practical effect of the Taft-Hartley injunctions—meets with bitter and profound resentment among freemen. If in any case the cooling-off period of the proposed substitute should be violated, the country would be confronted only by the same kind of revived national emergency that confronts us when under the Taft-Hartley Act the 80-day period expires without settlement of the dispute. Thus, the injunctions devised to support the cooling-off period is an irritant during that period and is not available if the emergency persists after that period.

I believe that this amendment is necessary and should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. JAVITS].

The question was taken; and on a division (demanded by Mr. JAVITS) there were—ayes 72, noes 163.

So the amendment was rejected.

Mr. RHODES. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. RHODES: On page 16, line 20, of the Sims amendment, after the word "party" insert the words "or with any Fascist organization."

Mr. RHODES. Mr. Chairman, this amendment is one that every Member of this House who is opposed to totalitarianism and subversive organizations can sincerely support. It would correct one of the many unjust provisions of the Taft-Hartley Act and a provision which is also in the Wood and Sims substitutes.

If a labor-management bill is to contain a clause for non-Communist affidavits, then it is only reasonable to have included therein a provision for non-Fascist oaths.

I do not have the time to fully discuss the merits of this amendment, but if we are going to be honest with ourselves and with management and labor, then we will adopt this amendment. The change that the Wood bill and the Sims substitute makes in this section of the Taft-Hartley Act pertaining to non-Communist affidavits is a subterfuge. No intelligent person will be fooled by the sheer nonsense that you can make this section fair simply by compelling management as well as labor to sign non-Communist oaths. Let both groups sign non-Communist and non-Fascist affidavits if this section is to be a part of the labor-management law. Let us show our attitude toward both brands of totalitarianism.

I regret I do not have time to discuss the potential Fascist danger, but I ask that this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. RHODES) there were—ayes 161, noes 102.

So the amendment was agreed to.

Mr. O'SULLIVAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'SULLIVAN to the Sims amendment: Strike out that part of section 112 on page 16 beginning with line 5, paragraph 1, and ending with the word "method" appearing on line 24, and insert in lieu thereof the following:

"Every officer, manager, or agent of every labor union, and every officer, manager, or agent of any employer of labor whether employing union or nonunion labor, shall, on July 4, 1949, and yearly thereafter take the following affirmation orally and also in writing, before some person authorized under the laws of the United States of America to administer an affirmation, and shall forthwith transmit the properly executed written oath by registered mail to the United States Secretary of Labor at the then seat of government:

" 'UNITED STATES OF AMERICA,

" 'State of ------, ss:

" 'I hereby solemnly affirm that I absolutely, entirely, and forever renounce and adjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I may heretofore have been an affiliate, employee, agent, subject, or citizen; that I will always support and defend the Constitution and laws of the United States of America against any organization that believes in or teaches the overthrow of the Government of the United States of America by force or by any illegal or unconstitutional methods; that I am not now and will never become a member of, or support any such organization, in the future; that I take this obligation freely without any mental reservations or purposes of evasion whatsoever, and do so, fully mindful of all of the pains and penalties of perjury; and I fully know and understand that the making of a false affirmation will subject me to prosecution, not only for perjury but also under other applicable laws of the United States of America relating to subversive and other illegal, kindred activities.

" 'In acknowledgment whereof I have hereunto affixed my signature this ____ day of ------, 19__.

" 'Subscribed, etc.' "

Mr. O'SULLIVAN. Mr. Chairman, I anticipate that a rousing "No" will be the answer to my proposed amendment, and I hate to detain you from the kill, but I feel that I must cause you this temporary embarrassment by speaking to you 1½ minutes at this time.

From listening to the reading of the proposed amendment you can readily understand that there is substituted for the anti-Communist affidavit an affirmation of allegiance to the United States Constitution and laws. I believe that it is wrong to so advertise communism as is done in the Sims amendment, and give foreign agents of Russia and other people the impression that they have not only infiltrated the ranks of labor leaders but now the ranks of business leaders.

It is indeed a shame to give out this impression. I regard it as a great disservice to our country to do so and hope you may see fit to correct this wrong impression by adopting my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. O'SULLIVAN].

The question was taken; and on a division (demanded by Mr. KLEIN) there were—ayes 102, noes 171.

So the amendment was rejected.

Mr. WHITE of Idaho. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Idaho: Page 24, line 15, after the words "duties of such board.", strike out all of sections 303 and 304.

Mr. WHITE of Idaho. Mr. Chairman and members of the Committee, I have introduced this amendment to strike from the so-called compromise labor bill, H. R. 2032, the court injunction provision as applied to labor disputes.

Mr. Chairman, there are two things we have outlawed in this country: One, the blacklist, and the other, the court injunction in labor disputes. Well do I remember as a boy when the great ARU railway strikes swept over the country, that many railroad men, trained by years of service, were blacklisted. They left their homes and sought employment all over the United States, only to return to their homes without any employment and without any means of support. We have outlawed blacklists in this country, but now we must outlaw these court injunctions that arrest progress and stop

the advancement in this country. I very well remember the difficulties that attended the advancement of labor. We were all very much interested a few years ago before the First World War in the movement in France on the part of the railroad men to strike for better working conditions and better pay. They had military conscription in France. The Government simply called the railroad men to the colors and told them to run the railroads, and that was the end of the strike and the movement for advanced wages and improved labor conditions. Compare labor and business conditions in France with the labor and living conditions in this country today, and decide if we want the courts here to arrest progress as the Army did in France.

Mr. Chairman, by our wise and constructive policies in dealing with labor, this country has made great progress in our generation. We have demonstrated our superiority in labor production, in finance, and in military prowess. Today, our Nation stands preeminent among world powers. People from all over the world are clamoring for admittance to this country that they may come in and enjoy the fruits of the toil. of American labor, and the blessings of good government, that the wise policies our Nation have vouchsafed to us and our children.

We must not arrest progress by giving power to any judge to force the members of organized labor to work against their will. Many of us remember the drastic treatment of organized labor by the courts in the famous or infamous Danbury Hatters' case, when the courts awarded damages to the manufacturers against the union, whose members were dispossessed of their homes and made destitute by court proceedings in collecting the damages awarded their former employers.

Members of the Committee, I ask your support of this amendment to strike from the bill the provision that gives the courts the power to issue injunctions in labor disputes and force the laborers to work against their will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. WHITE].

The question was taken; and on a division (demanded by Mr. WHITE of Idaho) there were—ayes 103, noes 181.

So the amendment was rejected.

Mr. HALE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALE. How much time is left on the Sims amendment? I thought debate was limited to a half hour.

The CHAIRMAN. The Committee did limit it, but this is like a football game, the time counts while the ball is in play.

Mr. HALE. I want to know how much time is left.

The CHAIRMAN. The Chair invites attention to the fact that much time has been required in reading the amendments. Some of them have been quite long. There have been a number of parliamentary inquiries and several points of order. That time does not count. The motion was that debate be limited to a certain time, and debate means when debate is in progress.

Mr. HALE. I would still like to know how much time remains for debate.

The CHAIRMAN. Twelve Members are entitled to a minute and a half each.

The Chair recognizes the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I have not spoken heretofore in this debate, and time does not now permit me to elaborate at length on something which I think is very important. I wish to emphasize this thinking for your consideration for the balance of your voting. But there are two fundamental principles of action facing us as Congressmen, to choose between this day. I will say to you frankly I think we ought to choose the bill which imposes the least legal regulations in the field of labor-management. Only by imposing the least possible body of law in the field of labor-management can we have free collective bargaining to which I have heard no objection in this debate. Since we believe in free collective bargaining, then your vote and my vote must be in favor of the bill which imposes the least amount of law on labor and management in the field of labor-management relationships. The American home is the most intimate relationship which exists in America. It is the most importan relationship existing in America. The next most intimate relationship is in the field of labor-management. You cannot successfully handle the field of labor-management by legalistic restrictions and penalties.

Free collective bargaining is an absolute requisite if we are to have increased understanding and cooperation between labor and management. This relationship of labor and management is one of copartnership interests. And only by strengthening processes whereby there can be the utmost free collective discussion and going forth together, can there be enduring and stronger bonds of cooperation under our capitalistic system of free enterprise.

The Democratic national platform in Philadelphia, was written in favor of repealing the Taft-Hartley law which was enacted by the Eightieth Congress. Upon this platform which included that specific provision, President Harry Truman of the United States, vigorously campaigned from border to border of our great Nation and spoke out emphatically for the repeal of the Taft-Hartley law. One of the greatest compliments President Truman has received, in my judgment, is that which is contained in Look magazine for May 10, 1949, wherein Republican Senator ROBERT A. TAFT, from Ohio, under his own signature spoke of President Truman and said in part as follows:

> But he is a man of his word and he means to keep his promises

The Taft-Hartley bill as enacted by the Eightieth Congress surrounded the area of labor-management relationships with new and untried legalism, prohibitions, restraints and restrictions which were, and still are, contrary to the best interests of mutuality in collective bargaining. Therefore, believing as I do, that this field of economic relationships as between employer and employee is next in importance to that of the relationships of the human family, and their individual homes, I must declare that I feel that the least law that can be injected into this strategic human relationship of employer and employee, the better.

As the Wood amendment and the Sims substitute now stand before us, the Wood amendment to the administration bill is much more wrapped up with substantially the same penalties, prohibitions, restrictions and legal terminology as is contained in the Taft-Hartley bill. This no one has denied. No one on this floor in these days of debate, has defended the Taft-Hartley bill as was written by the Eightieth Congress. Republican leadership frankly admits that there must be substantial amendments to the Taft-Hartley bill as written by the Eightieth Congress.

When the voters of our Nation chose between Harry Truman and Governor Dewey on the issue of labor-management legislation, knowing that Democratic national platform specifically provided for the repeal of the Taft-Hartley bill, enacted in the Eightieth Congress, it amounted to a mandate to the Eighty-first Congress, regardless of party, that the Taft-Hartley bill should be repealed and in its place and stead substantially the sort of legislation which President Truman should ask on labor-management should be enacted. This is as I see it.

The fact is, the joint Congress watchdog committee created by the Eightieth Congress admitted in its final report on the functioning of the Taft-Hartley bill in its report of December 31 that material changes were needed, the main ones being substantially as follows:

> (1) That certified election no longer be required as prerequisite to a union shop; (2) that management representatives, as well as labor's, be required to file non-Communist affidavits; (3) that the NLRB's jurisdiction be narrowed to exclude most small business; (4) that a vote of employees on the employer's last offer not be necessary before a strike can be called; (5) that unions and employees who strike to obtain working conditions made illegal by the act be deprived of protection given by the act; (6) that unions be required to reimburse workers denied access to their jobs by coercive picketing.

Few people realize that the basic labor laws which have been enacted by Congress such as the Wagner Act and the Taft-Hartley Act are allowable as Federal legislation only because of article I, section 8, clause 3 of the United States Constitution which says:

> Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

And, Mr. Chairman, probably no other clause of our Constitution has been the subject of more strenuous litigation and literally hundreds of cases involving such

clauses have been tried and determined by the United States Supreme Court. Consequently, Congress has been defined as "intercourse for the purpose of trade." Interstate commerce now includes pipe lining of fuel, telephone and telegraph, insurance, and endless other subjects not readily conceived of by our forefathers who drafted article I, section 8, clause 3.

And when the voters of America, who thought enough of their great Nation and their duties of citizenship, to go to the polls and vote at the last Presidential election, and did so, they manifestly voted that not only the text of the Taft-Hartley bill should be repealed as advocated by President Truman, but they expected that the political philosophies of the Taft-Hartley bill should likewise be repealed. So today, unless the Wood law is so changed that it would never be recognized as embodying the spirit or the text of the original Taft-Hartley law, the American people have not had their way.

Surely no Member of this important body is so naive as to not recognize that there is continuous and strenuous challenge back and forth on an economic basis, as between labor and management. Surely the facts of the case belittle any claim to the contrary. Management naturally is in business from the monetary profit and gain motives. And that is what we expect them to make and have. That is the motive which makes the American way of life have the greatest attractiveness, as compared with the communistic philosophy we have no use for. So I do not criticize big business for wanting big profits. In a like manner labor, in order to have adequate purchasing power to buy the products of the shops and factories of American management, must have adequate wages and income. Else, Mr. Speaker, neither management nor labor in America will continue to raise their standard of living nor increase the production of American business. Therefore, labor is dependent on management and management is dependent on labor. There is 100 percent mutual interdependency between America's big business and America's individual workingman. But that individual workingman cannot longer survive economically, in this era of mass production and mass bargaining, unless he has the opportunity of free collective bargaining. Big business knows this and recognizes it. It is only human enough to not voluntarily give in to organized labor more than it reasonably has to by reason of collective bargaining or by legislation. If it is done by legislation it is but temporary in my judgment.

Nor can it be soundly argued it is necessary to pass penalizing statutes against labor in order to protect the public interest throughout our Nation, because, in many States, all types of economic security contracts are prohibited and there are ample laws in all the States against violence and force and duress. The fact that in any instance the State law is not enforced on occasion is no justification for the enactment of the Federal law to supersede the State law. That is bad in my judgment. It is imperative that citizens at the local and State levels assume and discharge, with dispatch, their own responsibilities for the enacting; for the observances; for the enforcement of State statutes. This applies to labor-management, as well as to any other subject.

So, the final and ultimate test of any legal enactment in the field of labor-management is whether it encourages and strengthens cooperation and collective bargaining between free democratic labor unions and free democratic management, so as to reach the desired goal of a growing, stable, expanding, and productive economy. In this very debate, on the minority side, has been admission and agreement that strong, healthy labor unions free to collectively bargain, are an effective economic counterinfluence to some of the evils and destructive influences of monopolistic, industrial, and financial aggregations operating in violation of our antitrust laws. These facts of monopoly trends and excessive corporate profits have been so frequently related during this debate that I will not again repeat them.

May I say, that it is most surprising to me that you distinguished members on the Republican side of this House, who so habitually plead against having the finger of Government in the field of private business and private enterprise, nevertheless, equally or even more emphatically, urge the extension and continuance of the finger of Federal Government controls and power, in the intimate field of human relationships as related to labor and management. This, to me, is inconsistent.

And if you on the Republican side of this House feel that I, a registered Democrat, am too emphatic in my position that the Sims substitute is the soundest bill before us this day, then I call your attention to the fact that one the foremost Republican United States Senators, Senator MORSE, of Oregon, during the debate in the United States Senate during the Eightieth Congress, said of the economic struggle as between labor and management as follows, as to Taft-Hartley bill:

> As I see it, these two great economic forces, management and labor, have girded themselves for battle. We have an economic war ahead of us. We are to have a test of economic strength.
>
> One of the reasons why I oppose this bill is that, in my judgment, an attempt is being made so to change the law that it will not carry out the principles of equality in collective bargaining for which I have pleaded in this session of Congress. One of the objections I shall make is that I believe that the bill will not result in a fair equalizing of the rights of labor and management. Management under this bill will be given such an advantage over labor that it can prevent effective collective bargaining by unions. I am such a firm believer in government by law rather than by man that I do not want to see legislation enacted which in many cases will force a test of defiance of law because enforcement of it would result in great injustices. When a large body of people believe that a law is unjust, they are going to exert the basic, fundamental right which exists in a free society to oppose the administration of such a law.

And as we come to vote, I again emphasize for your consideration, that I believe the soundest principle of legislation to apply in the field of labor-management is, that there shall be the least amount of law entering in that field, consistent with the exercise of the police power of the State when necessary and for the preservation of law and order. There is no other way whereby the American way of life can be strengthened more, than that labor-management relationship shall be enabled to bargain more freely and collectively, rather than to have unnecessary and multitudinous legalistic provisions and prohibitions specifying their daily conduct; when they full well would do it better without such legal dictation, control, and legal compulsion.

In closing, I think I quote the distinguished minority leader of this House fairly accurately, when I refresh your memories, that within the last few hours he stated substantially, that he believed labor and management could sit down together and come to an understanding and that he recognized that they were two great powerful forces opposing each other. I believe the same. Therefore, I believe that it is important that there be the least statutory regulation enforced, as between labor and management, and not a maximum, as is the status of the Taft-Hartley—or rather the Wood bill as it is now called. But it is still the Taft-Hartley bill in essence.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. MILLER].

Mr. MILLER of Maryland. Mr. Chairman, the Chairman has mentioned that the debate is being carried along as in a football game. There is another similarity to a football game, it seems to me, in our present situation. We have all seen occasions when the team with the ball, no matter what it does, seems to be unable to get it forward toward the goal and the team goes backward. The majority seems to be in that fix. I hope it will soon be fourth down and the other side get the ball. Whatever they want to say about us here in the Eighty-first Congress, they certainly can see that we are willing to work. We are busy perfecting three bills, when we cannot possibly pass but one. Personally, I would be just as well satisfied if we did not pass any, unless we improve the situation.

It is regrettable that legislation as important to national welfare as labor-management relations should be considered in an atmosphere of exaggeration, of make-believe, particularly when to this ficticious approach there is added the tension and recrimination that inevitably results from the opening of old sores. The outcome is almost certain to be unsatisfactory to everybody.

That the extensive and skillful debates of the last week were largely distorted by the background of make-believe is obvious, if one dispassionately reviews the RECORD.

Even at this late hour, we are still subjected to the hoarse cries of repeal Taft-Hartley, because it stands for slave labor and union-busting. We are continually reminded that there is a mandate from the voters to take such action. That it should be taken at once to redress the great wrongs done organized labor by the labor-baiting Republican-controlled Eightieth Congress. It is upon this combination of fabrications that

the present debate rests. It makes the whole show sadly inopportune.

Any fair-minded, impartial observer will recognize the truth of these charges. Despite all the breast-beating and oratory, no one has yet pointed out any slave sections in the 1947 act. No one has named any union that has been busted, or individual enslaved.

Likewise, it is a matter of common knowledge that there has been a substantial decrease in picket line rough stuff, goon tactics, racketeering, irresponsible work stoppages and Communists working into positions of power in the labor field. A sound approach would be to allow the Taft-Hartley law to operate long enough to reasonably determine its merits and defects. If impatience forbids this restraint, we should then consider the various changes recommended one by one.

The mandate theory is equally fallacious. It is true that outright repeal was called for in the Democratic platform and its candidate was elected by a small margin. However, the same election returned a majority to this body who had voted to override the Presidential veto of the very same law.

Many of us were reelected from marginal districts after campaigns in which credit was claimed for that very thing. The question of mandate could be made to read both ways, if there had been a mandate. The past election was too close, and the issues too numerous, to show any even if the all-out smear to which the law was subjected had left its import clear to many.

When this body voted 275 to 37 last Friday against the Marcantonio amendment, there was an overwhelming admission that only a handful of Members really desire outright repeal. That exploded both the mandate idea, and the sanctity of campaign promises, as well.

Since a large majority was unwilling to accept outright repeal, and even some of the calamity howlers do not wish to do away with the injunction features, why make ourselves ridiculous by passing a patchwork measure that pleases no one and does not even indicate a policy. I think it would be far better if we recommitted the bill to the committee for the consideration it so clearly never got there, before being reported out and brought to this floor.

Let us stop pretending that we must hurriedly release anybody from slavery or shield any union, not Communist controlled, from destruction. Let us be realistic about mandate and campaign promises. Let us do nothing that we cannot perform in a workmanlike manner.

Mr. GATHINGS. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, with great interest and with great patience, I have followed this debate. Strange and unfortunate things have happened since this debate started. Ill-considered statements have been made in an effort to influence the deliberations of this House. One such statement is attributed to one of our colleagues—the statement to the effect that economic war might be declared on the South. Another such statement attributed to the President—to the effect that patronage would be withheld if he were displeased by votes which are to be here taken. Southern delegations have been scorned on the one hand and subjected to pressure on the other.

I am a southerner and I am proud of it. I am an unterrified southerner, and I am not frightened by threats of retaliation nor by any of the ill-considered statements which have been made. I have been a Member of this House for a good many years and I think I know a little something about the character and the courage of Members of Congress. Seldom, if ever, here in this ancient Hall have I met a political coward. I also know the Members of the House who come from the South and I think I can safely say that most of them are free and unfettered and that among them you will not find a single political coward. Not even the President of this great Republic can black-jack them into a violation of their consciences. Any Member of this House who is influenced by threats of retaliation or who will let his conscienced be coerced by the hope of political patronage is unworthy to represent any of the great districts of this country. Let us put aside such foolish things and deal with each other as men and as Members of the legislative branch of the greatest Government on earth.

Some other rather ridiculous statements have also been made concerning the situation in which we find ourselves. We are told that when the President advocated and urged a repeal of the Taft-Hartley Act and when he embraced the platform of the Democratic Party, which likewise promised a repeal of that act, that neither the President nor the platform meant what they said, that actually they only meant to repeal the name of the act but not to substantially change the provisions of the act. Both the Democratic platform and the President called for a repeal of the Taft-Hartley law and not just the name, Taft-Hartley. Certainly there is nothing offensive about the name Taft and there is nothing obnoxious about the name of Hartley, but there are definitely some provisions of that law that are objectionable to the public, offensive to labor, and incompatible to the spirit of a free people.

It seems to me when all the evidence is weighed and when all the pertinent facts and circumstances are considered, that the Taft-Hartley Act should be repealed, that the Wood substitute should be defeated, and that the committee bill should be enacted. This, I believe, is not only in the interest of labor but is likewise in the interest of industry and is definitely in the interest of the general welfare.

I shall vote for some amendments to the committee bill and I hope that it may be amended. In casting my vote I shall be influenced only by my conscience and by no other considerations.

Not one of us would deprive labor of its inherent right to strike—not one of us would deprive labor of the privileges of collective bargaining and not one of us should be willing to impair the right nor to mitigate the power of the effective exercise of either the right to strike or to engage in fair collective bargaining.

I am not afraid of the laboring men of this Nation. Neither am I afraid of the labor organizations of America. The laboring men of America are devoted to the institutions of their Republic and to the blessings of freedom which they here enjoy and they realize that the most powerful force in America is now and ever shall be the terrific and dynamic force of outraged public opinion. Therefore the laboring men of America know that they cannot long abuse the powers which their organizations may wield in the life of this Nation. If a vindictive spirit prompted the passage of the Taft-Hartley law, if it was, in fact, a punitive measure, maybe it has accomplished its purpose and has achieved the necessary reformation; so let us reason together in solving the problems now presented. But above all let us not insult the spirit that prompted the writing of the labor plank in the Democratic platform.

Since neither the Lesinski bill nor the Wood bill are entirely satisfactory, it occurs to me that we should be able to find a middle ground upon which to reach an agreement. It seems to me that the Sims amendment provides the vehicle and offers us something in the nature of a compromise. It may not go far enough for some and it may go too far for others. Those who feel that it goes too far should reappraise and revalue the amendments which have been attached to the committee bill. Certainly, the friends of labor should not be afraid to trust the President of the United States. In the first place, the President has not asked for the power and apparently, he does not want the power and if he has not asked for it and does not want it, there is certainly no reason to believe that he would abuse the power or exercise it unreasonably or in a manner incompatible with the security and welfare of the Nation. Although he has not asked for the power of injunction and apparently does not want it, we know that if the health, security, and welfare of the Nation were in danger and the situation indicated that he should have the power, herein proposed, he would step forth and ask for it and it would be granted. So why should we be so disturbed over the thought that the President of the United States might be given a power which he may never use and certainly never abuse.

Actually, we have made a tempest in a teapot over the communistic affidavit provision. We are now in a rather ridiculous position with regard to that provision. There should be no objection to the free-speech amendment or to the other amendments which are incorporated in the Sims substitute. In the campaign of last year, if the President emphasized one issue and if he made his position clear on that one issue, it was certainly in favor of a repeal of the Taft-Hartley law. Now, we are face to face with making the great decision. The Speaker of this House, the distinguished gentleman from Texas, and our majority leader, the distinguished gentleman from Massachusetts, and the chairman of our Committee on Education and Labor, yes; the entire organization on the

Democratic side is supporting the Sims amendment. It is in keeping with our platform pledge and it should be adopted. If we fail to adopt the Sims substitute, all of us now know that we will end up with the Wood bill which does not keep faith with the pledge of our party and we will actually have in effect the Taft-Hartley bill. We may witness industrial strife and unrest and maybe, as suggested by the gentleman from New York, the issue may finally be decided in the picket lines which may encircle the Nation in the days ahead. Under the Sims substitute, we may find a spirit of conciliation and cooperation and industrial peace.

Yes, I am in favor of organized labor just as I am in favor of organized agriculture. The prosperity of agriculture depends upon the prosperity of labor and the prosperity of labor depends upon a prosperous agriculture. Let us keep faith with our party and let us keep faith with our farmers and with the laboring men and women of America.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. COOLEY] has expired.

The gentleman from Utah [Mr. GRANGER] is recognized for 1½ minutes.

Mr. GRANGER. Mr. Chairman, I want to say to my friends on the Democratic side that have been reasonable, that I have always supported the position of labor and I tell you that the only opportunity you are going to have to salvage any legislation that will be beneficial to labor is by the adoption of the Sims substitute. If we do not do that what we will have is the Taft-Hartley bill, and labor cannot live under that for another year and a half. I think we would be acting unwisely if we did not take this opportunity, where there is a possible chance of consolidating our forces on this one issue. I do not know whether we can carry this amendment, but if we cannot carry this amendment on the majority side, we will have the Taft-Hartley bill unadulterated as it is today. Do not be misled. The labor leaders are not naive when it comes to legislation. They know what has been going on here. They are not going to be deceived as to who is carrying the ball and what is what. They know.

I appeal to you at this time to support the Sims substitute, in order to salvage even a splinter of benefit to labor.

The CHAIRMAN. The time of the gentleman from Utah has expired.

The gentleman from South Dakota [Mr. CASE] is recognized for a minute and a half.

Mr. CASE of South Dakota. Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BIEMILLER] is recognized.

Mr. BIEMILLER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MORGAN] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MORGAN. Mr. Chairman, I am opposed to the so-called Wood bill. It is the Taft-Hartley bill with a sugar coating. It is composed of 68 pages of complicated phrases and words that will mean practically slavery to organized labor. It is dangerous to labor, management, and the country in general. It violates every sound principle of a constructive labor-management relations statute. It has been rewritten several times by antilabor experts and contains all the objectionable features of the old Taft-Hartley Act. In many instances it strengthens some sections to make it more of a direct blow to organized labor. It puts the executive branch of our Government in the role of a strikebreaker, and it makes the general counsel of the National Labor Relations Board a labor czar. He would have complete power to obtain injunctions without investigation, hearings, or charges filed by an employer. This office filled by a labor-hating individual could practically destroy every labor union in our country.

The other features of the bill are just as bad with some slight window trimming. I hope this bill is voted down and that H. R. 2032 is passed without amendments. Organized labor is about to find out whether its efforts in the November elections are to be rewarded. A vote for the Wood bill or the administration substitute—Sims bill—is a vote for the present Taft-Hartley bill.

Mr. BIEMILLER. Mr. Chairman, I do not think there is nearly as much confusion on this floor as some people try to tell us. The very first vote that comes up here is one that we have to keep our eyes on. In that vote the Thomas-Lesinski bill does not enter the picture. I am one of those who is for the Thomas-Lesinski bill; I am hopeful that at some stage of the proceedings I shall have a chance to vote for it. But the first vote that comes on this floor is going to be a vote between the Taft-Hartley law, now called the Wood-Halleck bill, and the Sims bill. The Taft-Hartley law has been scrubbed behind the ears and had a new suit of clothes put on it; that is all the difference there is between the Wood-Halleck bill and the Taft-Hartley law.

The Sims bill does take care of some of the worst objections which working people have had to the Taft-Hartley law. I wish, personally, it went further; there are some parts of it I do not like. But when you reach the next vote which will confront us please note it is between the Sims substitute and the Wood-Halleck bill. All of us who are interested in the welfare of the people of the United States, the welfare of workers and manufacturers, should be voting for the Sims amendment. I hope that the Sims substitute amendment will carry when debate on it stops and the issue is put clearly and straight, which is, I repeat: Shall the Sims amendment be substituted for the Wood amendment?

Mr. Chairman, I also desire to call the attention of the House to the true situation regarding strikes under the Wagner Act and the Taft-Hartley law. So much misinformation has been uttered on this subject that I believe a few simple, statistical facts are in order.

We know now that the Taft-Hartley Act was written by some high-priced behind-the-scenes lobbyists, one of whom was paid for his services by the Republican National Committee. We know that these bill drafters were identified with large, antilabor employer groups and associations, and that their motive in drafting and pushing such legislation was to weaken and disorganize the efforts of labor to improve their living conditions.

But we also know that many of the Members of Congress who voted for that bad law did so in the sincere but misguided hope that it would lessen strikes and labor unrest; that it would promote labor peace.

Most of those sincere Members of Congress, that is, those who came back this year, will vote for the repeal of the Taft-Hartley Act and the Wagner Act improvements provided in the administration bill. They will do so because they were deluded 2 years ago. They were fooled not only as to the motives of those pressing the legislation; they were fooled as to the facts.

For the fact is that there have been more strikes under Taft-Hartley, on a monthly basis, than there were during the first 5 years of the Wagner Act. You will all remember, I am sure, the publicity about labor conflict, when many employers actually disobeyed the Wagner Act and provoked strikes until the Supreme Court upheld its constitutionality 2 or 3 years later.

The newspapers in those days were full of headlines about strikes and labor lawsuits. Yet, when you dig down into the actual statistics of then and now, you come up with an entirely different picture.

Compared with the prewar Wagner Act era, 1935–39, the Taft-Hartley era—July 1947 through last December—has witnessed 8 percent more strikes per month, 50 percent more workers involved, and 80 percent more man-days lost through strikes.

The man-days lost during 1948, last year, amounted to 34,000,000. This was greater than for any prewar year on record.

Now it may be that some of our colleagues were led into error, in those Taft-Hartley votes 2 years ago, by the fact that there was a record number of strikes in 1946. But most of us knew then, and the later strike figures show, that those strikes were almost inevitably a part of postwar readjustment. There was a similar flurry of strikes in 1919, which ended quickly when the economic machine got to moving in peacetime pursuits. So it would have been this time, if the Taft-Hartley Act had not been enacted, over President Truman's veto, to disrupt labor-management relationships.

The Department of Labor's accepted strike statistics show the pattern very clearly, when they are analyzed on a month-to-month basis.

In 18 months after the passage of the Taft-Hartley law—July 1947 through December 1948—259 strikes began, on the average, each month. This level is below the abnormal war and immediate postwar period but is above the 1935–39 average of 239 strikes per month. In other words, the number of stoppages oc-

curring each month since June 1947 has been 8 percent higher than during the 5-year prewar period under the National Labor Relations Act.

On the basis of number of workers involved, the Taft-Hartley period since June 1947 has witnessed, each month, an average of 46,000 more workers on strike than during the more peaceful 1935–39 period, or an increase of 50 percent.

Idleness occasioned by labor-management disputes in the 18 months ending with December 1948 was 80 percent greater than during 1935–39. In round figures, approximately 2,530,000 days of strike idleness were recorded each month since June 1947, as against a prewar monthly average of but 1,410,000 man-days.

Here are the monthly averages:

	Stoppages	Monthly averages	
		Workers	Man-days
1. 1935–39	239	94,000	1,410,000
2. War period, December 1941 to August 1945	334	153,000	829,000
3. Postwar period, September 1945 to June 1947	401	351,000	7,570,000
4. Taft-Hartley period, July 1947 to December 1948	259	140,000	2,530,000

And here is a comparison between the year 1948 and the first 5 years of the Wagner Act:

	1948	1935–39 average
1. Number of stoppages	3,300	2,862
2. Workers involved	1,950,000	1,125,000
3. Number of workers involved in strikes as percent of total employed	5.6	4.4
4. Man-days idle	34,000,000	16,900,000
5. Percent of estimated working time lost in relation to total time worked	0.4	0.3

The facts speak for themselves—there have been more strikes under Taft-Hartley than under the early years of the Wagner Act.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The gentleman from Illinois [Mr. SABATH] is recognized for 1½ minutes.

I STAND FOR A FAIR DEAL FOR LABOR AND MANAGEMENT UNDER THE LESINSKI LABOR BILL

Mr. SABATH. Mr. Chairman, because I realize and recognize the unfairness of the use of injunctions in labor disputes, I have always advocated its elimination. Consequently, I voted to eliminate the injunction clauses from the present bill in the hope that this bill would be fairer and bring about real understanding between capital and labor and between employer and employee. Naturally, I am for the Lesinski bill because I consider it a fair bill. However, in view of the conditions which confront us today, and realizing that after all, legislation in the last analysis is a compromise, I shall vote and urge that we vote for the Sims substitute in the hope that we will then be able to eliminate the Wood monstrosity that is pending, which to my mind, is more objectionable than the Taft-Hartley Act. And in this connection, I am in favor of the Sims amendment notwithstanding the fact that it contains many provisions which I am opposed to. I shall vote for this amendment for the sole purpose of securing some action on this bill.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. SABATH. I yield.

Mr. MARCANTONIO. I hope that the gentleman, for whom I have a deep and real respect and affection will realize, that by voting for the Sims substitute you are reenacting Taft-Hartley.

Mr. SABATH. No, that is the last thing I propose to do. By voting for the Sims substitute we will at least have some semblance of a fair labor bill. I state again so that there be no misunderstanding, I am opposed to the reenactment of the Taft-Hartley Act.

Mr. Chairman, I have always maintained that we should give men a living wage so that they can decently provide for their families and also provide decent working conditions, and I am satisfied that they will not quit their employment. But when laboring men observe in the news and press the tremendous profits their employers are making and the luxuries they are enjoying, they feel that they are entitled to decent treatment and, not being able to obtain it through appeals to their employers, unfortunately, at times, they have been obliged to give up their employment in the hope that their appeals would receive consideration. In years gone by, the employer instead of agreeing to negotiate with labor, would obtain from an overly-friendly corporation judge, on the merest technicality and often without a hearing, an injunction under which a union would be enjoined and its members and officials held in contempt of court and, of course, without a trial by jury, were frequently sentenced to terms of imprisonment. After many years, this outrageous abuse and unfairness was abolished by Congress and, notwithstanding the abolishment of the injunction, labor for many years continued to produce until today our industrial production is from 100 to 150 percent higher, with fewer strikes and, as I have stressed, this higher production having been attained without the use of the injunction.

Mr. Chairman, I should like to call attention to the fact that the Congress has received a mandate from the American people to return to the principles of free collective bargaining by repealing the Taft-Hartley Act. This infamous piece of legislation was conceived in hatred and born in anger, fathered by the National Association of Manufacturers, mothered by the Republican Eightieth Congress and nursed by Wall Street and its pawns.

Mr. Chairman, regardless of the statements made against the Lesinski bill by the reactionary Republicans, controlled and dictated to by the National Association of Manufacturers representing the largest and richest industries and aided, unfortunately, by some reactionary Tory Democrats, the vast majority of the American people are satisfied that the Lesinski bill is a fair bill that will beyond doubt bring about more friendly relations between labor and management. It is a bill which will bring about healthier and more peaceful conditions and will insure better understanding and, I repeat, is generally approved by all fair-minded citizens.

It is to be regretted, Mr. Chairman, that companies and corporations which have accumulated the highest profits in their history, which have enabled them to expand their plants with these tremendous profits and thereby increasing their production from 100 to 200 percent, are those behind the opposition to the Lesinski bill.

At this point, I desire to insert as part of my remarks an article appearing in the April issue of the National Farmers Union which directs attention and bears out the profits made by big business in 1948. It is as follows:

BIG BUSINESS 1948 PROFITS ARE BONANZA

The profit report from big business for 1948 is just in, and the grab was even better than most people expected.

We get our information from a March issue of the Wall Street Journal.

A front-page story said: "For business generally it turns out the year 1948 was the most profitable ever. A Wall Street Journal study of the annual reports of 376 important companies in two dozen industries shows these firms had profits of nearly five and a quarter billion dollars last year, more than 23 percent above 1947.

PILED HIGH

The Journal goes on to say "that 1947 earnings were 47.8 percent greater than those of 1946, and that 1946 profits topped 1945 about 34 percent."

* * * * * *

The graph showing the profit taken by groups of industries is sufficient unto itself, but here are a few reports from individual firms that you will be interested in:

National Dairy Products jumped its profit from $23,159,391 in 1947 to $25,358,546 in 1948, or, putting it another way, 1948 profits were $4.03 a common share, compared with $3.68 in 1947.

General Foods hiked its profits from $18,300,000 in 1947 to a fat $24,600,000 in 1948.

The DuPont company did even better. Its 1948 net profits were $157,445,622, compared to $120,009,760 in 1947.

The huge General Motors Corp. skyrocketed profits from $287,991,373 in 1947 to the astronomical figure of $440,447,724 in 1948.

General Electrict didn't do bad either. Net profits in 1948 were $123,835,316, or $30,000,000 more than in 1947.

The railroads were doing all right, too. For instance, the New York, Chicago & St. Louis Railroad increased net profits 87.75 percent. The 1947 figure was $8,178,733, and 1948 profits equalled well over $15,000,000.

Here are some final profit figures taken at random:

Inland Steel Co.:	
1947	$29,888,558
1948	38,606,698
Standard Oil of California:	
1947	107,268,575
1948	161,491,932
Texas Oil Co.:	
1947	106,312,617
1948	165,980,989
Ohio Oil Co.:	
1947	29,161,496
1948	49,383,158
Sears Roebuck:	
1947	107,739,892
1948	137,206,016
Montgomery Ward:	
1947	59,050,066
1948	68,232,076
Republic Steel:	
1947	31,018,418
1948	46,438,382

The proposed legislation is all-important in that rules and regulations must be formulated in an equitable and just manner between labor and capital in view of the public interest. Hence the importance of enacting H. R. 2032, commonly known as the Lesinski bill, which does just that and amends the Wagner Act. This amendment to the Wagner Act calls for "fair and rational changes" in the National Labor Relations Act of 1935, which contained no provisions making action on the part of a union unfair labor practice.

The Wagner Act only concerned itself with the question of collective bargaining because corporations interfered with the rights of workers to bargain collectively by use of labor spies, yellow-dog contracts, and other unfair devices.

The Wagner Act did not attempt to deal with speed-ups, arbitrary discharges, favoritism in hiring, unhealthy working conditions, and unsafe premises. It did not deal with kick-backs, sweatshop wages, unfair promotions, or any of the other management "unfair labor practices."

The provisions in the Lesinski bill relative to unfair labor practices, as set forth in section 8 (b) (1), make it illegal to declare a strike or a secondary boycott to force an employer to deal with one union where another union has been certified by the National Labor Relations Board; also, where the National Labor Relations Board has certified another union or where there is an existing union as a bargaining agent.

In this section also are covered cases where one union, through use of a strike or boycott, tries to require an employer to deal with it, contrary to the ruling of the National Labor Relations Board. Thus, it is made possible under this section for a company union controlled by the employer, or let us say a weak and designing union not interested in the welfare of the labor man, to deal with the employer and accept wages much below those fixed in the industry.

Therefore, unions are forced under this section to depend upon the fairness and integrity of the National Labor Relations Board and also upon the judicial decisions to make steadfast the wage levels and the bargaining position of the employer with whom the union has entered into agreements.

While section 8 (b) (1) represents a decided basic change in the Wagner Act of 1935, it should be noted that union labor is considerably worried, and justly so, about the possible misinterpretations which might result in the course of events with reference to this section.

Just as uncertainty prevails with regard to this section, the enforcement provisions relative to secondary boycott serve to point out the unjustified use of the secondary boycott. The Wagner Act provided for only National Labor Relations Board proceedings against unfair labor practices of employers, while the Taft-Hartley secondary boycotts by unions are met with immediate and mandatory injunctions, action for damages suffered by any party, loss of employee status, and improper labor proceedings. The Lesinski bill adjusts the differences and requires that both the employer and union shall come under the same provisions and under the same prohibitions.

There is dealt with in the Lesinski bill another unfair union labor practice which prohibits unions from participating in a jurisdictional strike or boycott forcing an employer to assign a particular work task in opposition to a ruling by the National Labor Relations Board. Under section 9, which is new, the National Labor Relations Board is required to hear and determine such jurisdictional disputes following provisions set forth in the act. And if the Board appoints an arbitrator, his decision is as effective as that of the Board itself.

Under the Lesinski bill, the union member may be protected in his rights and prosper as an American citizen. Under it also the employer is protected in his rights and is able to prosper. Both parties deal with each other at arms length and cannot be heard to complain. It is reasonable to expect that a weak union with no control over its members can bring about substandard living wages and unhealthy working conditions, thus making for poor output and low production as well as an unhealthy and dissatisfied laboring man and employer.

Instead of leaving these matters to chance, the Lesinski bill proposes that the Government acting for the people shall sit as an umpire with the right to make final decision and returns to the Department of Labor its jurisdiction over labor matters. Fair and just action on the part of the National Labor Relations Board will result in removing conflict from the field of labor relations, harmful not only to labor and industry, but constituting a distinct threat to the public weal.

I commend labor for the stand it has taken in conceding the right of Government to step in and deal with a secondary boycott or strike, which is a fundamental right of labor whereby an employer is compelled to bargain with labor.

We find labor submitting to imposed conditions such as entering into and executing contracts, service of notice of termination or modification of contracts, prohibition of strikes in violation of contracts, arranging means and methods of adjustments of these agreements, and taking part and cooperating in the hearings before the United States Conciliation Service, which helps the disputants in establishing procedures of settlement as well as making arbitrators available. Added to these mechanics are the advisory labor management committees to the Secretary of Labor which add their assistance further in the hopes of adjusting settlements.

We come to another question dealt with in this legislation, namely, that of national emergency disputes. Since the Wagner Act does not provide for settlement of these disputes, the Lesinski bill applies the provisions of the Railway Labor Act which has worked so well since 1926. Therein we have a voluntary 30-day cooling off period, after Presidential proclamation, that an emergency exists. Then comes the selection of an emergency board, armed wtih sufficient power to attempt adjustment, but in the event of failure in effecting a settlement to report to the President with its recommendation, 25 days after the President's proclamation.

Another important section which is written into the Lesinski bill is that which gives full force and legal effect to all union security contracts arrived at by free and voluntary action. Section 8 (3) of the Wagner Act is supplemented by the Lesinski bill in this manner. Union security provisions are made valid only in unfriendly labor States where they are valid, while the Taft-Hartley law did away with the closed shop making the union shop legal only after an election was held. The unions could only seek discharge of employees upon failure to pay dues under the Taft-Hartley bill. State laws are more restrictive than the Taft-Hartley law are permitted. This amendment under the Lesinski bill, therefore, is protective of interstate competition to weaken unions.

Another salutary and effective provision of the Lesinski bill makes changes in the structure of the power of the National Labor Relations Board by withdrawing from it, concern over minor details, thereby speeding up its action and decisions. Its work is delegated to a panel of three members. This makes for a speedy discharge of the business at hand.

A brief statement of the defects in the present Taft-Hartley law which are corrected by the Lesinski bill are set forth:

First. The employer charging that he is the victim of an unlawful strike is heard immediately and ahead of the pending complaints filed by the union against the employer. These must wait for the long-drawn-out and complicated processes under the present Taft-Hartley law.

Second. Union members striking during the life of the agreement or before the time limit of 60 days are discharged promptly and without right to be restored to their jobs. But the employer discharging a worker is charged only with an unfair labor practice.

Third. An unfair labor practice charge by the employer empowers the Board to seek a mandatory injunction against the union, but no such remedy exists on behalf of the union.

Fourth. A suit for damage lies against the union for damages arising out of sympathetic strikes or boycotts, but the union does not have a similar cause of action.

Fifth. The employer during a strike for a new agreement may hire nonunion workers who are permitted to vote in the event of a petition being filed before the National Labor Relations Board for a certificate of election. But the strikers are not permitted to vote in this instance.

Sixth. In every complaint made by the employer, he may give his own interpretation of the agreement. The union in cases where complaints are made by individuals cannot give its interpretation upon the various clauses of the contract.

Seventh. The employer is not required to file a financial statement when he appeals to the Board. The union, on

the other hand, is forced to file a financial report.

Eighth. The union officers must swear as to their political beliefs before they can apply to the Board, while the employer need not do so and still is permitted the use of the Board procedure.

Ninth. Union cases are subjected to delays during the period when registration and affidavits are required, and when financial reports are due. The employers' cases are heard expeditiously.

Tenth. The unions are prevented from opposing sweatshop labor within their industry, if they refuse to handle nonunion goods. The employer on the other hand is permitted by law to destroy and violate union standards in his contract with the union by use of sweatshop goods and sweatshop employees.

Mr. Chairman, the unfairness of the Taft-Hartley Act which estops a member of a union from contributing a dollar to his organization for the purpose of disseminating truthful information to its members, which information is invariably not given them by the capitalistic press or by columnists and commentators, the latter whose time is paid for by the largest and most powerful corporations, is most unjust to labor. But it is perfectly permissible under the Taft-Hartley Act for the large corporation stockholders and members of their families, although restricted to political donations of $5,000, to indirectly contribute $25,000, $50,000, and more, to political campaigns, saying nothing of the activity of the National Association of Manufacturers, representing many industrialists, who raise millions of dollars to spread their propaganda of half truths and false information in their fight against labor.

The plea that individual workers need protection from so-called big unionism is ridiculous and is tantamount to placing a flock of defenseless sheep under the protection of a pack of wolves. Does it not strike you as peculiar that the very groups which enslaved the individual worker before the rise of unionism are the same groups which have recently taken such a so-called benevolent attitude toward them—at least in their public statements? Of course, they are the same people who in the past resisted the passage of the Norris-LaGuardia and Wagner Acts. It is a fact that during the life of the Wagner Act, passed by a Democratic Congress, labor as well as industry have prospered as never before. Yet, under the provisions of the Taft-Hartley Act, the protection that has been accorded all unions, and especially to the small, weak unions that are struggling for existence, have been removed.

Mr. Chairman, in conclusion, I wish to say that the contributions of the American laboring man, his physical efforts and ingenuity have served to develop our country to the world power it is today. The part that labor has played and will continue to play in the future development of the Nation's resources and requirements demand that every fair and just consideration be given this largest segment of our population. In the immortal words of William Jennings Bryan, which I heard him utter and which I repeat:

> Thou shalt not press down upon the brow of labor this crown of thorns—you shalt not crucify mankind upon a cross of gold.

Mr. IRVING. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. IRVING. Mr. Chairman, I am opposed to several of the provisions of the Sims' amendment. The reason for my opposition is that they do nothing that is not done by the Lesinski bill. I have stated before that I feel that the provisions in the Lesinski bill covering boycotts, jurisdictional disputes and national welfare, and emergencies in the Lesinski bill are adequate and workable. This has been my position and nothing has been said or offered here to convince me that my position is unsound. Therefore as a member of the subcommittee I feel that although there might be some provisions which I personally would not object to in Mr. Sims' amendment, I cannot consistently support it. However, it is in my opinion certainly preferable to the Wood amendment which of course is as you well know the opposition's bill.

The CHAIRMAN. The gentleman from Michigan [Mr. LESINSKI] is recognized for 1½ minutes.

Mr. LESINSKI. Mr. Chairman, I wish to take this opportunity to thank the gentleman from Pennsylvania [Mr. KELLEY], chairman of the subcommittee, and the members who have put up a loyal fight for labor legislation. I realize, however, that all legislation is a compromise, and I am going to ask my committee to stand by loyally and pass the Sims amendment. There is nothing else left to do. Unless you vote for the Sims amendment you are going to get the Wood bill, which is worse than the Taft-Hartley Act. So I again say, let us stand shoulder to shoulder with labor and win.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Chairman, let us pause for a moment and see what the legislative situation is at the present time as we are about to vote. The Wood amendment is pending to the committee bill. To that is pending the Sims substitute.

There being no perfecting amendments before the Committee at this time to the Wood amendment, the vote now is between the Sims substitute and the Wood amendment. The Sims substitute will be voted upon first.

It seems to me that those Members who are opposed to either the Sims substitute or the Wood amendment ought to vote for the Sims amendment in preference to the Wood amendment. On the other hand, it seems to me that those Members on both sides who believe that the Taft-Hartley Act is too drastic and that the Wood amendment is too drastic should also vote for the Sims amendment. The Sims amendment incorporates in it certain proposals with which I am not altogether in agreement, but I will go along with them, because they represent a real honest approach to the establishment of a peaceful relationship in the industrial field between management and labor.

I join with the Speaker in urging the adoption of the Sims amendment. When we go back into the House the Sims amendment will be the first matter of consideration in the House. I therefore hope the Sims amendment will be adopted.

Mr. BOGGS of Louisiana. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. BOGGS of Louisiana moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

Mr. RANKIN. Mr. Chairman, I make a point of order that that motion has just been voted down.

The CHAIRMAN. The gentleman is mistaken. The previous motion was withdrawn by unanimous consent.

Mr. MARTIN of Massachusetts. Mr. Chairman, I make the point of order it is dilatory. Is the gentleman going to press his motion?

The CHAIRMAN. The Chair overrules the point of order.

Mr. MARTIN of Massachusetts. Mr. Chairman, the Chair should ask if the gentleman is opposed to the bill.

The CHAIRMAN. Is the gentleman from Louisiana opposed to the bill?

Mr. MARTIN of Massachusetts. Mr. Chairman, I insist on the point of order.

Mr. BOGGS of Louisiana. The gentleman favors the Sims compromise.

Mr. MARTIN of Massachusetts. The gentleman from Louisiana does not qualify.

The CHAIRMAN. The gentleman does not qualify.

Mr. CHRISTOPHER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CHRISTOPHER. Mr. Chairman and gentlemen of the Committee, despite the confusion that has reigned here today, the issues are still easy to see and are still clearly drawn. Two philosophies clash in this House today, the same philosophies that have been clashing down through the years. The conflict is as old as the Republican Party, as old as the Democratic Party, as old as Alexander Hamilton, and as old as Thomas Jefferson. On one side we have the Democratic philosophy, equal rights for all, special privileges for none, government of all the people, by all the people, in the interest of all the people. On the other side the Republican philosophy of a government of all the people by a privileged class in the interest of that class and that philosophy is seeking today to bind labor and deliver it helpless into the hands of the National Association of Manufacturers and the 300 richest families in the United States.

The Democratic Party has the only record of liberalism in the United States today. The Republican philosophy was tried out from 1920 to 1932 and failed utterly. The Democratic philosophy was given direction of the country when it was on the brink of disaster in 1932. Almost 10,000 banks had failed in the United States during the previous 12-year period, our farmers were bankrupt, our financial structure a national ruin, our great life-insurance companies tottering, our labor jobless and in rags, without money, without credit, and without hope. Today after more than 16 years of Democratic rule our farmers are receiving the best prices in peacetime history for their food and fiber. Labor is employed at good wages, our bank deposits are guaranteed, there is more money in savings accounts than ever before, more people own their homes than ever before. There are more boys and girls in colleges and universities than ever before. Our factories and mines, in fact all our industries, are producing at capacity. There are more radios, washing machines, refrigerators, and bathtubs in American homes than ever before.

We have a minimum wage, production credit, Federal land banks, the Security and Exchange Act, assistance for our aged, social security, soil-conservation program, and REA. It is all Democratic legislation, the result of Democratic philosophy. So you see, my colleagues on the right-hand side of this House, we have everything for which to be proud. The people of the United States have entrusted to the Democratic Members of this Congress the task of repealing the Taft-Hartley law and the Aiken farm bill. Are we going to prove true to that trust or are we going to demonstrate that we are not worthy of the confidence the voters placed in us when they sent us to Washington to represent them in this Congress? Everybody knew what the Truman program was when they cast their ballots last November. He proclaimed it from one end of this Nation to the other. No Member of this House can plead ignorance. The Democratic Party was pledged to the repeal of the Taft-Hartley law and I hope and trust that the Members of this House will prove true to that pledge.

The mail that has flooded my desk for weeks regarding the labor law carried a lesson before it was opened. The letters coming from the laboring men and their wives, praying for the repeal of the Republican law that bound them, came for the most part written on cheap stationery, usually just a sheet torn from a 5-cent pencil tablet, but the pro-Taft-Hartley literature was printed or lithographed on paper so slick that a fly would have broken his neck had he alighted on it. We must choose today whether we will remain true to the faith of our fathers. Whether we will remain true to the teachings of the Democratic Party or whether we will be deceived by the welter of propaganda and fail to do what we know we ought to do, repeal the Taft-Hartley law.

The only reason the Taft-Hartley law has not absolutely destroyed organized labor is that so far it has never been enforced. If it ever is enforced in all its ramifications, it will utterly destroy every labor organization in the land.

Mr. YOUNG. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG. Mr. Chairman, the statement has been made many times by responsible leaders of organized labor that the Taft-Hartley Act tends to destroy the right of labor to organize or to engage in free collective bargaining. When that statement is made some supporters of the Taft-Hartley Act always sit back smugly and say, "Well, why not be specific?"

I shall be specific in these remarks. I cite a case that happened recently in the State of Ohio. It is a case which illustrates the many ways in which employers take advantage of the Taft-Hartley Act—not as is so frequently claimed in the columns of the press or even in speeches in this House, but to destroy honest, free, legitimate labor unions.

Cases like this one fortify my strong belief that if we are to make progress toward a strong, democratic industrial society in America, the Taft-Hartley Act must be immediately repealed, and the Lesinski bill passed by the Congress.

For we cannot build a strong, democratic industrial society in which the basic law governing labor-management relations is a law loaded, in its every detail, to give all the advantages to the employer. Such a law injures the morale of working men and women. It produces bitterness and dismay. It can, over the long run, weaken the wholesome support for our democratic society which all of us wish to support and strengthen.

Recently, in the city of Columbus, Ohio, a union of the CIO—the Playthings, Jewelry, and Novelty Workers Union, a labor organization with a fine record of Americanism—undertook to organize the workers at the Fred D. Pfening Co., a fabricating company with about 35 eligible workingmen.

This legitimate effort to win the adherence of the workers to a bona fide union, in order to engage in collective bargaining negotiations over wages and working conditions, was met by the company with a continuous series of propaganda actions which seem to me to go far beyond the meaning of free speech.

On February 7, for instance, according to an affidavit signed by the chairman of the union, the company distributed a mimeographed letter to all its employees.

This company letter concluded with this paragraph:

> We just can't take the punishment of fighting to get business to keep employing you and fight with a union at the same time. Without a union, we think we can make it; with a union, we don't believe we can. We have to sell it before we can make it. With the threat of a union, there isn't much reason for us to beat our brains trying.

Note the threat, throughout this letter, to throw the workers out of their jobs if they vote for a union to represent them, as millions of other American workers are similarly represented in their dealings with corporation managements.

The chairman of the union, in his sworn affidavit, stated that the employer would have no dealings with any union or any supporter of any union. He predicted that after the election there would be a lot of new faces around the plant. Throughout the conversation between the head of the union and the head of the firm, there was the implication that men who supported the union would lose their jobs. The employer even cited the names of the first two men who would be dismissed if the union won the election.

On February 23, the day of the National Labor Relations Board election, the management distributed two notices to all the employees. One hinted broadly that there would soon be reductions in the working force; the other announced that the plant would be closed that afternoon, but that employees were invited to a meeting which the company said, "we believe will be to your interest to attend." Needless to say, employees of the company believed it would be wise for them to attend that management-sponsored meeting.

At the meeting, Mr. Fred Pfening, the head of the company, gave the men this advice as reported in the affidavit:

> I am not going to tell you how to vote, but I hope that you will vote 100 percent against the CIO.

And he threatened that if the company found out who had started the CIO in the plant, the man would be promptly fired.

He charged that the CIO was dominated by Communists, although it is clear from the record that the overwhelming mass of CIO members and their responsible leaders are good Americans who abhor, and who have taken successful steps against, Communist infiltration; and he referred, as the affidavit pointed out, to the amount of unemployment in Columbus—obviously to indicate by inference once again that supporters of the union would lose their jobs if the union won the election.

This "strategy of terror" had its effect, of course, upon the men who worked in that company. Although two-thirds of them had voluntarily signed union application cards, a small majority voted against the union in the election.

There is no question that this constant stream of threats against the union and the jobs of the men was directly responsible for the defeat of the union.

It seems clear to me, also, that the decent boundaries of free speech were far exceeded in this case. This was not a presentation of viewpoint by an employer—to which he is certainly entitled. No; under the cloak of free speech was contained a whole series of threats and promises—a deliberate use of fear psychology and fabrications to discourage unionism. This is no more free speech than was the case to which the Supreme Court Justice referred when he said that free speech does not permit a man to scream "fire" in a crowded movie house.

This type of open antiunionism, with its threats, its intimidations, and its promise of discrimination, is a direct result of the Taft-Hartley Act. I recall that some sponsors of the Taft-Hartley law sought, 2 years ago, to justify this legislative proposal on the basis that unions were completely in the ascendancy. But, as Dr. William Leiserson, distinguished former member of the National Labor Relations Board, pointed out recently, there are millions of workers still unorganized, and there are great numbers of workers in unions whose bargaining power is still very weak.

They are people who are hurt, and hurt badly, by the one-sided Taft-Hartley Act. And I fear that as time goes on, if this law is not repealed, the bargaining strength of even the most powerful unions will be seriously impaired. That will not be good for labor, for management, for the public, or for the general welfare of this great Nation.

The case I have mentioned is a specific instance of the harm that follows from the one-sided protection which the Taft-Hartley Act gives to employers, and the bias and hostility which it manifests for every type of union activity.

The Taft-Hartley Act should be repealed, and the Lesinski bill as amended enacted into law in order that we may move back to the path of fair and friendly labor-management relations—in which Government sets the basic rules and allows the two parties at the collective-bargaining table to work together, on an equitable basis, for the welfare of all. I support the Sims substitute in preference to the Wood amendment. I vigorously oppose the Wood amendment, which is much akin to the Taft-Hartley Act. The Taft-Hartley Act, Mr. Chairman, represents the first shameful, ugly step toward fascism taken in the Congress of the United States. Attacks upon labor unions and farmers and consumer cooperation were the first steps toward fascism in Italy, Germany, and Spain.

I, Otto Berk, first being duly sworn, attest that I live at 812 Sullivant Avenue, Columbus, Ohio, and that,

I am the duly elected chairman of the organizing committee of the employees of the Fred D. Pfening Co., 1075 West Fifth Avenue, Columbus, Ohio, and that

The following is to the best of my recollection a true account of the attempts made by Fred D. Pfening, Sr., my employer, to intimidate and coerce me to vote against the Playthings, Jewelry, and Novelty Workers International Union, CIO, in the collective-bargaining election held by the National Labor Relations Board on February 23, 1949.

On or about February 7, 1949, I received a mimeographed letter signed "The Management of Your Company," which is attached hereto and marked "A."

This letter concludes with the following paragraph:

"We just can't take the punishment of fighting to get business to keep employing you and fight with a union at the same time. Without a union we think we can make it; with a union we don't believe we can. We have to sell it before we can make it. With the threat of a union there isn't much reason for us to beat our brains out trying.

"THE MANAGEMENT OF YOUR COMPANY."

I was first approached in person by Mr. Fred D. Pfening, Sr., on or about Friday, February 18, 1949. Mr. Pfening, Sr., asked what I knew about the union and who had signed membership cards. I answered, "I am a member."

Mr. Pfening, Sr., then told me that he would have no dealings with any union or anyone supporting a union. He said that after the election was over there would be a lot of new faces around the plant.

His entire conversation indicated to me that those of us participating in union affairs would be fired.

He showed me a slip of paper with two names—Leroy Stevens, of the sheet-metal department, and Roy Harris, of the welding department. Mr. Pfening, Sr., said that these would be the first men fired and if the others wanted to hold their jobs they had better get wise. He said there would not be any work around there (the plant) for any union man.

He said that no man would ever get to bargain with him, now or at any other time, and he added, "I don't give a damn who the man is."

The following night I received a telephone call at my home from Mr. Pfening, Sr. Mr. Pfening, Sr., again urged me to drop out of the union and told me that if I did he would "take care of me." He again asked me who were the other employees who had signed membership cards in the union and I again refused to tell him.

At exactly 11:57 a. m., February 23, 1949, 3 minutes before we normally cease work for lunch, the superintendent of the company, Mr. J. W. Brazelton, handed two mimeographed papers to each employee as he was working. These mimeographed sheets are attached hereto and marked "B."

The statements told us that there would be no work of any kind in the shop that afternoon and that we should ring out at 12 noon. This was the first time that we had been laid off for an afternoon, in my recollection. In my opinion, the language used in these notices was designed to scare me into voting against the union in the election that afternoon.

One of the mimeographed papers invited us to attend a meeting in the shop at 1 p. m. that day—which was 2 hours before election was scheduled to begin—and I attended that meeting.

All of the employees who attended were addressed by Mr. Fred D. Pfening, Sr. Mr. Pfening, Sr., spoke for quite some time and the following is, to the best of my recollection, what he had to say. Mr. Pfening, Sr., told us, "I am not going to tell you how to vote, but I hope you will vote 100 percent against the CIO." He also stated, "If the union wins the election, you will never sit across the table from me to negotiate anything." He asked us who started the union in the plant. Nobody answered. Then he asked if the CIO approached the men in the plant, or did the employees approach the CIO. Nobody answered. Then Mr. Pfening, Sr., said, "If I find out who started the union, I will get rid of him."

He showed us some newspaper clippings about unemployment in Columbus, and he said that if the CIO won the election, he wasn't going to risk his health by keeping the company going. He showed us some other clippings about the strike at the American Zinc Oxide Co. and he said that the CIO was dominated by Communists.

Just before the meeting ended, he said again, "I am not going to tell you how to vote, but I know you will vote for me 100 percent."

Many times, as I met Mr. Pfening, Sr., in the plant in the weeks before the election, he would say to me, "Be careful of the company you are keeping." I asked him what company, and he answered, "The Communists."

The day after the election the plant resumed work on its normal schedule, and we have not lost any time since then, which proves to me that the statement that the plant was going to close down was designed to also scare us into voting against the union.

After the election was over and the union had notified the company that it was protesting the election, I was approached by James H. Nabors, roadman of the Pfening Co., at my home. This conversation took place on or about March 19, 1949.

He told me that Mr. Pfening, Sr., couldn't come to me himself, but that if I would drop out of the union "old man Pfening knew that it would collapse." He told me that if I went to Mr. Pfening, Sr., and told him that I had pulled out, he knew that "I could have anything I want for my asking."

At the same time he said, "as for that guy Harris (referring to Leroy Harris, vice president of the organizing committee), when I catch Harris off the company property, I am going to beat hell out of him."

I have been employed by the Fred D. Pfening Co. for the past 4½ years as chief lay-out man.

OTTO M. BERK.

Subscribed and sworn to before me this 4th day of April 1949, in the State of Ohio, county of Franklin, city of Columbus.

[SEAL] GERALDINE O'BRIEN,
Notary Public.

My commission expires December 5, 1950.

EXHIBIT A

THERE ARE TWO SIDES TO EVERY STORY

A CIO union called, of all things, playthings, jewelers, and novelty workers is making a desperate attempt to unionize our plant employees. Certainly we are not jewelers; surely we make no toys unless they think they can make playthings out of our employees, we can see no point * * * and no union, by whatever name, can help you. Union organizers make a lot of extravagant promises—they are skilled salesmen in their line—they are sharpshooters with plausible arguments—they go to a union school just to learn how to fool a group of men into signing cards * * * in our shop they got cards signed under the pretense that it would merely admit the signers to a union meeting. * * * Too late these men found they had actually signed in favor of a union organization. * * * Some of our men were smart enough to catch onto this trick and rightfully refused to have anything further to do with the union stooges. * * *

It takes more than metal and labor to make a business. It takes more than paying a man $20 per month to be president of a shop union, to make him big and smart enough to tell the owners how to run their business * * * if he was that smart, he would be worth more than $20 and, if so, he would be in business for himself.

If you read the papers and listen to the radio (something besides sports and the funnies) you know that business is sliding fast; that unemployment has increased by 2,000,000 since December and worsening. The people with money are so scared they are selling their securities. The stock market on last Saturday fell $2,000,000,000—all because these people are afraid of the future. Well, we're afraid, too.

Business is down, our business is down, employment is down, and frankly, we are worried about the whole thing. * * * Are you worried, too?

We just can't take the punishment of fighting to get business to keep employing you and fight with a union at the same time. Without a union we think we can make it; with a union we don't believe we can. We have to sell it before we can make it. With the threat of a union there isn't much reason for us to beat our brains out trying.

THE MANAGEMENT OF YOUR COMPANY.
FEBRUARY 7, 1949.

EXHIBIT B

Due to several conditions beyond our control, there will be no work of any kind in our shop this afternoon. Please ring out at 12

noon. We suggest that you have your lunch as usual. You are invited to attend a meeting in the shop at 1 p. m. which we believe will be to your interest to attend. The law forbids us to hold a meeting of employees during working hours. * * *

The election will be held at 3 p. m. under the supervision of a United States labor examiner. Only one man is in the election booth at a time; your ballot is secret. No one will know how you vote unless you tell it yourself. We urge that each of our registered employees cast his vote.

A list of employees entitled to vote today has been furnished to the election official. Each name will be checked as he votes. We want every eligible man to vote. Don't run out. Vote as you think—but vote.

JANUARY 31, 1949.

J. W. BRAZELTON, *Superintendent:*

Rust and corrosion: For some time we have been replacing panels and doors which rusted out after being installed in bakeries, particularly in proof boxes. Fermentation rooms and bread coolers, carrying a lower temperature and humidity, have not been affected so much as proof boxes. All replacements have been made free of charge. This has become so expensive we are compelled to stop production until the cause is found.

Cause: From tests in the shop and surveys in the field, we find zinc-coated steel sheets have insufficient zinc to protect the steel surface; that the glue used has too much water in it, together with a dew point, the steel begins to rust quickly after installation. Panels brought back from bakeries can be seen in the factory to sustain this conclusion.

Remedy: Before the war we bought steel from Armco, which carried much more zinc coating and a bonderizing coat. None of these sheets show rust, although some have been in service for over 12 years. We are trying to again purchase this sheet for panels and doors (for proof boxes at least). We also have to develop or find an adhesive containing no water.

We thought we had the rusting problem solved by the use of Tropolite on the glue side of the steel. However, this, too, is rusting. It will cost us thousands of dollars to replace all these defective panels and doors.

Time: It may take some time to get a supply of good steel and develop an adhesive. It is certain we cannot take further risk. To continue could bankrupt the company.

Curtailed operations: This being the case, it is unfortunate that we must necessarily cut down our working force. We have two bread coolers to build now and a limited number of paneled fermentation rooms—in which we can use the old method—and therefore keep a certain number of men continuously employed.

Reducing number of employees: You will immediately consider the jobs and men whom we can keep at work on a 45-hour weekly basis. Their employment will be steady and we trust they will appreciate our efforts to maintain their usual weekly pay check. If there are any men who believe they can get better jobs elsewhere and wish to leave voluntarily, they should be given the first choice of voluntarily quitting. However, it must be our privilege to choose those we wish to retain. * * * It may take 1 to 3 months to get a new supply and type of steel * * * at that time we will reconsider reemploying those who have left our employment at this time.

THE FRED D. PFENING CO.

Effective immediately.

Mr. HAYS of Ohio. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS of Ohio. Mr. Chairman, I wish at this time to state that I am for the Lesinski bill and at the same time to answer the request of the distinguished gentleman from Michigan that those seeking repeal of the Taft-Hartley Act point to the specific provisions of the act which are wrong. In answering this request, I confine my remarks, of necessity, to a few salient provisions of the act. I do so, not because of the lack of glaring defects throughout the entire structure of this now notorious piece of legislation, but rather because of the limitations on the time allotted me on the floor.

At the outset I wish to emphasize the basic difference in philosophies underlying enactment of the Wagner Act and the Taft-Hartley Act. Prior to August 22, 1947, the keystone of our national labor policy was the recognition that only through collective bargaining could the imbalance between the bargaining positions of the individual wage earner and the American industry be corrected, to enable labor to obtain its fair share of the products of our economy. Such a policy recognized the necessity of keeping mass purchasing power in pace with productive capacity, an equilibrium which is essential to the health of a free economy. Thus collective bargaining was not only protected under the Wagner Act; it was also encouraged. But with one major qualification. Government intervention in the collective-bargaining process was restricted to the minimum.

The Taft-Hartley Act was founded upon the false premise that the wage earners of this country had become too powerful in the collective-bargaining process. At a time when industry was reporting its highest profits on record it was ordained that the ability of the worker to share in decisions affecting wages, hours, and conditions of work had to be curbed. Rather than merely providing the broad principles by which collective bargaining could be carried out, the act limited the economic weapons essential to the life and growth of trade-unions, undermined their security, encouraged resort to legalistic attitudes at the expense of the effectiveness of collective bargaining, and provided arbitrary and inequitable procedures for Federal Government intervention into the very process of collective bargaining.

Section 8 (a) (3) of the Taft-Hartley Act bans the closed shop, requires special elections among employees under section 9 (e) before a union security clause may be inserted in a contract, and provides that an employee working under a union-security clause may be fired only for nonpayment of dues. This proscription of the closed shop and the restrictions on union security in general were based upon the false assumption that union bosses had become so powerful on the labor scene that the workers would gladly be freed from the bondage of union membership. The results of the union-shop elections conducted by the National Labor Relations Board present a devastating refutation of this assumption. At a tremendous expense to the American taxpayers in the conduct of the polls, hundreds of thousands of workers have indicated an overwhelming desire to be governed by union membership as a condition of employment. In the face of this evidence, even the sponsors of the Taft-Hartley Act have recognized the invalidity of their original assumption and have endorsed a proposal to rescind the union-shop-election provisions.

The indiscriminate banning of the closed shop fails to recognize the importance of union control over employment based upon the dignity and skill of a craft. It fails to recognize the peculiar nature of certain industries, such as the building trades and maritime industries, which have found the closed shop essential to the effective recruitment of labor forces. The general restrictions on union security ignore the proven fact that secure unions are responsible unions. The numerous contracts providing some form of the closed shop, negotiated in the face of the Taft-Hartley prohibitions, are ample evidence that this blind legislation has forced a resort to the bootleg practices of the ill-conceived prohibition legislation.

The flat restrictions on union security in section 8 (a) (3) must go and with it the union-shop elections of section 9 (e).

Sections 10 (j) and 10 (l) introduce a drastic change in the enforcement of Federal legislation dealing with collective bargaining. The Wagner Act empowered the National Labor Relations Board to enforce its orders by injunctions after a complete adjudication of the merits of the case by the Board. Sections 10 (j) and 10 (l) of the Taft-Hartley Act, however, empower the Federal body to seek summary injunctive restraints prior to any Board adjudication. In specific cases of alleged union illegal conduct, the general counsel must seek such injunctive restraints.

The injunction powers have been evoked in 39 instances—twice against employers and 37 times against unions. The cases to date have introduced serious confusion on the labor scene by virtue of the dual adjudication in the court's early prejudgment of the issues and the Board's subsequent ruling. The summary procedures followed have restricted unions in their resort to legitimate economic activities. The provisions have vested Government officials with far-reaching discriminatory power that is repugnant to our democratic institutions. Healthy bargaining relationships do not exist in an atmosphere in which the threat of injunctions hangs over the head of the parties. Sections 10 (j) and 10 (l) have no place in a Federal legislative pattern which seeks to foster stable relationships in the labor-management field.

Section 301 facilitates resort by union or employer to Federal courts in breach of contract actions. Section 303 creates civil remedies by which an employer may sue a union for damages incurred from specified illegal conduct of unions. These sections are based on the premise that collective-bargaining contracts may be policed by court actions and that responsible action in labor relations can be enforced by judicial reprimand. This reasoning ignores completely the realities of relations in the labor-manage-

ment field. A collective-bargaining contract is a document which regulates the daily undertakings of the signatory parties. Groups who must live together in close contact do not settle their differences by lawsuits. Nevertheless, these provisions encourage resort to court action. They invite thinking in terms of legal rights; not thinking in terms of compromise and adjustment of differences. The philosophy of these sections runs counter to the very theme of sound labor relations. They must fall by the wayside if we are to achieve the desired goal of stability on the industrial front.

Section 8 (b) (4) (A) provides a blanket prohibition of secondary boycotts. In effect, it deprives trade-unions of the vital economic weapons basic to the growth of unionism—a growth that is essential if the balance between labor and increasingly centralized management is to be maintained. The blanket ban has made union members strikebreakers, who are forced to contribute to their own destruction. It has deprived certain unions of the only economic sanction available to them in light of the nature of the industry in which they work. Tied to the injunction mandate, section 8 (b) (4) (A) has created a pattern of inequitable restriction. The provision must be erased from the statute books if we are to enjoy industrial peace in this Nation.

The Taft-Hartley Act pays lip service to the preservation of the right to strike, but its provisions cut deep into this basic prerogative. The indiscriminate banning of all secondary boycott activity has seriously restricted the legitimate concerted activities of unions. Moreover, section 8 (d) provides for a loss of employee status should a worker strike before the expiration of a 60-day cooling-off period, regardless of the conduct of the employer which may have provoked the work stoppage. In section 9 (c) (3) the all-important right to vote in a representation election is taken away from the worker who strikes to attain legitimate economic benefits. These sections render meaningless the sanctimonious professions of the Taft-Hartley Act that the right to strike is preserved. The death knell must be sounded over these antilabor provisions.

The Taft-Hartley Act has introduced a number of impractical procedural devices which have only plagued the industrial-relations scene and must be eliminated. Not only the union-shop-election provision of section 9 (e) but also the employer's last-offer vote in the emergency-strike provision of section 209 (b) has proved impractical and prohibitively expensive to administer. Section 3 (d) introduces the concept of separation of functions—creating the position of an independent general counsel entrusted with far-reaching administrative authority and policy-making discretion. Vast powers have been given to a virtual labor czar. Indeed, the House Committee on Executive Expenditures, at the time when the gentleman from Michigan was its chairman, felt impelled to ask for a modification of the general counsel's sweeping assertion as to the limitless jurisdiction of the NLRB under the Taft-Hartley Act. The creation of the independent general counselship has resulted in dual policy making at the expense of orderly administration. In such a situation, intra-agency frictions were inevitable. They have come to light with the resulting deterioration of effective administration of our national labor policy.

It avails us little to talk about a piecemeal revision of the Taft-Hartley Act. Its entire framework was based upon a philosophy of antiunionism which is blind to the major role of collective bargaining in a free society facing the worldwide challenge of statism.

It is interesting to note that in the wild orgy which was the legislative program of the Eightieth Congress, the party which raved against bureaucratic, Federal interference with private rights fathered a bill which extended Government control far beyond anything previously known in the labor field, except in wartime. But the workers of the Nation were not fooled. They gave their clear answer to the antilabor sponsors of the Taft-Hartley Act by overwhelmingly supporting unionism in thousands of union-shop elections. Nor was the electorate of the Nation blind to the issues. In the gratifying manner in which they kept our great President in the White House they endorsed his often-repeated pledge to repeal the Taft-Hartley Act.

In conclusion, I sincerely hope that this enumeration of some of the evils of the Taft-Hartley law will bring about a change of attitude on the part of those who would continue this act on the books and convert them to the belief that labor legislation must be written with the viewpoint of being fair to all parties concerned, which, in my opinion, and in the opinion of many other unbiased Members of Congress, is exactly what the Lesinski bill does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SIMS] as a substitute for the amendment offered by the gentleman from Georgia [Mr. WOOD].

Mr. MARCANTONIO. Mr. Chairman, for the purpose of saving time, I demand tellers now.

Tellers were ordered, and the Chairman appointed as tellers Mr. SIMS and Mr. WOOD.

The Committee divided; and the tellers reported that there were—ayes 183, noes 211.

So the substitute was rejected.

Mr. KELLEY. Mr. Chairman, I ask unanimous consent that debate on the Wood amendment and all amendments thereto close at 5:40 o'clock.

Mr. McCONNELL. Mr. Chairman, reserving the right to object, would the gentleman from Pennsylvania [Mr. KELLEY] amend his request and ask that debate end at 6 o'clock?

Mr. KELLEY. Yes. I will agree to that.

Mr. Chairman, I ask unanimous consent that debate on the Wood amendment and all amendments thereto close at 6 o'clock, the last 5 minutes to be reserved to the committee.

Mr. BROWN of Ohio. Mr. Chairman, reserving the right to object, the gentleman's request means that debate will end at 6 o'clock, it does not mean an hour and a half afterward?

Mr. KELLEY. It means exactly 6 o'clock.

Mr. JUDD. Mr. Chairman, reserving the right to object, is it possible to find out how many amendments there are to the Wood bill?

The CHAIRMAN. The Chair cannot anticipate that. Many Members have not sent their amendments to the desk. But there are now 11 amendments on the Clerk's desk.

Mr. HALLECK. Mr. Chairman, reserving the right to object, would the gentleman from Pennsylvania [Mr. KELLEY] revise his request so as to provide 5 minutes on this side immediately preceding the 5 minutes allotted to the committee to close debate?

Mr. KELLEY. That is agreeable, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that debate on the Wood amendment and all amendments thereto close not later than 6 o'clock, the last 5 minutes to be reserved for the majority members of the committee, and the 5 minutes preceding that to be reserved for the minority members of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LODGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LODGE to the Wood substitute: Page 15, line 24, and page 17, line 11, after the word "methods" in each such place insert the following: "or (4) the disclosure by the employee of confidential information of the labor organization, or (5) conviction of the employee of a felony, or (6) the employee's having engaged in conduct subjecting the labor organization to civil damages or criminal penalties."

Mr. LODGE. Mr. Chairman, the amendment which I have just offered deals with the so-called union-shop provisions of the Wood substitute. As you all know, under the Taft-Hartley Act an employer is permitted to enter into a union-shop agreement with a labor organization, which requires that 30 days after an individual is employed he must become a member of the union and remain a member thereafter. In the Taft-Hartley Act, however, there are certain exceptions made to this requirement of the union-shop agreement. First, an employee who has been hired can still keep his job if the union will not take him in as a member, and if that employee has tendered to the union the regular initiation fee and dues.

Likewise, if after the employee has joined the union he is expelled from the union for some reason other than his failure to pay his dues, the union cannot compel the employer to discharge that individual. Thus, under the Taft-Hartley Act, nonpayment of dues is the sole ground on which a union may expel

a member and still require the employer to discharge him. The Wood substitute adds two additional grounds.

Under the Wood substitute, if an employee has been expelled from the union because he is a member of the Communist Party, or a member of some other subversive organization, the union having a union-shop agreement with the employer can compel the employer to discharge that individual. Similarly, if the union has expelled an individual for engaging in an unauthorized or wildcat strike, the union could compel the employer to discharge that individual under the Wood substitute.

The amendment which I have offered proposes that we add three additional grounds. I think it would be reasonable to provide, as does my amendment, that if an employee is expelled from the union because he has been found guilty of disclosing confidential union information to the employer, the union be permitted to require his discharge by the employer. Unions claim that under the Taft-Hartley Act they cannot expel an employer spy from the union and compel the employer to discharge that individual. I think their criticism in this regard has a great deal of merit, and so my amendment adds this additional ground.

If an employee has been convicted of embezzling union funds or has been convicted of some other crime which is a felony, it seems reasonable to me to permit the union having a union-shop agreement with an employer to compel the employer under that agreement to discharge the individual who has been so convicted, and so my amendment adds this ground as an additional ground of expulsion.

Finally, if an individual has been expelled from the union for doing something that has subjected the union to civil damages or criminal liability, I believe the union having a union-shop agreement with an employer should have the right to compel the employer to discharge that individual. So my amendment adds this as an additional ground for expulsion.

Summarizing, the three additional grounds that I propose be added to the union-shop provisions of the Wood substitute are as follows:

First. Disclosing confidential union information.

Second. Conviction of a felony.

Third. Engaging in conduct subjecting the union to civil damages or criminal penalties.

I think my amendment is reasonable, and I urge that it be adopted.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. LODGE] has expired.

The question is on the amendment offered by the gentleman from Connecticut [Mr. LODGE].

The amendment was agreed to.

Mr. LYNCH. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LYNCH. Mr. Chairman, for many days we have been discussing this bill so vital not only to labor and management, but to the country as a whole. Actually there can be no labor-management dispute that resolves itself into a work stoppage that does not affect the public interest. We have now reached the point in this debate on the momentous question before us when we must determine whether we shall repeal the Taft-Hartley Act and keep it repealed as provided in the pending bill, H. R. 2032, or repeal the bill and reenact it under the Wood amendment, now being discussed and debate on which will end at 6 o'clock this evening.

I desire to state that I am definitely against the Wood amendment. It does nothing for labor except to draw tighter around the necks of the workers of my district, the Twenty-third Congressional District in Bronx County, N. Y., the noose that was prepared for them by the Republican-dominated Eightieth Congress. Perhaps I am too parochial. The antilabor noose that was uncoiled by the Eightieth Congress encompassed all workers the country over, not only those in my district.

Today we are confronted with the stark reality that we, as Democrats, must do everything within our power to repeal and keep repealed the Taft-Hartley law. We who are Democrats see a strange combination working against us to defeat the will of the people who elected us. We see the alinement of big business with the communistic labor element working in cahoots to bring about the defeat of the American workingman.

The Republicans do not want the Thomas-Lesinski bill. The Communists of the country do not want the Thomas-Lesinski bill. The Republicans are opposed to the administration bill because they believe that the NAM represents the American thought on the problem of labor relations and the NAM is opposed now, as in the past, and probably always will be opposed to equitable treatment of labor.

Strangely enough, in the effort to defeat the repeal of the Taft-Hartley law is the communistic element of labor in New York. They are advocating opposition of every amendment, good, bad, or indifferent—they want the Taft-Hartley bill repealed and the Wagner bill reinstated without an amendment, the dotting of an "i," or the crossing of a "t." They know that the bill cannot be passed without a compromise. They oppose any bill, or any amendment thereto, that would remedy defects in the Wagner Act which are recognized by the national leaders of labor. They do not want to aid labor—they only want to add to chaos. They would like to see the Taft-Hartley Act retained so that they might make political capital out of labor's bill of rights.

Mr. Chairman, I cannot state too definitely that I am for the Lesinski bill. At the same time I must say that I have never taken the position, and I hope never will, that my thought is final and beyond me there is no appeal. I am not Stalin—I am just an American, from an American community in New York City called the Bronx, and from a neighborhood that I affectionately call Mott Haven. I grew up in that neighborhood. I went to school there. My children attended the same school. I love that neighborhood and the people who are in it. I firmly believe that the laboring people of my district are in favor of the repeal of the Taft-Hartley Act and the restoration of the Wagner Act with corrective amendments not opposed by labor, and I shall gladly vote accordingly. They do not always agree with the votes that I have cast in Congress, but they are a broad-minded people who realize that there are two sides to every page.

Mr. Chairman, I believe, and I sincerely trust that the people of my district, with whom I have lived for over 50 years, will believe, that we cannot decently live if we are to have, as the law of the land, the Taft-Hartley law and the Wood amendment thereto. The Wood amendment is the Taft-Hartley law repealed and reenacted. I cannot stomach such hypocrisy.

I cannot close without a tribute to the distinguished Speaker, Mr. SAM RAYBURN, of Texas, and the majority leader, Mr. MCCORMACK, of Massachusetts, who have fought so valiantly and courageously to fulfill the commitments of the Democratic platform. If we win, the plaudits of the workers of the country will be theirs. If we lose, the workers of the country will know that under the courageous leadership of our Speaker, SAM RAYBURN, and the indefatigable zeal of JOHN MCCORMACK, we fought the good fight. But if, in this hour of trouble, we who are the friends of labor lose, we will never cease our struggle for a fair deal and a square deal to labor.

Mr. LUCAS. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. LUCAS: On page 51, line 12, after the word "labor" strike out the period, insert a comma and the following: "equal representation insofar as practicable shall be accorded all labor organizations, whether or not such organizations are national or international in their scope."

Mr. LUCAS. Mr. Chairman, I think I have presented for the first time in the last few days an amendment which is not controversial. Everyone with whom I have discussed it has praised the amendment. The simple reason they have praised it is because it provides for equal representation without any compulsion on the part of the appointing officer, equal representation for independent unions on the national labor-management panel which is appointed by the President for the purpose of advising him on the avoidance of industrial controversy.

There is in this country a large body of independent unions which are not affiliated with either the CIO or the AFL. They have in the past been overlooked—I would not say purposely, but they have been overlooked—in the appointment of advisory councils and such committees as are called upon to advise the President on labor matters. I think it wise that we say to the President, who appoints the officers in this case that independent unions shall receive consideration. We do not say that he shall appoint them, but we merely say that insofar as practicable these independent unions shall receive recognition on such boards. I

believe, therefore, Mr. Chairman, that it is wise that we express these precatory words in this legislation advising the President that we hope that he will look toward the independent unions for some advice in avoiding labor controversy.

I hope the membership will support this amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

Mr. MORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORTON: On page 15, line 24, after the word "method" strike out the remainder of the page, and lines 1 and 2 on page 16, and insert the following: *"And provided further,* That nothing in this act, or in any other statute of the United States, shall preclude an employer from notifying a labor organization (not established, maintained or assisted by any action defined in section 9 (a) of this act as an unfair labor practice) of opportunities for employment with such employer, or giving such labor organizations a reasonable opportunity to refer qualified applicants for such employment."

Mr. MORTON. Mr. Chairman, in the Wood amendment an attempt was made to permit the hiring hall in other words, to permit the closed shop to work in practice where it was wanted by both employer and employee. Some of us felt that it did not go far enough in that respect and that it only permitted an employer to inform a union of employment opportunities.

My amendment merely reasserts that permission and then states: "And that the union may be given a reasonable amount of time for the fulfillment of those opportunities."

Mr. BREHM. Mr. Chairman, will the gentleman yield?

Mr. MORTON. I yield.

Mr. BREHM. Will not this amendment, if adopted, take care of the ITU situation with which the gentleman and I are familiar?

Mr. MORTON. My answer is that it will; and it will also take care of the maritime situation in which many of us are interested.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. MORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORTON: On page 63, strike out lines 4, 5, and 6.

Mr. MORTON. Mr. Chairman, this strikes out the language:

If such representative is the same local labor organization which is a party to such collective-bargaining contract.

On Friday last I offered a similar amendment but failed to include in the amendment to strike the language as it occurs in both sections of the bill. On Friday last this committee adopted my amendment, but through my own fault I did not include the language on page 63 as well as the language on page 18. The committee has already expressed its will. This amendment is in the nature of a clarifying amendment. I hope it is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. LODGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LODGE to the substitute: On page 20, strike out lines 1 to 5, inclusive, and insert in lieu thereof the following:

"(c) The Board shall not base any findings of unfair labor practice upon, or set aside or refuse to hold any election upon the basis of, any statement of views or arguments, either written or oral (1) if such statement, considered in the light of all the relevant circumstances, contains no threat, express or implied, of reprisal or force, or offer, express or implied, of benefits, or (2) if the statement, considered in the light of all the relevant circumstances, is such as would justify a district judge in refusing to submit it to a jury, or in setting aside a verdict based thereon against the person making it, were the same issues involved in a trial of such person in a district court of the United States."

Mr. LODGE. Mr. Chairman, under the law and also under the revised Wood bill an employer is allowed, not only complete freedom of speech—excepting threats or coercion—but in addition no statements of an employer can be introduced as evidence in any unfair labor practices case under any circumstances. There is no doubt complete justification for the provision that employers should be allowed freedom of speech. On the other hand, the provision which does not allow the courts or the administrative bodies to take into consideration the employer's comments along with all the other facts in the case goes further than any provision of law has ever gone in the past and most lawyers, regardless of their position on labor legislation agree that the restriction is too broad.

The amendment which I have proposed would still allow the employer freedom of speech but would allow the Board to take into consideration his remarks, together with his other conduct in determining whether or not an unfair labor practice had been committed. The speech alone, however, without other conduct could not constitute an unfair labor practice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. LODGE].

The question was taken; and on a division (demanded by Mr. BAILEY) there were—ayes 114, noes 36.

So the amendment was agreed to.

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEATING:

On page 9, line 8, after the word "controlling" add *"Provided,* That no labor organization shall be held responsible for the acts of any member thereof solely on the ground of such membership."

On page 58, line 6, after the word "controlling" add *"Provided,* That no labor organization shall be held responsible for the acts of any member thereof solely on the ground of such membership."

Mr. KEATING. Mr. Chairman, attention has been called to the fact that in the administration of the Labor-Management Relations Act of 1947, the inclusion of the paragraph to which this amendment is directed has led to an interpretation of it which I feel was never intended when the law was passed.

In that statute it was sought to define what was meant by the word "agent" and when a corporation or labor organization might become responsible for the acts of one of its agents. It was stipulated that actual authority or subsequent ratification would not necessarily be controlling in determining this question.

This wording has apparently led to the making of some rulings which, in my judgment, do an injustice to labor unions. It has been objected to strenuously by the representatives of organized labor. I believe they are right in the position they have taken. This amendment is offered in an effort to remedy that situation.

It expressly provides that no labor organization shall be held responsible for the acts of any member thereof solely on the ground of such membership. In other words, very properly, in order to make a labor organization responsible, if my amendment is adopted, it will be necessary to show the same state of facts which are usually required to establish liability for the acts of an agent.

It will be necessary to satisfy the regular common-law rules of agency in order to create such responsibility.

This is only just and fair. I hope it may have strong support.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Assuming this amendment is adopted, then under what conditions can a labor organization be held liable?

Mr. KEATING. If they actually, either by formal action or by informal action, authorized or subsequently ratified the action of the individual.

Mr. CRAWFORD. The meaning of the gentleman's amendment then is that Mr. A cannot be held liable simply because he is a member of the union and on that only.

Mr. KEATING. That is right. That is exactly what it says. It says, *"Provided,* That no labor organization shall be held liable for the acts of any member thereof solely on the ground of such membership." We should protect labor unions against the possibility that, by court or Board interpretation, they will be charged with responsibility for the acts of a member simply and solely because he is a member, even though he may be operating absolutely on his own and without any authority from or subsequent ratification by the union.

Mr. LANHAM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. KEATING]. As I tried to tell you on Friday of last week I voted against the Taft-Hartley bill because I thought it was going to delay and unfairly hinder union organization. I voted

against it for another reason, and that is that it was evident upon its face that the labor unions were discriminated against, and the provision which the gentleman from New York seeks to amend is one of the provisions in the bill that I objected to at the time I voted against it.

I will tell you this—when the Taft-Hartley bill was passed you changed the law of agency as far as the unions were concerned but you left the law of agency as it was as far as the employer was concerned, and that is what the gentleman from New York is trying to correct.

Now, you did another thing. You made the unions suable in the Federal courts under conditions where no other person could be sued. Not only did you do that. It has always been a rule of law that where there is a conflict of laws, a conflict between the laws passed by the Congress and the laws passed by the States, the Federal law was the supreme law of the land. You reversed that ancient rule in the Taft-Hartley law. These are some of the provisions unfair on their face to the workingman. They are retained in the Wood bill. Hence, I shall vote against it.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SADOWSKI. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SADOWSKI. Mr. Chairman, the bill before us, H. R. 2032, repeals the Taft-Hartley law and reenacts the National Labor Relations Act of 1935. I am going to support this bill.

Under the National Labor Relations Act of 1935 organized labor made great progress. The Wagner Act recognized that the average worker could not individually protect himself from the standpoint of wages, hours, and other conditions of employment when he attempted to deal with large employers by himself. The Wagner Act enabled employees to join together and deal collectively with their employers through the unions of their own choosing. The Wagner Act recognized the fact that working men and women of America are human beings, and not property rights of their employers. Prior to this, workers were afraid to join weak and ineffective unions, because such membership meant being placed on a blacklist, and it subjected the worker to the possibility of losing his job and being denied the right to find work in affiliated industries.

Prior to the Wagner Act it was the practice of many employers to impose so-called yellow-dog contracts. Workers were given jobs under the express condition that they would not join a labor union. Workers signed these yellow-dog contracts because they needed jobs for the support of themselves and their families. After the Wagner Act was passed the workers were freed from these fears and joined unions by the thousands. Many fair-minded employers cooperated in working out principles of collective bargaining. Of course, there were some employers who fought the unions and the Wagner Act.

In 1946 the Republicans won the congressional elections, and they immediately set out to pass the Taft-Hartley bill. The Taft-Hartley bill was vicious and far-reaching. It contained over 20 antilabor provisions. These were provisions which gave inequitable advantages to employers to destroy rights which labor had gained after a struggle of 50 years. The Taft-Hartley bill was driven through the Congress by hatred and hysteria. The Taft-Hartley Act severely restricted free collective bargaining and crippled workers in the exercise of their rights. It increased vastly the number of cases coming before the Labor Board, and it has unfairly discriminated against labor organizations. A multitude of provisions were placed in the act which enabled employers to use injunctions in the courts to delay or prevent the use of the only economic power labor had—that is, the right to strike. The procedures and regulations were so complicated that it was almost impossible for labor to comply. And then, too, the technical requirements and delay periods oftentimes nullified the power of the strike.

It was indeed fortunate for labor that the Republicans did not win in 1948, for then the full meaning of the Taft-Hartley Act would have been heaped upon labor. Much of the Taft-Hartley viciousness was held in abeyance by the Democratic administration. It was fortunate that the people of the United States awoke to the crushing threat of the Taft-Hartley Act. Because of the threat of Taft-Hartley and the fear that it aroused in the hearts of labor, union organizations were forced to fight for their lives and, as a result many of those Congressmen who had voted for Taft-Hartley in the Eightieth Congress were defeated. Membership in labor unions increased. Many workingmen who were only lukewarm to organized unions became alarmed and joined in the fight against Taft-Hartley. They realized that not only the Wagner Act, or National Labor Relations Act of 1935, was at stake, but also that the Norris-LaGuardia Act of 1932, which had been passed to outlaw the writ of injunction in labor disputes, was in jeopardy.

With the injunctive process provided in the Taft-Hartley Act, it placed the Government in the field of compulsory arbitration. Both management and labor rebelled against this. It was clear that compulsory arbitration placed a club in the hands of the Government whereby the Government could swing it in either direction, depending upon the political philosophy of those in charge of the Government bureau. The Republicans in the Eightieth Congress and their antilabor friends tried to impose this strait-jacket on the millions of American working men and women.

As we all know, President Truman vetoed the Taft-Hartley Act, but the Eightieth Congress passed it over his veto. I was one of those Members of the Eightieth Congress who voted against the Taft-Hartley bill, and later I voted to uphold the President's veto. The passage of the Taft-Hartley Act, of course, created great bitterness, hatred, and strained relations between labor and management. The President, in his veto message, made it clear that the Taft-Hartley Act would inject the Government into private economy on an unprecedented scale, and that it would conflict with important principles of our democratic society; that it would cause more, not fewer, strikes; that it would contribute neither to industrial peace nor to economic peace and progress; that it would be a dangerous stride in the direction of a totally managed economy; that it contained seeds of discord which would plague the Nation for years to come; that it would go far toward destroying our national unity; that by raising barriers between labor and management and by injection of political considerations into normal economic decisions, it would invite them to gain their ends through direct political action.

President Truman was correct in his analysis. Where Federal legislation should have developed cooperation, the Taft-Hartley Act disrupted sound collective bargaining; where Federal legislation should have encouraged industrial peace, the Taft-Hartley Act created industrial unrest; where Federal legislation should have reduced Government intervention, the Taft-Hartley Act injected the Government into labor disputes to the advantage of management and to the disadvantage of labor and the Nation. Where Federal legislation should have encouraged free collective bargaining, the Taft-Hartley Act restricted it.

These were the results of the Taft-Hartley Act, a bill which was passed in an atmosphere of anger and confusion.

A pledge was made in the Democratic Party platform last year to repeal the Taft-Hartley Act. I believe that every Democratic Member of this Congress is bound by this pledge, and is obligated to vote for H. R. 2032, in order to keep faith with the American people who voted for us. The Taft-Hartley Act actually died on election day, November 2, 1948. On January 5, 1949, President Truman declared in his message on the state of the Union as follows:

> If we want to keep our economy running in high gear, we must be sure that every group has the incentive to make its full contribution to the national welfare. At present, the working men and women of the Nation are unfairly discriminated against by a statute that abridges their rights, curtails their constructive efforts, and hampers our system of free collective bargaining. That statute is the Labor-Management Relations Act of 1947, sometimes called the Taft-Hartley Act.
>
> That act should be repealed.
>
> The Wagner Act should be reenacted. However, certain improvements, which I recommended to the Congress 2 years ago, are needed. Jurisdictional strikes and unjustifiable secondary boycotts should be prohibited. The use of economic force to decide issues arising out of the interpretation of existing contracts should be prevented. Without endangering our democratic freedoms, means should be provided for setting up machinery for preventing strikes in vital industries which affect the public interest.
>
> The Department of Labor should be rebuilt and strengthened and those units properly belonging within the Department should be placed in it.

H. R. 2032 is the Democratic administration bill that has been presented to carry out the President's proposals. The Taft-Hartley supporters are trying to defeat the administration bill by substituting the Wood bill. On Thursday I said that I looked upon the Wood bill as the old Taft-Hartley bill with a southern accent, but I found that I was wrong. The Wood bill is a Republican Massachusetts-Indiana bill. Its true sponsors are Republican Minority Leader JOE MARTIN, of Massachusetts, and the gentleman from Indiana [Mr. HALLECK]. I quoted from the newspaper Labor which is published by the 15 standard railroad labor organizations and is their official Washington weekly newspapers. In that article they referred to the story carried in the magazine Newsweek on the origin of the Wood bill:

According to Newsweek, "the Wood bill was hatched at a highly secret 3-hour meeting in room F-18 at the Capitol. * * * Actually, there were two Wood bills. The first one bearing the Georgian's name was so much more drastic than Taft-Hartley that the Republican leaders decided they couldn't put it over," Newsweek pointed out.

"So they prepared a new one, ostensibly milder. Before doing so," Newsweek said, "MARTIN and HALLECK obtained a pledge of support from Southern Democratic leaders and conferred with Senators TAFT, of Ohio, and IVES, of New York, on features to be incorporated in the new substitute.

"At the secret meeting in room F-18," the magazine explained, "members of the GOP policy committee and the party's members on the House Labor Committee, unanimously agreed to go along with the MARTIN-HALLECK strategy.

"Core of the strategy," the magazine stressed, "was this: The new Wood bill would repeal the Taft-Hartley Act on paper, but in reality would retain many of the key Taft-Hartley provisions."

Also, Congressman SAMUEL K. MCCONNELL, Representative of Pennsylvania, "passed the word along to COX, of Georgia, SMITH, of Virginia, and BARDEN, of North Carolina, who in turn lined up their southern Democrats."

"The secret was so well guarded," the magazine declared, "that WOOD himself, who had not been in Washington for 2 weeks, had never seen his new bill, and had little idea of what was in it."

"By getting WOOD to front for them," the magazine added, "Republicans succeeded in dividing censure" with southern Democrats.

"Old-timers on Capitol Hill, when they finally heard of the scheme, were shocked. They said that never in the Capital's history had any such cold-blooded conspiracy been hatched by reactionaries of the two major parties nor in such a subterranean manner."

Up to this time neither the gentleman from Massachusetts [Mr. MARTIN] nor the gentleman from Indiana [Mr. HALLECK] has answered this article. If they are the authors and sponsors of the Wood bill, why do not the Republicans take full credit for it? Maybe they realize what the antilabor tag of Taft-Hartley did to the Republican Party. Is not that the real reason that the Republicans do not want the Wood bill to be known as the Martin-Halleck bill?

The cat is out of the bag, and the people will not be fooled. I shall vote against the Wood bill, and I know that every friend of labor shall do likewise.

Under the Taft-Hartley Act, by virtue of his independent authority, the general counsel has been invading the field heretofore treated by the State governments. Under the law, it is the policy of the general counsel to penetrate State authority and to broaden the scope of the Federal Government. The general counsel now has twice as large a staff to carry out the Taft-Hartley law, as compared to the staff that was previously given to the National Labor Relations Board under the Wagner Act. Now that the Taft-Hartley law is weighted in favor of management, they have been given twice the number of employees to carry out the antilabor provisions of the Taft-Hartley Act in order to break the back of the trade-union movement. This Wood bill is no different than the Taft-Hartley in this respect. Under the Wagner Act, there was a great reluctance on the part of the Federal Government to inject itself into labor-management disputes unless these disputes affected a vital national interest.

If we are to be honest with ourselves, if we want to be honest with the people, if we want to be honest and keep our pledge to the Democratic platform, every true Democrat should vote against the Wood substitute. The Democratic platform specifically called for the repeal of the Taft-Hartley Act, and the Wood bill certainly does not do this. Let us remember that under the Wood substitute the general counsel of the National Labor Relations Board will be able to file a suit for injunction in Federal courts merely on the filing of charges alleging that a union has committed an unfair labor practice. An injunction can be obtained merely on the allegation. No investigation is required. It is not necessary to submit facts and evidence to prove the allegation. It is only necessary for someone to allege, and immediately the general counsel can get an injunction. How can anyone vote to put shackles upon labor without due process, without investigation, without any evidence, but just on a simple allegation?

The Wood bill, just as the Taft-Hartley, takes the Government out of its proper position of neutrality and puts it on the side of management in the industrial field. Instead of building and promoting harmony and understanding, it will create suspicion, distrust, and discord. It is punitive and repressive legislation directed at labor. We should endeavor to insure the individual worker, through collective bargaining, protection against punitive and repressive action.

Our course is clear. We must vote down the Wood substitute and pass H. R. 2032, the administration bill.

Mr. MCCARTHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment. This amendment like the other amendments that have been offered to the Wood bill, pretends to soften it, whereas it has little or no effect upon it. The present Wood bill states the same rules in regard to agency that that the Taft-Hartley bill stated. The qualification that mere membership in the union will not be accepted as sufficient to establish responsibilty is a wholly inadequate limitation. Under the Taft-Hartley Act, if you were to bring action against management, you had to establish a relationship of agency. Under the Wood bill, as in the Taft-Hartley, the word "agent" is used parenthetically, not in the ordinary legal sense, when applied to labor unions and members, the Wood bill, like the Taft-Hartley, says it does not make any difference whether the action was approved of beforehand or whether it is subsequently ratified by the union. In other words, it is the action they are here concerned about, not the question of responsibility.

I do not like to attribute motives to the actions of any Members of the House. It appears to be the custom here to preface your remarks by saying you make no such judgment against them. However, there was a good practice in medieval times. When, in Christian charity, men could not pass judgment upon the motives of their fellow men, they coined the term "culpable ignorance" to fix responsibility. I think it might be well for Members of this House to give some consideration to culpable ignorance when they examine their political consciences.

I repeat that the amendment just offered is like those offered earlier in debate. The gentleman from Michigan [Mr. FORD] offered the first amendment. He extended the time during which a member of a labor union might retain voting rights under strike conditions after he had been replaced in his job, from 90 days, the provision of the Wood bill, to 6 months. This was offered as a liberalizing amendment—yet the provision is wrong in principle—any man who is a part of an economic dispute, which is legally recognized by the National Labor Relations Board—should have a right to vote in the election which is called to settle that dispute, no matter how much time elapses after he is replaced, if he was an employee in good standing at the time the strike was called. The amendment is unsound practically as well. From the gentleman's own statements made in support of his amendment, we find, so he says, that usually 30 days elapse before the original hearing is held after the petition for election is filed. Then, he says, usually 90 days pass before the election is ordered. Often, he says, the time is longer. Then after the election is ordered, it takes at least another 30 days before the election is held. Thus by his own count, it appears that 6 months is just long enough to disqualify most prospective voters.

In similar vein the gentleman from Kentucky [Mr. MORTON] has offered a liberalizing amendment. He strikes out the language which would limit secondary boycotts, all other conditions of the law being met, to labor groups which are members of the same local as that involved in the original strike. The only recourse the struck plant then has is to farm out its work to a plant which is worked by members of another union or some other local union. Or as I read the amended act, to a plant which has not agreed with its employees to allow the secondary boycott under the conditions described in the bill. It is possible also to transfer work to

other units of the employers own company, if he has other units in other parts of the country. Then the Bentsen amendment was offered to protect labor in injunction proceedings. The amendment requires an investigation, so thorough, as we can judge by the language that follows in the same amendment, that it is not even necessary to discover where the unfair practice occurred, for the amendment states that the petition may be filed in a district court where the unfair practice in question has occurred, or is alleged to have occurred. If there were any danger that the actions of the general counsel were going to be conducted without written records of any kind, this amendment might be in order; if they were going to be carried out by smoke signals, or through mental telepathy. The amendment adds nothing significant in the way of legal protection to labor.

Let me say finally that the committee deserves commendation for its presentation of this bill. The Lesinski bill as presented here did deal with what is the proper object of this legislation, namely, labor-management relations. The bill was offered for amendment.

The gentleman from North Carolina [Mr. BARDEN] early this afternoon spoke consolingly to the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. KELLEY]. He made reference to a rug-pulling operation. I am satisfied if the gentleman from North Carolina would submit to examination we would find lint under his fingernails.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. KEATING].

The amendment was agreed to.

Mr. HAYS of Arkansas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYS of Arkansas to the amendment offered by the gentleman from Georgia [Mr. WOOD]: On page 15, line 3, after "agreement" insert the following: *"Provided further,* That nothing in this act, or in any other statute of the United States, shall preclude an employer from making an agreement which is valid under State law with a labor organization (not established, maintained, or assisted by any action defined in section 8 (a) of this act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made."

Mr. HAYS of Arkansas. Mr. Chairman, I supported the amendment offered by the gentleman from Texas [Mr. LYLE] to the Sims amendment because it proposed to permit States to ban closed shops. By the same token, the States that want to legalize the closed shop should be permitted to do so. The policy of the Wood amendment is that closed shops are not lawful. I realize that there are valid objections to the closed shop. The general principle of the closed shop does not appeal to me. However, I feel that it would be a proper concession to States' rights to permit closed-shop arrangements if sentiment supports such a policy.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Arkansas. I yield to the gentleman from Indiana.

Mr. HALLECK. Do I correctly understand from the gentleman's amendment that if the closed shop is to be made legal in a State it requires affirmative, positive legislation action by the State?

Mr. HAYS of Arkansas. That is correct.

Where the States do act affirmatively to permit the closed shop, which in certain limited instances are justified and proper, I feel they should be permitted to do so.

It seems to me that one objection to the Lesinski bill is that local situations where there might be abuses of the closed shop cannot be corrected by the States. That is in the face of a recent Supreme Court decision, recognizing the States' authority to ban closed shops. Now, if the Wood bill is designed to correct this weakness in the Lesinski bill, it should at the same time grant to the States the power to permit closed shops if the anti-closed-shop policy is not acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. HAYS].

The amendment was agreed to.

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEATING: On page 45, after the period in line 16, insert "the provisions of section 8 (a) 3 and section 8 (b) 2 of the National Labor Relations Act as reenacted and amended by this title shall not make an unfair labor practice the performance of any obligation under a collective-bargaining agreement entered into prior to the date of enactment of the Labor-Management Relations Act of 1947 if the performance of such obligation would not have constituted an unfair labor practice under section 8 (3) of the National Labor Relations Act prior to the effective date of the Labor-Management Relations Act of 1947, unless such agreement was renewed or extended subsequent to such effective date."

Mr. KEATING. Mr. Chairman, when the Labor-Management Relations Act of 1947 was enacted, a provision was inserted which is known as section 102, which validated any existing closed-shop agreements. Some of them, I am informed, were extended for as much as 5 years, or at least more than 1 or 2 years. The parties had entered into those agreements, and it was felt at that time that no interference should be caused by the Congress concerning the existing contracts. When the bill before us, the Wood bill, was drawn up, that section was omitted. It does not seem to me that it was intended to invalidate any existing legal, binding closed-shop contract. The purpose of this amendment is to restore to the Wood substitute the provisions of the Labor-Management Relations Act of 1947 insofar as they validated these agreements. This is one of the things most strenuously objected to by labor organizations in the Wood bill. I believe their position on it is correct.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. KEATING. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Is it not a fact that the adoption of your amendment will help in newspaper plants and printing shops where they have historically had closed-shop contracts?

Mr. KEATING. Yes; that is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. KEATING].

The amendment was agreed to.

Mr. O'SULLIVAN. Mr. Chairman, I offer an amendment.

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. Mr. Chairman, under the unanimous-consent agreement limiting debate, debate was to close at 6 o'clock, with 5 minutes to be reserved to this side and 5 minutes to the other side. The clock is approaching that time, and I want to be sure that we will not be foreclosed.

The CHAIRMAN. Even after debate is over, amendments may still be offered and be voted upon.

Mr. HALLECK. But, Mr. Chairman, will we have 5 minutes' time on each side?

The CHAIRMAN. The list shows 5 minutes for each side of the committee. The Clerk will report the amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

Amendment offered by Mr. O'SULLIVAN: Amendment of that part of section 9 at page 29 beginning with subsection (h) on line 19, all of the balance of page 29 and ending with the word "method" on line 15 on page 30 thereof.

To strike out from the Wood amendment to the Lesinski bill that part of section 9 at page 29 beginning with subsection (h) on line 19, all of the balance of page 29 and ending with the word "method" on page 30 thereof, and to insert in its place and stead the following:

"Every officer, manager, or agent of every labor union, and every officer, manager, or agent of any employer of labor, whether employing union or nonunion labor, shall, on July 4, 1949, and yearly thereafter, take the following affirmation orally and also in writing, before some person authorized under the laws of the United States of America to administer an affirmation, and shall forthwith transmit the properly executed written oath by registered mail to the United States Secretary of Labor at the then seat of government:

"UNITED STATES OF AMERICA,

"State of ------, ss:

"I hereby solemnly affirm that I absolutely, entirely, and forever renounce and adjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I may have heretofore been an affiliate, employee, agent, subject, or citizen; that I will always support and defend the Constitution and laws of the United States of America against any organization that believes in or teaches the overthrow of the Government of the United States of America by force or by any illegal or unconstitutional methods; that I am not now and will never become a member of, or support any such organization, in the future; that I take this obligation freely without any mental reservations or purposes of evasion whatsoever, and do so, fully mindful of all of the pains and penalties of perjury; and I fully know and understand that the making of a false affirmation will subject me to prosecution, not only for perjury, but also under other applicable laws

of the United States of America relating to subversive and other illegal kindred activities.

"In acknowledgment whereof I have hereunto affixed my signature this ____ day of ------, 19---.

"----------"

Mr. RANKIN (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. O'SULLIVAN. Mr. Chairman, this amendment is in substance the same amendment which I offered to the Sims amendment, and I feel that it should be passed in order to protect the leaders of labor and management from being besmirched by the insinuations inadvertently contained in the language of the Wood bill which I seek to have stricken out. This oath of allegiance is copied in part from the United States naturalization law.

Just why it should be necessary to give communism such publicity and unearned and unwarranted recognition is beyond my powers to understand. To require these affidavits amounts to a pointing of the finger of suspicion at the leaders of labor and management.

If my amendment is adopted it would not be offensive for the leaders of labor and management to make an affirmation of allegiance to the United States of America and its laws.

Boy Scouts take pledges. Peoples of various religions renew their baptismal vows, and many other pledges are taken.

Why not require on the Fourth of July a renewal of the oath of allegiance to our country by these leaders of labor and capital? Let us be for something—not against the foulest political creed known to the world to date.

A negative approach is not good. No Democrat would say, "I am not a Republican." He would say, "I am a Democrat."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The amendment was rejected.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MCCONNELL] is entitled to recognition for 5 minutes, under the unanimous-consent agreement.

Mr. MCCONNELL. Mr. Chairman, I ask unanimous consent to yield the time granted to me to the gentleman from Indiana [Mr. HALLECK].

The CHAIRMAN. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. HALLECK. Mr. Chairman, we are rapidly approaching a vote on the substitute bill pending before us.

Just let me point out that that substitute has had careful consideration. It has been a good vehicle through which the House could work its will. Amendments have been adopted to it. It has stood the test of a substitute proposed by administration leaders that was offered to take its place and was retained by the House. Other amendments striking out any provision of that bill might have been made.

On that bill the House of Representatives has had complete freedom of action to write labor-management legislation. Now we have gone through it, considered it, amended it, and we are up to the point where we must determine whether we shall proceed with the action that has been thus far carried along so well, in what I believe is one of the finest debates I have ever witnessed on the floor, or whether we shall just take a bill that had no consideration in the committee, and has had no consideration on the floor of the House.

Substantial improvements have been made in existing law, namely, the Taft-Hartley law. Let no one tell you that they are not substantial.

Let me recount them to you. They are the result of honest attempts to meet legitimate criticism that has been made by organized labor and others.

First of all, elections for a union shop were eliminated so that union-shop contracts can be made by voluntary agreement between an employer and a union without election by employees.

The prohibitions on the closed shop were clarified so as to make clear that the union hiring hall will be an available channel for securing applicants for employment.

The secondary-boycott provisions were substantially liberalized to permit unions to strike against work that is farmed out.

Provision for the reopening of contracts was recognized.

Economic strikers were specifically given the right to vote in representation elections.

Unions were given substantially greater latitude in the time for filing their financial statements.

Non-Communist affidavits were made applicable to employers as well as employees, to meet the criticism that the existing law was one-sided in this regard.

The ballot, at the end of a national-emergency injunction was done away with, to meet the criticism that this ballot sought to undermine the union's authority as a representative of the employees.

As we have gone along with the consideration of the bill in the House, what else has happened?

Other liberalizing amendments of a substantial nature were adopted. The Ford amendment extending from 90 days to 6 months the time within which economic strikers remain eligible to vote in representation elections now has been agreed to. This amendment will prevent any possibility of union busting by employers.

The Morton amendment was agreed to, permitting secondary strikes against farmed-out work even where the same local union is not involved in the primary strike.

The Bentsen amendment was agreed to, prohibiting applications for injunction before there has been complete investigation, issuance of a complaint, and a finding of irreparable injury—these injunctions to be obtainable only by the Government itself and not by any private employer. This amendment meets all of the criticism here on the floor and elsewhere about the injunction provision of the Wood bill.

The Lodge amendment was agreed to, recognizing the right of unions to secure the discharge of members who violate union loyalties by disclosing secret union information, members who may have embezzled union funds, or subjected the union to damages or penalties.

Another Morton amendment was then agreed to, further liberalizing the union-shop provisions.

Then the Lodge amendment, correcting the effects of the evidence rule in the free-speech provisions of existing law was agreed to. This was a matter to which my friend from Indiana has so often referred. That is taken care of.

Next came the Keating amendment clarifying the agency rule of existing law, under which it has been charged that unions would be held liable for the unauthorized acts of members of the union just because they were members of the union. This criticism was met.

The Hays amendment, offered by the gentleman from Arkansas, extended the States' rights principle so that States may not only invalidate union shop agreements, but they may likewise by affirmative legislative action validate closed-shop agreements that would otherwise be prohibited under the Federal law.

Then another Keating amendment was agreed to in order to meet the objection raised by many Members that the provision in the Taft-Hartley law, the grandfather clause, protecting existing closed-shop arrangements had been wiped out in this substitute.

I have here a letter addressed to my colleague, the gentleman from Maryland [Mr. BEALL] by a most important labor organization up there in his area in the State of Maryland. He asked them to point out the things they did not like in the revised Wood substitute. They did that, and I wish to say to you that a majority of those objections have been met.

The measure on which you are about to vote is a measure that has been written by the House itself as a result of the best debate with the best attendance I have ever witnessed in the House of Representatives. It is a measure that ought to be supported by you Members whether you are Democrats or Republicans.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The gentleman from Pennsylvania [Mr. KELLEY] is recognized for 5 minutes.

Mr. KELLEY. Mr. Chairman, the Sims substitute is out. We were told that we had a choice between the Sims substitute and the Wood amendment, but the choice now is between the Lesinski bill and the Taft-Hartley Act and all it contains, all the objectionable features that are carried over into the Wood bill. Before you vote for the Wood bill ask yourself whether you are going to accept those parts of the Taft-Hartley Act that are carried over into it, especially the provision for injunctions and

the anti-Communist oath which is so objectionable to many people. Here is the opportunity to vote the Wood bill up or down. This is the choice; this is the test as to whether or not campaign promises and platform pledges are to be upheld by the Democratic Members of the House. I do not, of course, expect the Republicans to go along with that, but I certainly expect the Democrats to go along with it.

Mr. HAYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. I yield.

Mr. HAYS of Ohio. Let me say, Mr. Chairman, that the issue in 1950 in Ohio is going to be the Taft-Hartley law. We Democrats would rather fight it out, calling it the Taft-Hartley law than calling it the Wood-Halleck bill, because nobody in Ohio knows Mr. WOOD or Mr. HALLECK.

Mr. DONOHUE. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. I yield.

Mr. DONOHUE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DONOHUE. Mr. Chairman, as I see it, the fundamental principle involved in this discussion of labor-management legislation is whether or not labor should be treated as a commodity, to be purchased in the competitive market, at a price to be determined solely by the law of supply and demand.

Two years ago, we were asked to believe that the way to American security and abundance, to peace and progress, was along the path of reaction in punitive moves directed against all forms of labor security.

The Labor-Management Relations Act of 1947 was admittedly presented for the purpose of changing the whole range of national labor policy that had been built up in the previous 16 years and reduce in every aspect the privileges and rights of labor. Its avowed objective was, in effect, to abolish industry-wide collective bargaining.

I submit that any attempt to weaken or destroy the working people's right to bargain collectively on an industry-wide basis is directly opposed to the socially progressive movement, in solid labor-management relations, that has been steadily advancing for over a century of our American democratic life.

The advantages of industry-wide bargaining manifestly outweigh the pretended disadvantages. Industry-wide collective bargaining is a natural, inevitable, and healthy step forward toward maturity in industrial relations. It is an alternative to competitive anarchy and Government regulation. It is a logical development in a progressive trend from excessive individualism to group responsibility, and proper social control.

Mr. Chairman, collective bargaining has become an integral part of America's industrial structure. Most authorities agree that free collective bargaining is by far the most democratic and wholesome way of bringing about needed adjustments. It is the right way for labor and management to settle their differences and share their responsibility; it is the American way.

From the very beginning of the American labor movement, the things which unions asked for—the bread-and-butter contracts which they sought—were denounced in many corners. Then, after each gain had been won, historians and people generally looked back and agreed that labor's so-called demands were justified and necessary—because they represented the very things that gave meaning and purpose to our democracy. This fact was clear enough in retrospect and I should think it would be clear today.

Now much is being said about the need for more democratic procedures within the ranks of organized labor. I would like to point out to you that the rank and file of union members are much closer to union affairs than are the electors of most cities. I would like to remind you that union members have a much more direct interest and, indeed, a more direct voice in the way their unions are run than the average citizens in the affairs of their city.

Democracy in unions is not perfect, of course, but it compares very favorably with its counterpart in other kinds of civic activity.

Only in this country and in Canada can you find so very few in the labor movement who are tainted by some ism which threatens the safety of the kind of democracy we have known. Ninety-eight percent of the American trade-unionists are not Socialist or Communist or Fascist.

The Communists, in particular, have made desperate efforts to secure a foothold in the American labor movement. Up to date they have failed utterly because the hand of American labor is against them, and will continue to be against them.

Please do not imagine I am arguing that the labor union is always right and that the employers are always wrong. I would not insult your intelligence by pressing such an argument.

There are 15,000,000 trade-unionists in the United States. With the members of their families and close relatives, they undoubtedly represent at least a fifth, and possibly a fourth, of our population. Of course, there are many shortsighted, selfish, even dishonest, men among them. If that were not true, then the labor movement of America would constitute the greatest miracle witnessed by human beings since our Lord left his sepulcher on the third day and gave His disciples concrete evidence of His divinity.

The labor movement in this country is as American as the Washington Monument or the Lincoln Memorial. Of course, it is constantly fighting to improve the condition of its members, and it will continue to do so. It is led by honorable men whose records in private and public life will bear comparison with the records of the leaders of any other group in American life. I am not apprehensive concerning the future of the American labor movement. It is not a revolutionary movement; I feel it should be regarded as an evolutionary movement, constantly progressing; the efforts being made to hold it back are practically and economically unwise.

I wish to say to the employers of labor: "Extend the hand of fellowship to your workers. Recognize their right to organize unions which suit their needs. Do not be shocked when differences develop. Devise machinery to handle those differences, with a minimum of governmental or other outside interference."

If you do that in good faith, you will find that American trade unionists will meet you at least half way. That is all you have a right to expect, and that is all the trade-union movement should concede.

I think there is a trinity in economics, as there is in religion. The trinity in economics is made up of agriculture, labor, business. They are so closely affiliated that if one is injured, the others are bound to suffer.

Impoverish the farmer, and the industrial worker will find himself without a job, and the businessman will look in vain for a market for his wares. Treat business unfairly, and labor and farmer will discover the door of opportunity is closing. Deny a just wage to the worker, and business and agriculture cannot escape the disastrous consequences.

The task of this Congress is to place our management upon a sound and workable foundation. Up until 2 years ago, the consistent policy of this Government has been based upon the promotion and encouragement of free collective bargaining; our objective should be to restrict the accepted practice of collective bargaining and provide protective provisions for its healthy operation. Where there are admitted and demonstrated weaknesses, we must remedy and strengthen them. At the same time, we must beware of the creation of voluminous and complicated rules which can only result in transferring the conduct of industrial relations, from the parties vitally concerned, to a specially trained group of legal experts, which I submit would be a most disastrous development.

At a time when this Nation and the world is entering a fateful hour of history, let us act without passion and emotion; let us judiciously avoid any threat to our national economy and security by excitement toward industrial strife. Let us reestablish the faith and confidence of both management and labor, in our Government, by inspiring them to reach a commonly advantageous understanding through the peaceful processes of industry-wide collective bargaining.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. I yield to the gentleman from New York.

Mr. MARCANTONIO. Is it not a fact that despite the trimmings that have been added here and recited by the gentleman from Indiana [Mr. HALLECK] that the issue today in this House is the same as it was two years ago when the Taft-Hartley law was enacted? By voting for the Wood substitute you are today voting to reenact the Taft Hartley Act.

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. KELLEY. I yield.

Mr. McCONNELL. Mr. Chairman, I wish to say one or two things in the closing minutes of this debate. This has been a hard, crucial type of battle for all of us, and it has been difficult to keep our balance. I wish to congratulate the opposition as led by the gentleman from Pennsylvania [Mr. KELLEY] for the fine way in which he has handled the debate on this bill. I shall not say a word about the voting; I am sure everyone here knows what the issues are and will vote as he or she deems right.

Mr. KELLEY. I thank the gentleman from Pennsylvania.

The CHAIRMAN. All the time has expired on the amendment.

The question is on the amendment offered by the gentleman from Georgia [Mr. WOOD] as amended.

Mr. McCORMACK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. KELLEY and Mr. WOOD.

The Committee divided; and the tellers reported that there were—ayes 210, noes 196.

So the amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 2032) to repeal the Labor-Management Relations Act, 1947, to reenact the National Labor Relations Act of 1935, and for other purposes, pursuant to House Resolution 191, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

Mr. McCORMACK. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MARTIN of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. For the benefit of the House, the vote is on the adoption of the Wood amendment?

The SPEAKER. The gentleman is correct.

Mr. HARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRIS. The vote is now on the Wood amendment that was adopted in the Committee of the Whole. If the Wood amendment is defeated, then the vote would come on the committee bill, the Lesinski bill, without amendment?

The SPEAKER. The next vote would be on the engrossment and third reading of the Lesinski bill.

The question is on the amendment.

The question was taken; and there were—yeas 217, nays 203, answered "present" 1, not voting 10, as follows:

[Roll No. 84]

YEAS—217

Abbitt	Gwinn	Nixon
Abernethy	Hagen	Norblad
Allen, Calif.	Hale	Norrell
Allen, Ill.	Hall,	O'Hara, Minn.
Andersen, H. Carl	Edwin Arthur	Pace
Anderson, Calif.	Hall, Leonard W.	Passman
Andresen, August H.	Halleck	Peterson
Andrews	Hand	Pfeiffer, William L.
Arends	Harden	Phillips, Calif.
Auchincloss	Hardy	Pickett
Barden	Hare	Plumley
Barrett, Wyo.	Harris	Poage
Bates, Mass.	Harrison	Potter
Battle	Harvey	Poulson
Beall	Hays, Ark.	Preston
Bentsen	Hébert	Rankin
Blackney	Herlong	Redden
Bland	Herter	Reed, Ill.
Boggs, Del.	Heselton	Reed, N. Y.
Bolton, Md.	Hill	Rees
Bolton, Ohio	Hinshaw	Regan
Bonner	Hoeven	Rich
Boykin	Hoffman, Ill.	Richards
Bramblett	Hoffman, Mich.	Riehlman
Brooks	Holmes	Rivers
Brown, Ga.	Hope	Rogers, Fla.
Brown, Ohio	Horan	Rogers, Mass.
Bryson	Jackson, Calif.	Sadlak
Burton	James	St. George
Byrnes, Wis.	Jenison	Sanborn
Camp	Jenkins	Scott, Hardie
Carlyle	Jennings	Scott, Hugh D., Jr.
Case, S. Dak.	Jensen	Scrivner
Chatham	Johnson	Scudder
Chiperfield	Jonas	Shafer
Church	Judd	Short
Cole, Kans.	Kean	Simpson, Ill.
Cole, N. Y.	Kearney	Simpson, Pa.
Colmer	Kearns	Smith, Kans.
Cotton	Keating	Smith, Va.
Coudert	Keefe	Smith, Wis.
Cox	Kerr	Stanley
Crawford	Kilburn	Stefan
Cunningham	Kilday	Stockman
Curtis	Kunkel	Taber
Dague	Larcade	Tackett
Davis, Ga.	Latham	Talle
Davis, Tenn.	LeCompte	Taylor
Davis, Wis.	LeFevre	Teague
D'Ewart	Lichtenwalter	Towe
Dolliver	Lodge	Van Zandt
Dondero	Lovre	Velde
Doughton	Lucas	Vinson
Durham	McConnell	Vorys
Eaton	McCulloch	Vursell
Ellsworth	McDonough	Wadsworth
Elston	McGregor	Weichel
Evins	McMillan, S. C.	Werdel
Fallon	McMillen, Ill.	Wheeler
Fellows	Macy	Whitten
Fenton	Mahon	Whittington
Fisher	Martin, Iowa	Wigglesworth
Ford	Martin, Mass.	Williams
Gamble	Mason	Willis
Gary	Merrow	Wilson, Ind.
Gathings	Meyer	Wilson, Tex.
Gavin	Michener	Winstead
Gillette	Miller, Md.	Wolcott
Goodwin	Miller, Nebr.	Wolverton
Gossett	Morton	Wood
Graham	Murray, Tenn.	Woodruff
Grant	Murray, Wis.	
Gregory	Nelson	
	Nicholson	

NAYS—203

Addonizio	Bolling	Case, N. J.
Albert	Bosone	Cavalcante
Allen, La.	Breen	Celler
Angell	Brehm	Chelf
Aspinall	Buchanan	Chesney
Bailey	Buckley, Ill.	Christopher
Baring	Buckley, N. Y.	Chudoff
Barrett, Pa.	Burdick	Clemente
Bates, Ky.	Burke	Combs
Beckworth	Burleson	Cooper
Bennett, Fla.	Burnside	Corbett
Bennett, Mich.	Byrne, N. Y.	Crook
Biemiller	Canfield	Crosser
Bishop	Cannon	Davenport
Blatnik	Carnahan	Davies, N. Y.
Boggs, La.	Carroll	Dawson
Deane	Kennedy	Pfeifer, Joseph L.
Delaney	Keogh	Philbin
Denton	King	Phillips, Tenn.
Dingell	Kirwan	Polk
Dollinger	Klein	Powell
Donohue	Kruse	Price
Douglas	Lane	Priest
Doyle	Lanham	Quinn
Eberharter	Lemke	Rabaut
Elliott	Lesinski	Rains
Engel, Mich.	Lind	Ramsay
Engle, Calif.	Linehan	Rhodes
Feighan	Lyle	Ribicoff
Fernandez	Lynch	Rodino
Flood	McCarthy	Rooney
Fogarty	McCormack	Sabath
Forand	McGrath	Sadowski
Frazier	McGuire	Sasscer
Fugate	McKinnon	Secrest
Fulton	McSweeney	Sheppard
Furcolo	Mack, Ill.	Sikes
Garmatz	Mack, Wash.	Sims
Golden	Madden	Smathers
Gordon	Magee	Spence
Gore	Mansfield	Staggers
Gorski, Ill.	Marcantonio	Steed
Gorski, N. Y.	Marsalis	Stigler
Granahan	Marshall	Sullivan
Granger	Miles	Sutton
Green	Miller, Calif.	Tauriello
Gross	Mills	Thomas, Tex.
Hart	Mitchell	Thompson
Havenner	Monroney	Thornberry
Hays, Ohio	Morgan	Tollefson
Hedrick	Morris	Trimble
Heffernan	Morrison	Underwood
Heller	Moulder	Wagner
Holifield	Multer	Walter
Howell	Murdock	Welch, Calif.
Huber	Murphy	Welch, Mo.
Hull	Noland	White, Calif.
Irving	Norton	White, Idaho
Jackson, Wash.	O'Brien, Ill.	Wickersham
Jacobs	O'Hara, Ill.	Wier
Javits	O'Konski	Wilson, Okla.
Jones, Ala.	O'Neill	Withrow
Jones, Mo.	O'Sullivan	Woodhouse
Jones, N. C.	O'Toole	Worley
Karst	Patman	Yates
Karsten	Patten	Young
Kee	Patterson	Zablocki
Kelley	Perkins	

ANSWERED "PRESENT"—1

Cooley

NOT VOTING—10

Bulwinkle	Hobbs	Walsh
Clevenger	O'Brien, Mich.	Whitaker
DeGraffenried	Smith, Ohio	
Gilmer	Thomas, N. J.	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hobbs for, with Mr. Gilmer against.
Mr. Bulwinkle for, with Mr. Cooley against.

General pairs until further notice:

Mr. Walsh with Mr. Clevenger.
Mr. Whitaker with Mr. Smith of Ohio.

Mr. COOLEY. Mr. Speaker, I have a live pair with the gentleman from North Carolina, Mr. BULWINKLE. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. TACKETT changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. POWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWELL. If this bill uses language which is no longer in keeping with our laws, I raise the point of order that it is incorrectly drawn. On page 53, line 13, this bill uses the language, "to review by the appropriate circuit court of

appeals." I make the point of order that there is no longer any circuit court of appeals.

The SPEAKER. There might be 203 Members take the same position that the gentleman from New York does, but that does not alter the situation.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. MARCANTONIO. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The gentleman from New York demands the reading of the engrossed copy of the bill. The Chair thinks it would not be practicable to wait for that this evening.

EXTENSION OF REMARKS

Mr. RAMSAY, Mr. PHILBIN, and Mr. MILLER of Maryland asked and were given permission to extend their remarks in the RECORD.

Mr. BECKWORTH asked and was given permission to extend his remarks in the RECORD and include a clipping from a newspaper.

Mr. BIEMILLER asked and was given permission to revise and extend the remarks he made in the Committee of the Whole and include certain statistical data.

Mr. GRANGER asked and was given permission to extend his remarks in the RECORD and include a radio address by Charles Collingwood on patronage.

Mr. MULTER asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in three instances and include extraneous matter.

Mr. DINGELL asked and was given permission to extend his remarks in the RECORD and include an article appearing in the New York Times.

Mr. CLEMENTE asked and was given permission to extend his remarks in the RECORD and include an article that appeared in the Newark Star-Ledger on Sunday, April 3, 1949.

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the Appendix.

PROGRAM FOR REMAINDER OF WEEK

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute in order to inquire of the gentleman from Massachusetts [Mr. MCCORMACK] as to the program for the rest of the week.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCCORMACK. After the disposition of the labor bill tomorrow, the next order of business will be the bill H. R. 165, relating to the American River Basin.

I may say no rule has yet been reported on the Commodity Credit Corporation bill.

I understand that quite a number of Members are going to New York on Friday, and it is my hope to adjourn over from Thursday to Monday. For Wednesday and Thursday I have scheduled the bill H. R. 165, relating to the American River Basin, H. R. 2989, a bill to incorporate the Virgin Islands Corporation, H. R. 4080, the military justice uniform code bill—I have placed this on the program after consulting the chairman of the Committee on Armed Services—and H. R. 2023, a bill providing for a decennial census of housing. We will try to dispose of all of these bills, if possible, or as many as we can. I may say to the gentleman from Massachusetts that I cannot put the tobacco-tax bill on the program for this week.

SPECIAL ORDER GRANTED

Mr. KLEIN asked and was given permission to address the House for 2 hours on tomorrow, at the conclusion of the legislative program and following any special orders heretofore entered.

GENERAL EXTENSION OF REMARKS

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks in the RECORD on the labor bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on tomorrow, Calendar Wednesday, be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. KEOGH asked and was given permission to extend his remarks in the RECORD in four instances.

Mr. KING asked and was given permission to extend his remarks in the RECORD and include a resolution by the Motion Picture Industry Council.

Mr. SASSCER asked and was given permission to extend his remarks in the RECORD and include an article from the Baltimore Sun.

Mr. HAYS of Arkansas asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. GOODWIN asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. JAVITS asked and was given permission to revise and extend the remarks he made in Committee of the Whole and include extraneous material, and further to extend his remarks in the Appendix of the RECORD in two instances.

Mrs. DOUGLAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include information concerning the program for rural reconstruction in China. I am informed by the Public Printer that this will take seven and one-half pages of the RECORD, at a cost of $562, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article from the United States Naval Institute proceedings. I am informed by the Public Printer that this will take two and one-half pages of the RECORD, at a cost of $187.50, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

PERMISSION TO EXTEND REMARKS AT THIS POINT

Mr. VELDE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VELDE. Mr. Speaker, last Wednesday I was served with a subpena issued by the Federal grand jury sitting in New York City, demanding that I appear before this body on Wednesday, May 4, in regard to an alleged violation of section 88, title 18, United States Code. This violation of the United States criminal law deals with conspiracies. I have been informed that the jury is interested in hearing my testimony concerning facts that I obtained while employed as an FBI agent by the Department of Justice, from 1942 through 1945. Further than that, the grand jury wants some information about Russian espionage activities which took place in the San Francisco Bay area, where I was assigned from 1943 to 1945.

Prior to this subpena being served upon me last week I had been requested by the Criminal Division of the office of the Attorney General to appear before the New York grand jury in order to verify or deny certain statements in the press regarding Russian espionage activities. At that time, due to the fact that the Labor Committee, of which I am a member, was holding important hearings almost daily, I declined the request to appear. At the same time I declined this request I stated to the Attorney General's office that I would be glad to cooperate with the Federal grand jury and that I would make every effort to appear before it at the first opportunity.

Mr. Speaker, most of the Members of the House are more familiar than I with the procedure of grand juries and other courts in subpenaing Members of Congress while it is in session. It appears at this time that the debate and discussion and vote on labor legislation here will continue during the time I am called to appear before the grand jury; therefore I shall use my prerogative as a Member of Congress and refuse to answer this subpena. For the record, however, I want to say that I shall make every attempt to meet with the grand jury in New York City and give it any information I may have concerning the matters they are now investigating.

I have made tentative arrangements to appear before the New York grand jury on Friday of this week, provided that the appearance does not interfere with my duties here. As a member of the Un-

American Activities Committee, but not speaking for the committee as a whole, I wish to say that I will refuse to reveal any information obtained as a member of that committee until authorized to do so by the committee as a whole. I shall, however, cooperate with the grand jury and give them any information I may have gained as an investigator for the FBI until the latter part of 1945.

It appears to me that inasmuch as the information which is desired by the grand jury was secured by numerous FBI agents working all over the country, and since my information only represents a very minor part of the total investigation, the grand jury should first of all exhaust all the present means of obtaining evidence concerning this espionage activity from the Department of Justice's own files.

The matter which is being investigated by the New York grand jury and the Un-American Activities Committee at this time is, in my opinion, one of the most serious espionage cases ever developed in the United States history. It involves the attempt by the Russian Government, working through American Communists and agents in this country, to secure the secret of the atomic bomb—the most powerful weapon of war the world has ever known. Whether we like it or not and whether we can successfully prosecute the guilty or not, we do know that there are a number of Russian espionage agents who have been and still are operating in this country. It may be that our laws are not sufficiently strong to enable us to bring to justice these dangerous criminals. I feel that since they have not been brought to justice during the past 6 years we should make some effort to revise our criminal laws on sedition, espionage, treason, and conspiracy to commit these crimes, but we cannot revise these laws without a thorough study by congressional committees to ascertain the real reason prosecution is not possible.

There has been some comment that the 3-year statute of limitations is not sufficient for the crimes of peacetime espionage and sedition. There also has been some comment concerning the advisability of allowing evidence by wiretapping to be introduced in court in these criminal cases which involve national security. In my opinion, the Un American Activities Committee was set up by Congress for this very purpose, that is, to study these unprosecuted violations in order to obtain sufficient information to determine what laws are needed to combat them. Of course, I also believe that the Un-American Activities Committee should publicize the past activity of these Russian espionage agents so that the public can become fully aware of the great danger they bear to our national security.

THE WOOD AMENDMENT

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent that the Wood amendment, as adopted by the House, be printed in the RECORD of today's proceedings.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Be it enacted, etc.—

SHORT TITLE AND DECLARATION OF POLICY

SECTION 1. (a) This act may be cited as the "Labor-Management Relations Act, 1949."

(b) Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another's legitimate rights in their relations with each other, and above all recognize under law that neither party has any right in its relations with any other to engage in acts or practices which jeopardize the public health, safety, or interest.

It is the purpose and policy of this Act, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce.

TITLE I

REPEAL OF LABOR-MANAGEMENT RELATIONS ACT, 1947, AND REENACTMENT OF NATIONAL LABOR RELATIONS ACT WITH CERTAIN AMENDMENTS

SEC. 101. The Labor-Management Relations Act, 1947, is hereby repealed. The National Labor Relations Act, as it existed prior to the enactment of the Labor-Management Relations Act, 1947, is hereby reenacted and amended to read as follows:

"FINDINGS AND POLICIES

"SECTION 1. The denial by some employers of the right of employees to organize and the refusal by some employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

"The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

"Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

"Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of such commerce. The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

"It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

"DEFINITIONS

"SEC. 2. When used in this act—

"(1) The term 'person' includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

"(2) The term 'employer' includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporations, or any Federal Reserve Bank, or any State or political subdivision thereof, or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"(3) The term 'employee' shall include any employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.

"(4) The term 'representatives' includes any individual or labor organization.

"(5) The term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, or dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"(6) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State

or other Territory, or between any foreign country and any State, Territory or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

"(7) The term 'affecting commerce' means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

"(8) The term 'unfair labor practice' means any unfair labor practice listed in section 8.

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

"(10) The term 'National Labor Relations Board' means the National Labor Labor Relations Board provided for in section 3 of this act.

"(11) The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"(12) The term 'professional employee' means—

"(a) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

"(b) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

"(13) In determining whether any person is acting as an 'agent' of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling: *Provided*, That no labor organization shall be held responsible for the acts of any member thereof solely on the ground of such membership.

"NATIONAL LABOR RELATIONS BOARD

"SEC. 3. (a) The National Labor Relations Board (hereinafter called the 'Board'), consisting of five members appointed by the President, by and with the advice and consent of the Senate, is hereby continued as an agency of the United States, and, notwithstanding the provisions of section 101 of the Labor-Management Relations Act, 1949, the terms of office of the members of the Board in office on the date of the enactment of such act shall expire as provided by law at the time of their appointment. Their successors shall be appointed for terms of 5 years each, excepting that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

"(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"(d) There shall be a general counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years. Notwithstanding the provisions of section 101 of the Labor-Management Relations Act, 1949, the term of office of the general counsel in office on the date of the enactment of such act shall expire as provided by law at the time of his appointment. The general counsel of the Board shall exercise general supervision over all attorneys employed by the Board (other than trial examiners and legal assistants to Board members) and over the officers and employees in the regional offices. He shall have final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under section 10, and in respect of the prosecution of such complaints before the Board, and shall have such other duties as the Board may prescribe or as may be provided by law.

"SEC. 4. (a) Each member of the Board and the general counsel of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, examiners, and regional directors, and such other employees as it may from time to time find necessary for the proper performance of its duties. The Board may not employ any attorneys for the purpose of reviewing transcripts of hearings or preparing drafts of opinions except that any attorney employed for assignment as a legal assistant to any Board member may for such Board member review such transcripts and prepare such drafts. No trial examiner's report shall be reviewed, either before or after its publication, by any person other than a member of the Board or his legal assistant, and no trial examiner shall advise or consult with the Board with respect to exceptions taken to his findings, rulings, or recommendations. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation, or for economic analysis.

"(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

"SEC. 6. The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act.

"RIGHTS OF EMPLOYEES

"SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8 (a) (3).

"UNFAIR LABOR PRACTICES

"SEC. 8. (a) It shall be an unfair labor practice for an employer—

"(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7;

"(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 6, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;

"(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this act, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 8 (a) of this act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made and has complied with all the requirements imposed by sections 9 (f), (g), and (h); and (ii) if, in case an election has been held under section 9 (e) (1) within 1 year preceding the effective date of such agreement, the Board shall not have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement: *Provided further*, That nothing in this act, or in any other statute of the United States, shall preclude an employer from making an agreement which is valid under State law with a labor organization (not established, maintained, or assisted by

any action defined in section 8 (a) of this act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made: *Provided further,* That no employer shall justify any discrimination against an employee for nonmembership in a labor organization (A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than (1) the employee's failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership, or (2) the employee's participation in, or encouragement of other employees to engage in, a strike or concerted activity in violation of the collective-bargaining agreement between such labor organization and the employer, or (3) the employee's membership or affiliation with the Communist Party or his support thereof, or his membership in, affiliation with, or support of any organization that believes in, or teaches, the overtarow of the United States Government by force or any illegal or unconstitutional methods or (4) the disclosure by the employee of confidential information of the labor organization, or (5) conviction of the employee of a felony or (6) the employee's having engaged in conduct subjecting the labor organization to civil damages or criminal penalties: *And provided further,* That nothing in this act, or in any other statute of the United States, shall preclude an employer from notifying a labor organization (not established, maintained, or assisted by any action defined in section 8 (a) of this act as an unfair labor practice) of opportunities for employment with such employer, or giving such labor organizations a reasonable opportunity to refer qualified applicants for such employment;

"(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act;

"(5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

"(b) It shall be an unfair labor practice for a labor organizaion or its agents—

"(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: *Provided,* That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquistion or retention of membership therein; or (B) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

"(2) to cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a) (3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than (1) the employee's failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership, or (2) the employee's participation in, or encouragement of other employees to engage in, a strike or concerted activity in violation of the collective-bargaining agreement between such labor organization and the employer, or (3) the employee's membership or affiliation with the Communist Party or his support thereof, or his membership in, affiliation with, or support of any organization that believes in, or teaches, the overthrow of the United States Government by force or any illegal or unconstitutional methods or (4) the disclosure by the employee of confidential information of the labor organization, or (5) conviction of the employee of a felony, or (6) the employee's having engaged in conduct subjecting the labor organization to civil damages or criminal penalties;

"(3) to refuse to bargain collectively with an employer, provided it is the representative of his employees subject to the provisions of section 9 (a);

"(4) to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is: (A) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person; unless such strike or concerted refusal is authorized by a clause or stipulation in a collective-bargaining contract permitting employees covered by such contract to refuse to work on orders being performed for the account of an employer whose employees, who would normally perform such work, are engaged in a lawful strike approved or ratified by their representative whom such employer is required to recognize under this act; (B) forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9; (C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9; (D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work: *Provided,* That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this act;

"(5) to require of employees covered by an agreement authorized under subsection (a) (3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Board finds excessive or discriminatory under all the circumstances. In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;

"(6) to cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed; and

"(c) The Board shall not base any findings of unfair labor practice upon, or set aside or refuse to hold any election upon the basis of, any statement of views or arguments, either written or oral, (1) if such statement, considered in the light of all the relevant circumstances, contains no threat, express or implied, of reprisal or force, or offer, express or implied, of benefits, or (2) if the statement, considered in the light of all the relevant circumstances, is such as would justify a district judge in refusing to submit it to a jury, or in setting aside a verdict based thereon against the person making it, were the same issues involved in a trial of such person in a district court of the United States.

"(d) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: *Provided,* That where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

"(1) serves a written notice upon the other party to the contract of the proposed termination or modification 60 days prior to the expiration date thereof, or in the event such contract contains no expiration date, or such contract contains reopening provisions for purposes of modification, 60 days prior to the time it is proposed to make such termination or modification;

"(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

"(3) notifies the Federal Mediation and Conciliation Service within 30 days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

"(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of 60 days after such notice is given:

"The duties imposed upon employers, employees, and labor organizations by paragraphs (2), (3), and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 9 (a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract.

"REPRESENTATIVES AND ELECTIONS

"SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided,* That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the

intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: *Provided further*, That the bargaining representative has been given opportunity to be present at such adjustment.

"(b) The Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof: *Provided*, That the Board shall not (1) decide that any unit is appropriate for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or (2) decide that any craft unit is inappropriate for such purposes on the ground that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation or (3) decide that any unit is appropriate for such purposes if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises; but no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

"(c) (1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board—

"(A) by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9 (a), or (ii) assert that the individual or labor organization, which has been certified or as being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9 (a); or

"(B) by an employer, alleging that one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 9 (a);

the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the regional office, who shall not make any recommendations with respect thereto. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(2) In determining whether or not a question of representation affecting commerce exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought and in no case shall the Board deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 10 (c).

"(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding 12-month period, a valid election shall have been held. An employee on strike shall be eligible to vote (A) if he is entitled to reinstatement, or (B) even though he is not entitled to reinstatement, if his place has not been validly filled by a permanent replacement for 6 months or more preceding the date of the election. In any election where none of the choices on the ballot receives a majority, a run-off shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

"(4) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the Board.

"(5) In determining whether a unit is appropriate for the purposes specified in subsection (b) the extent to which the employees have organized shall not be controlling.

"(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

"(e) (1) Upon the filing with the Board by 30 percent or more of the employees in an appropriate collective-bargaining unit of whom a labor organization is the representative as provided in section 9 (a), of a petition alleging that they desire to rescind the authority of such labor organization to make an agreement with the employer of such employees requiring membership in such labor organization as a condition of employment in such unit, the Board shall take a secret ballot of the employees in such unit shall certify the results thereof to such labor organization and to the employer.

"(2) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding 12-month period, a valid election shall have been held.

"(f) No investigation shall be made by the board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless such labor organization and any national or international labor organization of which such labor organization is an affiliate or constituent unit (A) shall have prior thereto filed with the Secretary of Labor copies of its constitution and bylaws and a report, in such form as the Secretary may prescribe, showing—

"(1) the name of such labor organization and the address of its principal place of business;

"(2) the names, titles, and compensation and allowances of its three principal officers and of any of its other officers or agents whose aggregate compensation and allowances for the preceding year exceeded $5,000, and the amount of the compensation and allowances paid to each such officer or agent during such year;

"(3) the manner in which the officers and agents referred to in clause (2) were elected, appointed, or otherwise selected;

"(4) the initiation fee or fees which new members are required to pay on becoming members of such labor organization;

"(5) the regular dues or fees which members are required to pay in order to remain members in good standing of such labor organization;

"(6) a detailed statement of, or reference to provisions of its constitution and bylaws showing the procedure followed with respect to, (a) qualification for or restrictions on membership, (b) election of officers and stewards, (c) calling of regular and special meetings, (d) levying of assessments, (e) imposition of fines, (f) authorization for bargaining demands, (g) ratification of contract terms, (h) authorization for strikes, (i) authorization for disbursement of union funds, (j) audit of union financial transactions, (k) participation in insurance or other benefit plans, and (l) expulsion of members and the grounds therefor;

and (B) can show that prior thereto it has—

"(1) filed with the Secretary of Labor, in such form as the Secretary may prescribe, a report showing all of (a) its receipts of any kind and the sources of such receipts, (b) its total assets and liabilities as of the end of its last fiscal year, (c) the disbursements made by it during such fiscal year, including the purposes for which made, which report shall be filed within 125 days of the end of such fiscal year; and

"(2) furnished to all of the members of such labor organization copies of the financial report required by paragraph (1) hereof to be filed with the Secretary of Labor.

"(g) It shall be the obligation of all labor organizations to file annually with the Secretary of Labor, in such form as the Secretary of Labor may prescribe, reports bringing up to date the information required to be supplied in the initial filing by subsection (f) (A) of this section, and to file with the Secretary of Labor, and furnish to its members annually financial reports in the form and manner prescribed in subsection (f) (B). No labor organization shall be eligible for certification under this section as the representative of any employees, and no complaint shall issue under section 10 with respect to a charge filed by a labor organization unless it can show that it and any national or international labor organization of which it is an affiliate or constituent unit has complied with its obligation under this subsection.

"(h) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees under subsection (c) of this section raised by, and no complaint shall be issued under subsection (b) of section 10, pursuant to a charge made by—

"(i) a labor organization unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit; or

"(ii) an employer, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by such employer, if a natural person or persons, or each officer of such employer—

stating that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of, or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35A of the Criminal Code shall be applicable in respect to such affidavits.

"PREVENTION OF UNFAIR LABOR PRACTICES

"SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in sec. 8) affecting commerce. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise: *Provided*, That the Board is empowered by agreement with any agency of any State or Territory to cede to such agency jurisdiction over any cases in any industry (other than mining, manufacturing,

communications, and transportation except where predominantly local in character) even though such cases may involve labor disputes affecting commerce, unless the provision of the State or Territorial statute applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this act or has received a construction inconsistent therewith.

"(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than 5 days after the serving of said complaint: *Provided,* That no complaint shall issue based upon any unfair labor practice occurring more than 6 months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the 6-month period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (U. S. C., title 28, secs. 723–B, 723–C).

"(c) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this act: *Provided,* That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him: *And provided further,* That in determining whether a complaint shall issue alleging a violation of section 8 (a) (1) or section 8 (a) (2), and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint. No order of the Board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In case the evidence is presented before a member of the Board, or before an examiner or examiners thereof, such member, or such examiner or examiners, as the case may be, shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

"(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"(e) The Board shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia), or if all the circuit courts of appeals to which application may be made are in vacation, any district court of the United States (including the District Court of the United States for the District of Columbia), within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceedings, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its members, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts; or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate circuit court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 348 and 347).

"(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, or in the United States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered, and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

"(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

"(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the act entitled 'An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (U. S. C., Supp. VII, title 29, secs. 101–115).

"(i) Petitions filed under this act shall be heard expeditiously, and if possible within 10 days after they have been docketed.

"(j) Whenever it is charged that any person has engaged in an unfair labor practice under this act, an investigation has been conducted and a complaint has been issued thereon by the general counsel, if irreparable injury to the charging party is unavoidable and it is in the public interest, the general counsel may petition any district court of the United States (including the District Court of the United States for the District of Columbia) within any district where the unfair labor practice in question has occurred, is alleged to have occurred, or wherein such person resides or transacts business, for appropriate injunctive relief pending the final adjudication of the Board with respect to such matter. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided further,* That no temporary restraining order shall be issued without notice unless a petition alleges that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than 5 days and will become void at the expiration of such period. Upon

filing of any such petition the courts shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony: *Provided further,* That for the purposes of this subsection, district courts shall be deemed to have jurisdiction of any employer or a labor organization (1) in the district in which such employer or labor organization, as the case may be, maintains its principal office, or (2) in any district in which (in the case of an employer) the employer transacts business, or (in the came of a labor organization) in which the labor organization's authorized officers or agents are engaged in promoting or protecting the interests of employee members, and in the case of a labor organization the service of legal process upon such an authorized officer or agent shall constitute service upon the labor organization and make such organization a party to the suit.

"INVESTIGATORY POWERS

"SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

"(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Board, or any member thereof, shall upon application of any party to such proceedings, forthwith issue to such party subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within 5 days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Board to revoke, and the Board shall revoke, such subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in its opinion such subpena does not describe with sufficient particularity the evidence whose production is required. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(5) All process of any court to which application may be made under this act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

"(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

"LIMITATIONS

"SEC. 13. Nothing in this act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

"SEC. 14. (a) Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.

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

"SEC. 15. Wherever the application of the provisions of section 272 of chapter 10 of the act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto (U. S. C., title 11, sec. 672), conflicts with the application of the provisions of this act, this act shall prevail: *Provided,* That in any situation where the provisions of this act cannot be validly enforced, the provisions of such other acts shall remain in full force and effect.

"SEC. 16. If any provision of this act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 17. This act may be cited as the 'National Labor Relations Act.'"

SAVING PROVISIONS

SEC. 102. No proceeding before the National Labor Relations Board shall abate, and no order or certification of the Board in effect on the date of the enactment of this act shall be invalidated, by reason of any of the provisions of this act or of the amendments made by this act, but such proceeding shall be continued, and such orders and certifications continue in effect, as if this act had not been enacted; and no provision of this act shall prevent the Board from entertaining, processing, making, or enforcing any petition, charge, complaint, or order with respect to any act or omission occurring prior to the date of the enactment of this act; except that the Board shall not, in any of the above cases, entertain, process, make, or enforce any petition, charge, complaint, or order with respect to any act or omission occurring prior to the date of the enactment of this act unless such petition, charge, complaint, or order could be entertained, processed, made, or enforced by the Board with respect to a like act or omission occurring after the date of the enactment of this act. The provisions of section 8 (a) (3) and section 8 (b) (2) of the National Labor Relations Act, as reenacted and amended by this title, shall not make an unfair labor practice the performance of any obligation under a collective-bargaining agreement entered into prior to the date of enactment of the Labor-Management Relations Act, 1947, if the performance of such obligation would not have constituted an unfair labor practice under section 8 (3) of the National Labor Relations Act prior to the effective date of the Labor-Management Relations Act, 1947, unless such agreement was renewed or extended subsequent to such effective date.

TITLE II—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE; NATIONAL EMERGENCIES

SEC. 201. It is the policy of the United States that—

(a) sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

(b) the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes; and

(c) certain controversies which arise between parties to collective-bargaining agreements may be avoided or minimized by making available full and adequate governmental facilities for furnishing assistance to employers and the representatives of their employees in formulating for inclusion within such agreements provision for adequate notice of any proposed changes in the terms of such agreements, for the final adjustment of grievances or questions regarding the application or interpretation of such agreements, and other provisions designed to

prevent the subsequent arising of such controversies.

SEC. 202. (a) Notwithstanding any of the provisions of section 101 of this act, the Federal Mediation and Conciliation Service is hereby continued as an independent agency of the United States. The Service shall be under the direction of a Federal Mediation and Conciliation Director (hereinafter referred to as the "Director"), appointed by the President by and with the advice and consent of the Senate, but section 101 of this act shall not have the effect of vacating or abolishing the office of Director in office on the date of the enactment of this act. The Director shall receive compensation at the rate of $12,000 per annum. The Director shall not engage in any other business, vocation, or employment.

(b) The Director is authorized, subject to the civil-service laws, to appoint such clerical and other personnel as may be necessary for the execution of the functions of the Service, and shall fix their compensation in accordance with the Classification Act of 1923, as amended, and may, without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such conciliators and mediators as may be necessary to carry out the functions of the Service. The Director is authorized to make such expenditures for supplies, facilities, and services as he deems necessary. Such expenditures shall be allowed and paid upon presentation of itemized vouchers therefor approved by the Director or by any employee designated by him for that purpose.

(c) The principal office of the Service shall be in the District of Columbia, but the Director may establish regional offices convenient to localities in which labor controversies are likely to arise. The Director may by order, subject to revocation at any time, delegate any authority and discretion conferred upon him by this act of any regional director, or other officer or employee of the Service. The Director may establish suitable procedures for cooperation with State and local mediation agencies. The Director shall make an annual report in writing to Congress at the end of the fiscal year.

(d) All mediation and conciliation functions vested, prior to the enactment of the Labor-Management Relations Act, 1947, in the Secretary of Labor or the United States Conciliation Service under section 8 of the act entitled "An act to create a Department of Labor," approved March 4, 1913 (U. S. C., title 29, sec. 51), and all functions vested, prior to the enactment of the Labor-Management Relations Act, 1947, in the United States Conciliation Service under any other law shall continue as functions of the Federal Mediation and Conciliation Service. The Director and the Service shall not be subject in any way to the jurisdiction or authority of the Secretary of Labor or any official or division of the Department of Labor.

FUNCTIONS OF THE SERVICE

SEC. 203. (a) It shall be the duty of the Service, in order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, to assist parties to labor disputes in industries affecting commerce to settle such disputes through conciliation and mediation.

(b) The Service may proffer its services in any labor dispute in any industry affecting commerce, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption of commerce. The Director and the Service are directed to avoid attempting to mediate disputes which would have only a minor effect on interstate commerce if State or other conciliation services are available to the parties. Whenever the Service does proffer its services in any dispute, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

(c) If the Director is not able to bring the parties to agreement by conciliation within a reasonable time, he shall seek to induce the parties voluntarily to seek other means of settling the dispute without resort to strike, lock-out, or other coercion. The failure or refusal of either party to agree to any procedure suggested by the Director shall not be deemed a violation of any duty or obligation imposed by this act.

(d) Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement. The Service is directed to make its conciliation and mediation services available in the settlement of such grievance disputes only as a last resort and in exceptional cases.

SEC. 204. (a) In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, employers and employees and their representatives, in any industry affecting commerce, shall—

(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

(3) in case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the Service under this act for the purpose of aiding in a settlement of the dispute.

SEC. 205. (a) There shall be a National Labor-Management Panel which shall be composed of 12 members appointed by the President, 6 of whom shall be selected from among persons outstanding in the field of management and 6 of whom shall be selected from among persons outstanding in the field of labor, equal representation insofar as practicable shall be accorded all labor organizations whether or not such organizations are national or international in scope. Each member shall hold office for a term of 3 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, four at the end of the first year, four at the end of the second year, and four at the end of the third year after the date of appointment. Notwithstanding section 101 of this act, the terms of office of the members in office on the date of the enactment of this act shall expire as provided by law at the time of their appointment. Members of the panel, when serving on business of the panel, shall be paid compensation at the rate of $25 per day, and shall also be entitled to receive an allowance for actual and necessary travel and subsistence expenses while so serving away from their places of residence.

(b) It shall be the duty of the panel, at the request of the Director, to advise in the avoidance of industrial controversies and the manner in which mediation and voluntary adjustment shall be administered, particularly with reference to controversies affecting the general welfare of the country.

NATIONAL EMERGENCIES

SEC. 206. (a) Whenever in the opinion of the President of the United States a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof, and to make such other orders as may be appropriate.

(b) In any case, the provisions of the act of March 23, 1932, entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate circuit court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 29, secs. 346 and 347).

SEC. 207. (a) Whenever a district court has issued an order under section 206 enjoining acts or practices which imperil or threaten to imperil the national health or safety, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences, with the assistance of the service created by this act. Neither party shall be under any duty to accept, in whole or in part, any proposal of settlement made by the service.

(b) Upon the issuance of such an order, the President shall appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the disputes, including each party's statement of its position but shall not contain any recommendations. The President shall file a copy of such report with the service and shall make its contents available to the public.

(c) At the end of an 80-day period after the issuance of any order by a district court (unless the dispute has been settled by that time), the board of inquiry shall report to the President the current position of the parties and the efforts which have been made for settlement, and shall include a statement by each party of its position and a statement of the employer's last offer of settlement. The President shall make such report available to the public.

SEC. 208. Upon the expiration of such 80-day period or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged. When such motion is granted, the President shall submit to the Congress a full and comprehensive report of the proceedings, including the findings of the board of inquiry, together with such recommendations as he may see fit to make for consideration and appropriate action.

SEC. 209. (a) A board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

(b) Members of a board of inquiry shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(c) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

COMPILATION OF COLLECTIVE-BARGAINING AGREEMENTS, ETC.

SEC. 210. (a) For the guidance and information of interested representatives of employers, employees, and the general public, the Bureau of Labor Statistics of the Department of Labor shall maintain a file of copies of all available collective-bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes. Such file shall be open to inspection under appropriate conditions prescribed by the Secretary of Labor, except that no specific information submitted in confidence shall be disclosed.

(b) The Bureau of Labor Statistics in the Department of Labor is authorized to furnish upon request of the Service, or employers, employees, or their representatives, all available data and factual information which may aid in the settlement of any labor dispute, except that no specific information submitted in confidence shall be disclosed.

EXEMPTION OF RAILWAY LABOR ACT

SEC. 211. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

TITLE III

SUITS BY AND AGAINST LABOR ORGANIZATIONS

SEC. 301. (a) Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this act, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

(b) Any labor organization which represents employees in an industry affecting commerce as defined in this act and any employer whose activities affect commerce as defined in this act shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(d) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

(e) For the purposes of this section, in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling: *Provided*, That no labor organization shall be held responsible for the acts of any member thereof solely on the ground of such membership.

RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

SEC. 302. (a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of his employees who are employed in an industry affecting commerce.

(b) It shall be unlawful for any representative of any employees who are employed in an industry affecting commerce to receive or accept or to agree to receive or accept, from the employer of such employees any money or other thing of value.

(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of, his services as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: *Provided*, That the employer has received from each employee, on whose account such deductions are made, a written assignment which by its terms is not effective beyond whichever of the following dates first occurs (1) 1 year from the date of its execution or (ii) the termination date of the applicable collective bargaining agreement; or (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided*, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of the employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities.

(d) Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine of not more than $10,000 or to imprisonment for not more than 1 year, or both.

(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the act entitled "An act to supplement existing law against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (U. S. C., title 28, sec. 381), to restrain violations of this section, without regard to the provisions of sections 6 and 20 of such act of October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), and the provisions of the act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U. S. C., title 29, secs. 101–115).

(f) Compliance with the restrictions contained in subsection (c) (5) (B) upon contributions to trust funds, otherwise lawful, shall not be applicable to contributions to such trust funds established by collective agreement prior to January 1, 1946, nor shall subsection (c) (5) (A) be construed as prohibiting contributions to such trust funds if prior to January 1, 1947, such funds contained provisions for pooled vacation benefits.

BOYCOTTS AND OTHER UNLAWFUL COMBINATIONS

SEC. 303. (a) It shall be unlawful, for the purposes of this section only, in an industry or activity affecting commerce, for any labor organization to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services, where an object thereof is—

(1) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, unless such strike or concerted refusal is authorized by a clause or stipulation in a collective-bargaining contract permitting employees covered by such contract to refuse to work on orders being performed for the account of an employer whose employees, who would normally perform such work, are engaged in a lawful strike approved or ratified by their representative whom such employer is required to recognize under this act;

(2) forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization

has been certified as the representative of such employees under the provisions of section 9 of the National Labor Relations Act;

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

(4) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class unless such employer is failing to conform to an order of certification of the National Labor Relations Board determining the bargaining representative for employees performing such work. Nothing contained in this subsection shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under the National Labor Relations Act.

(b) Whoever shall be injured in his business or property by reason of any violation of subsection (a) may sue therefore in any district court of the United States subject to the limitations and provisions of section 301 hereof without respect to the amount in controversy, or in any other court having jurisdiction of the parties, and shall recover the damages by him sustained and the cost of the suit.

RESTRICTION OF POLITICAL CONTRIBUTIONS

SEC. 304. Section 313 of the Federal Corrupt Practices Act, 1925 (U. S. C., 1940 ed., title 2, sec. 251; Supp. V, title 50, App., sec. 1509), is hereby reenacted and amended to read as follows:

"SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, in violation of this section, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both. For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work."

STRIKES BY GOVERNMENT EMPLOYEES

SEC. 305. It shall be unlawful for any individual employed by the United States or any agency thereof, including wholly owned Government corporations, to participate in any strike. Any individual employed by the United States or by any such agency who strikes shall be discharged immediately from his employment, and shall forfeit his civil-service status, if any, and shall not be eligible for reemployment for 3 years by the United States or any such agency.

TITLE IV

DEFINITIONS

SEC. 401. When used in this act—

(1) The term "industry affecting commerce" means any industry or activity in commerce or in which a labor dispute would burden or obstruct commerce or tend to burden or obstruct commerce or the free flow of commerce.

(2) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slow-down or other concerted interruption of operations by employees.

(3) The terms "commerce," "labor disputes," "employer," "employee," "labor organization," "representative," "person," and "supervisor" shall have the same meaning as when used in the National Labor Relations Act as amended by this act.

SAVING PROVISION

SEC. 402. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this act.

SEPARABILITY

SEC. 403. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

EXTENSION OF REMARKS

Mr. EVINS asked and was given permission to extend his remarks in the RECORD with reference to a bill pending in the other body and a companion measure which he today introduced.

Mr. ROONEY asked and was given permission to extend his remarks in the RECORD and include an editorial from yesterday's Brooklyn Eagle.

The SPEAKER. Under previous order of the House, the gentleman from Connecticut [Mr. SADLAK] is recognized for 15 minutes.

POLISH CONSTITUTION DAY

Mr. SADLAK. Mr. Speaker, today is May 3, Polish Constitution Day. To all Poles, this day has the same meaning as our American Fourth of July. To bring out the full significance of this occasion, I shall outline briefly the background and history of the Polish Constitution; also, I shall describe its tremendous and far-reaching effects upon the whole Polish race during the next 156 years.

As you all know, the Polish Constitution was signed on May 3, 1791. It was the product of the best minds of the generation. Polish thinkers and statesmen studied the works and teachings of Western philosophers, such as Locke and Rousseau, and incorporated many of their ideas into a document which was heralded as one of the foremost political achievements of the age. The new constitution was a compromise between the progressive trends of the world and the need to reckon with existing conditions in Poland, which were not good. The nobility, which at that time was the ruling class, would not accept more radical reforms. The economic situation in Poland was critical. The country was also threatened by Russia, Prussia, and Austria.

The May 3 constitution tried to reorganize Poland in the spirit of the Constitution of the United States, which was adopted 2 years earlier. It abolished certain weaknesses which had been paralyzing the state. Like the Constitution of the United States, the Polish Constitution provided for three separate and equal branches of government—executive, legislative, and judicial. The crown was made hereditary, but its powers were restricted. The King was deprived of the decisive voice, which was given to the Diet, or as they called it in Poland, the Sejm. The Diet was to consist of two chambers: the Chamber of Deputies and the Chamber of Senators, with the King at its head as presiding authority. The judicial authority was to be vested in the courts of law.

The Polish Constitution also proclaimed the principle of religious toleration and guaranteed government protection to all religions. Other provisions were made for the rule by the majority of citizens; also for secret ballot at public elections. Under this constitution, each man was insured freedom of thought.

Social reform was also outlined. At that time, the Poles were divided into three classes: the nobility, the bourgeoisie, and the peasants. The constitution confirmed the liberties, which heretofore the nobility had enjoyed. They were guaranteed personal security and security of property, although they were to be subject to taxation. The bourgeoisie or the middle class gained certain rights which up to this time were the exclusive privilege of the nobility. The bourgeoisie were granted the right to acquire and possess land. They were granted the right to receive commissions as officers, to hold office in the civil service, and even to acquire the rank of nobility. As far as the peasant was concerned, the constitution did not introduce any far-reaching reforms. However, it provided for an agreement between the master and the peasant and extended full protection of the law to the peasant. This act of the constitution was supplemented 4 years later by Kosciusko's famous proclamation giving full civil rights to the peasants. Another important provision of the May 3 constitution recognized the sovereignty of the nation, which was to derive its power from the will of the people. This document also made all citizens obligated to their motherland, obligated to defend her at all times. Poland was no longer to be a government of a few, but a government of the people, by the people, and for the people.

This was the substance of the constitution which was approved on May 3, 1791,

by the Polish Diet and Stanislaw August Poniatowski, Poland's last king. It was accepted with joy by all Poles who regarded it as a symbol of democracy and liberty. To the whole nation, this document became a signpost pointing the road to freedom and equality. This document became a guide for the future. Progressive thinkers throughout Europe hailed it as a significant step in establishing a modern political system. This is what the great English statesman and orator, Edmund Burke, has to say of the May 3 constitution:

> We have seen anarchy and servitude removed; a throne strengthened for the protection of the people * * * not one man incurred loss or suffered degradation. All, from the king to the day laborer, were improved in their condition. Everything was kept in its place and order; but in that place and order, everything was bettered. To add to this happy wonder * * * not one drop of blood was spilled; no treachery, no outrage, no system of slander; no confiscation; no citizen beggared; none imprisoned; none exiled. The whole was affected with a policy, a discretion * * * such as have never been known before on any occasion; but such glorious conduct was reserved for this glorious conspiracy in favor of the true and genuine rights and interests of men. Happy people, if they know how to proceed as they have begun.

Such was the glorious tribute of Edmund Burke to one of the first nations in Europe to accept a democratic constitution. The happy people to whom he referred would have proceeded as they began if it were not for the tragic events that followed. The recognition of equality of all men, the proclamation of religious liberty, the new freedoms promised in the constitution were more than Catherine the Great of Russia could stand. Prussia and Austria, too, saw that Poland was being strengthened by the spirit of political revival and wanted to live. None of these neighbors liked the idea of Poland's political progress, so they attacked her with full force on all sides. The negligence of past generations left Poland weak and she could not find in herself enough strength to defend her independence. In 1795 Poland fell.

In spite of the fact that Poland was partitioned, the May 3 constitution kindled a new light in the Polish people, a light of spirit and hope. Out of their deep sorrow, an intensified love of their native country was born. The constitution brought moral victory for millions of Poles who became infused with a new patriotism and love of liberty. The next century and a quarter witnessed their heroic efforts to realize the ideals of freedom, equality, independence and social justice set forth in the constitution.

Yes, for 127 years, to be exact, the Polish people thought, planned and plotted for their national independence. No power could stop their determination. To each Pole, national independence became inseparably linked with democracy and progress. A democratic Poland, a people's Poland, governed by the people and for the people, a Poland of free and equal men, the home of social justice and a creative member of the great family of free nations—these were the aims and ideals of the whole Polish nation.

Their patriotism manifested itself in literature and song. Most of Poland's poetry of the period was an expression of grief, but also of hope and faith in the future. The greatest of poets was Adam Mickiewicz, whose works aroused such fire in men that they were ready to give their lives for freedom. It was Mickiewicz who wrote:

> Whenever there is a struggle for freedom, there is a struggle for Poland.

Polish songs, too, were songs of freedom, hymns of faith. The villagers sang plaintive ballads, relating the sad story of a peasant or blacksmith or cobbler moved by the love of his country to lead an unsuccessful insurrection against the enemy. Every song, every ballad ended on the hopeful note that Poland would not perish: that Poland would live again.

The struggle for independence never ceased. The Poles tried to free themselves many times. In 1793, Kosciusko led the Polish armies against the Russians, but was captured. Then there were the insurrections against Russian rule in 1830 and 1863. The Poles also started an uprising against Prussia and Austria in 1846 and 1848. They led the revolutionary movement against czarism in 1905. Even though all of these uprisings were unsuccessful and many Poles lost their lives, the cause of freedom was never lost. The May 3 constitution served as a beacon of political freedom and democratic government. It was worth every sacrifice.

Along with the physical struggle for independence, the May 3 constitution inspired the development of modern political thought. The landed aristocracy was losing its power and importance and the peasants were coming into their own. The "new Poland" was to be a democratic nation, the home of working people. Leaders and great men of the period worked out a program for the development of industry and trade, for better and more general education, for a struggle against ignorance and conservatism. They believed in cultural progress; they believed in the power of science and education. Also, they advocated freedom of conscience and social reform.

All of this work was being done underground. Polish patriots lived in constant fear of death, imprisonment, or exile. Many a Pole was sentenced to Siberia for his political activities, but no threat or punishment was great enough to stop his work or dim his hope that someday Poland would be free. In fact, with each generation, the flame of patriotism burned brighter for in almost each family there was a tale of deep tragedy that arose from life in bondage.

When, at last, Poland was restored as a republic in 1918, the thoughts and dreams of the idealistic Poles for 127 years were realized. The new government was set up, with a few technical changes, along the lines of the constitution of May 3, 1791. So, you see, that the authors of this constitution were centuries ahead of their time. Their ideas fitted in with the twentieth century pattern of life and political thought. Their ideas were universal and timely. The May 3 constitution embodied the highest principles of humanity, which never change. Also, this document grew out of Poland's own national tradition, which made it dear to the heart of every citizen.

The next 21 years bore witness to the excellence of that document. Poland flourished as an independent nation. Her people enjoyed democratic living, freedom of religion, freedom of speech, a voice in the government. Business, industry, and commerce grew and brought prosperity. Education became widespread. Yes, in 21 years, Poland made remarkable strides in progress. However, the happy, glowing picture of a free and independent Poland was blotted out by World War II.

First, Germany invaded Poland and enslaved its people. Then, the Russians took over and made a mockery of freedom and all the principles set forth in the May 3 constitution.

During this war, the Poles did not sit back, but inspired by the high ideals of freedom and love of liberty, which have grown inherent in them, fought bravely on all battlefronts of the world—in Africa, England, France, and Italy. They fought at Narvik, on the Maginot Line, and at Monte Cassino. They fought with heroic determination to vanquish the common enemy. Millions gave their lives that other people in the world might be free.

Now that the war is over, the Polish people do not see a free and independent homeland for themselves. They are not without hope, however. They are Poles, cheerful, hopeful, idealistic, as their forefathers have been—imbued with patriotism and a love for freedom. They are mindful of the spirit of their constitution of May 3, which says, and I quote:

> Valuing above life and personal happiness the political existence, external independence, and internal freedom of the nation, we have resolved upon the present constitution.

So, you see, the principles of this great document have become a part of the character of these brave Poles. They value freedom above their own life. Though they are scattered all over the world, they are working for the day when Poland will arise again. You may be sure that in the Polish underground, today, courageous and progressive ideas are maturing again—ideas which are the fruit of the thoughts and struggles of generations of Polish fighters for freedom, equality, and justice. Poland is again marching toward a better future along the road blazed by Kosciuszko, Mickiewicz, and the gallant men who were inspired by the humanitarian principles of the Polish Constitution of May 3.

In closing, I would like to cite the words written 100 years ago by Adam Mickiewicz, the greatest of Polish poets. These words apply to Poland again today. I quote:

> Like smoldering lava
> Our nation is cold on the surface, stiff and brittle;
> Yet the centuries have cooled but little
> The fires within her.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. SADLAK. I yield to the gentleman from New York.

Mr. KEATING. Mr. Speaker, today again marks the anniversary of the adoption of the Polish Constitution on May 3, 1791, one of the outstanding milestones in the evolution of democracy in Europe.

This remarkable document gives first place to the principle of the sovereignty of the people in the state. The humanitarian and tolerant philosophy of government evident throughout its pages would lead one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source. We find in this Polish Constitution, adopted almost contemporaneously with our own, rule by majority, secret ballot at public elections, and the following inspiring language relating to religion:

> We assure, to all persuasions and religions, freedom and liberty, according to the laws of the country, and in all dominions of the Republic.

Yet, at that time, even as now, the light of liberalism coming from Poland was recognized as a threat to tyranny and absolutism in Russia and Prussia. And now today Poland is again the victim of her neighbors.

Not entirely of her immediate neighbors, however. Our own country is not blameless, for the present situation of Poland and its enslaved people also has been brought about as a direct result of the series of secret agreements signed at Tehran and Yalta. None of these agreements has ever been fully made public. None of them has been embodied in a treaty ratified by the United States Senate. We can, at least, therefore, let the sturdy, courageous people of Poland know that when these secret commitments were made they did not bespeak the will of the American people. We can let them know that our Government's legislators do not approve of the acts of the terrorist regime now dominating the puppet government of Poland. Thus, we can take a stand on the side of the Polish people in their present struggle with enemy forces occupying their country.

With this in mind, today let us honor here in the House of Representatives what is the Fourth of July for Poland. Today Poles everywhere and citizens of Polish origin in many countries will celebrate a Polish national holiday and will endeavor to establish spiritual contact with the only country where no such celebrations will be allowed, namely, "liberated" Poland. Let us join in that endeavor.

Mr. LODGE. Mr. Speaker, will the gentleman yield?

Mr. SADLAK. I yield.

Mr. LODGE. Mr. Speaker, I join with my friend and colleague from Connecticut in paying tribute to the Polish people on Polish Constitution Day. The armed forces of Poland fought gallantly side by side with American, British, and French troops during the recent war. They fought at Norvik. They fought at Tobruk. They fought on the Maginot line. They fought in the skies over Britain. They formed some 20 percent of those forces at a time when Winston Churchill declared that never before in all the history of man had so many people owed so much to so few. Three thousand six hundred of those brave men lie buried on the slopes of Monte Cassino. I hope very much when the displaced persons legislation reaches the floor of this body that the amendment providing for the admission of 18,000 of these brave men and their families will be adopted by the House. This is the least we can do in partial atonement for the wrong we committed at Yalta.

Mr. KEATING. Mr. Chairman, will the gentleman yield further?

Mr. SADLAK. I yield.

Mr. KEATING. I know the gentleman from Connecticut, who has been so earnest is proposing this amendment before the Committee on the Judiciary, and in furthering it, will be happy to know that it is incorporated in the bill reported favorably by the subcommittee of the Committee on the Judicary and is now before the full committee. There, where extensive debate has taken place, and varying viewpoints have been presented, there has never been heard any dissent to the inclusion of these 18,000 brave men, as eligible persons under the pending measure.

Mr. LODGE. Mr. Speaker, will the gentleman yield further?

Mr. SADLAK. I yield.

Mr. LODGE. I would like to express my appreciation to my distinguished friend from New York for his remarks.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SADLAK. I yield.

Mr. MARTIN of Massachusetts. Mr. Speaker, May 3 is a Polish national holiday. It will be fittingly observed by millions of Americans of Polish ancestry and by millions of citizens of other nations who are of Polish origin. It will be observed by Poles everywhere—except in Poland. The Communist masters who are in control of the destinies of Poland will see that there is no celebration there.

But while there can be no celebration today in Poland, no parades and no public exercises to commemorate this anniversary of the adoption of a constitution designed to make a free people self-governing, there will be a different kind of observance. It will be in the form of a quiet but determined rededication in the minds and hearts of millions of freedom-loving Poles. They will rededicate themselves to the ideals and the principles of free men and women, for whom there will be no real peace until the yoke of their conquerors is once again thrown off.

The secret agreements of Yalta and Tehran which sold Poland down the river are a black page in the history of world displomacy. With no consultation with the legal, constitutional representatives of Poland, these agreements deprived Poland of nearly one-half of its territory and foisted upon these powerless and stricken people a government hand-picked by the Kremlin. The worst of this tragedy is we as a nation shared in the betrayal. It is a chapter in our foreign relations which brings no prestige to our country.

And what is the situation in Poland today? This great freedom-loving nation is living under the reign of a terroristic, police state. It has been robbed of its industry and ruined economically. Religious persecution has been increasing. Many of her people are homeless and destitute.

This is the tragic plight of a people who on May 3, 1791, just 2 years after the adoption of the American Constitution, wrote into their organic law that—

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty, and the good order of society, on an equal scale, and on a lasting foundation.

This doctrine of free government still lives in the aspirations of the people of Poland. With each passing year of domination by a foreign aggressor, the flame that burns in the hearts of Poles neither diminishes nor dies. No, it brightens and intensifies. And it will eventually be triumphant because it is just and right.

This day which is a sacred anniversary to all Poles should also be a day of rededication for all Americans, all Americans who are burdened with the humiliation of Yalta and Tehran. It is a time for us to remember the immortal truth that lasting peace can be built only upon the solid foundation of justice to all nations, and that the efforts of this great nation must always be directed to the end that justice shall prevail.

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. CHESNEY] is recognized for 2 hours.

POLISH CONSTITUTION DAY

Mr. CHESNEY. Mr. Speaker, on this day of commemoration, May 3, 1949, of the adoption of the Polish Constitution, the issue of Poland's present status can be easily stated in a few words, "Behind the iron curtain" or "Is this the new Europe?" The title would apply to Poland in each instance.

Let us dust off the pages of World War II—they should still be fresh in our minds. Certainly the Marshall plan and the Atlantic Pact are good reminders. Thus Poland, the first country to resist the armed onslaught of the Reich, and the principal sufferer of the war, has come to be regarded by a few as the price of victory. Such a position cannot be possibly accepted by the Poles as final, though for the time, unfortunate as the conditions exist, the unjust and imposed settlement of Poland must be painfully tolerated.

For that reason alone the Polish question deserves the closest scrutiny and the constant attention of the public opinion of the world.

The present struggle of Polish people for independence actually begins with the days of Kosciuszko's insurrection, and since that day the Poles have always resisted force and fought to suppress violence in international relations. As in the past, no less than today, their struggle was inspired by a deep faith in the ultimate victory of democracy.

What is happening today in Poland is an all-round attempt to turn this nation into an outpost and parcel of the East. The very structure of the Polish nation and the essence of its spiritual life are to be refashioned and remolded on the Eastern pattern. A nation with a great past, reared for centuries in culture, is now forced to take its cue from the new Marxist culture. Its fundamental concepts about life, freedom, its own mission and that of the world are now fundamentally changed and adapted to an alien and entirely different model.

There are many ill-informed people who regard these far-reaching changes in the nature of a social revolution. But we in the United States know that a social revolution can be made only from below, as a result of the pressure of native social forces. The present developments in Poland are all imposed from above, and their only purpose is to adapt Poland to the tasks set for her by the occupying power. The future plans of the world will not be drawn by Russia but by the western powers. In the United States, and elsewhere, we are trying to establish a new world order based on right and justice. We have our muddling but nevertheless the efforts are toward humanitarianism and tolerance.

Lest we forget the contribution of Poland's part in the last war—after the downfall of the Polish Government by the conquering madman Nazi Hitler—Poland continued to fight outside her own frontiers, on the land, on the sea, and in the air, and at the same time stood firm in her resistance to the invader inside the country. But the world did not seem to appreciate the Polish defeat at its true value, and continued to consider it as a result of Poland's weakness, and tactical mistakes. In face of this unfavorable opinion, it was considered imperative to establish anew the position of Poland as an allied power, based on existing facts and new developments. With the assistance of the Allies, the Polish Air Force, Army, and Navy became an integral part of the fight for freedom.

The Poles are ready to fight at any front. The country of Norway will never forget the Podhale Brigade in the invasion of Narvik, and the successful attack of Ankenes.

France still praises the bravery of the First Division of Grenadiers in Lorraine, the Second Division at the Belfort Gap.

On British soil threatened with invasion, the Poles under the great leadership of General Sikorski aided the British in the evacuation at Dunkirk. The Kosciuszko Fighter Squadron, during the Battle of Britain, destroyed 126 enemy aircraft, with 19 probable and 7 damaged. Polish pilots serving with British squadrons added to this score 77 aircraft destroyed, 16 probable, and 28 damaged.

It is still remembered how the Carpathian Brigade fought at the besieged Tobruk-El Gazala. How can the Allies forget the Second Army of Poles at the Battle of Monte Casino? Or in the capture of the Port of Ancona?

In the campaigns of Italy the forces of General Anders, truly a great soldier of Poland, took 20,000 prisoners, seized about 400 guns, 50 tanks, and over 2,000 machine guns. Their losses were over 2,400 killed and 9,000 wounded. They displayed not only courage, fighting spirit, and stubbornness, but also an offensive spirit, initiative, and courage.

From Normandy to Arnheim, the heroic Poles fought on the side of the Allies. The Polish soldier responded beyond the call of duty.

In the course of the second war the Polish Nation did everything that was humanly possible, and more, to do its share for the common Allied victory, which represented to her the sacred cause of freedom.

When we recall the outstanding bravery of the Poles during the war that ended, and compare their present political plight, we wonder whether the Polish Nation has suffered in vain.

The reason why so many Poles prefer the bitter road of exile to a return home is their refusal to acquiesce to the Soviet totalitarian system which is now in force in Poland.

It would be a mistake, and instant imprisonment to return.

The Russia of today is a new civilization—a civilization unique in the world. Poland belongs to the west—to Christendom.

Poland was partitioned three times before 1939, and each partition was regarded as a crime by the civilized world. But the difference between her and Russia is far greater now than it was in the eighteenth century—the century of the three partitions. The crime today would be incomparably greater than it was then, because the victims would be incorporated in a state which is more alien by comparison with their own than it was then. The consequence in terms of change, displacement, of readapation, of human suffering, would be much greater, the more so, because the means of coercion at the disposal of a modern state are much more formidable than those at the disposal of the eighteenth century state.

Reasons of ethnology and of racial doctrine in the affairs of nations are not reasons of justice or humanity—least of all are they reasons of genuine brotherhood.

It is hoped that the countries which had given refuge to the thousands of displaced Poles, have acted not only in mercy, but in justice, serving the interest of world peace.

Freedom-loving people throughout the world pray that justice and righteousness will overcome the evil of totalitarian rule and give the true Polish nation a rightful place in the world of democracy.

Mr. TAURIELLO. Mr. Speaker, will the gentleman yield?

Mr. CHESNEY. I yield.

Mr. TAURIELLO. Mr. Speaker, throughout the world today all Poles, all persons of Polish extraction, yes and all freedom-loving people pause to celebrate the Polish Fourth of July. One hundred and fifty-eight years ago today the Polish constitution was adopted, a very definite step toward the recognition of the basic right of all people to a free and democratic way of life.

The history of the Polish people is a glorious one—it is a record of valor unsurpassed, of courage without fear, of honor without blemish. And so it is fitting today that we recall Poland's magnificent heritage, ever present through the years, that we recall that spirit of Poland which never yielded its devotion to an ideal, its consciousness of manhood.

It has been said that the true measure of a people's greatness is in its fidelity to its native ideals. If this be true, then the Polish people are without peer, for the record they have achieved in resisting the forces of oppression and tyranny in the face of almost insurmountable odds stands as a splendid, shining example to people of all races and all creeds.

Through the centuries Poland has had her great leaders—her Pulaski, her Sobieski, and her Kosciusko—men of extraordinary capabilities, character, and courage. Yet all of the great men of Poland, no matter how varied their spheres of influence or how different their fields of endeavor, have inherited several things in common which gave them their reason for being—their love of God and their religion, their love of country, and their burning desire for its eventual liberation.

The heroic stand of Poland in 1939 in the face of aggression by superior force was an example of courage unparalleled in history. When Poland offered the first resistance to the overwhelming strength of Hitler and his Nazi war machines, she inspired the freedom-loving nations of the world and brought home to them the first realization of the Axis threat to civilization. By thus engaging Hitler in the early days of the war, Poland prevented a surprise attack on France and England, who were unprepared. Had Poland compromised instead of resisting aggression, the whole course of history might have been changed.

Poland's contribution to the success of the Allied Nations during World War II and the fight of her people to preserve western civilization as they had on several previous occasions make it incumbent upon each one of us to keep faith with the Polish people now at a time when her long-cherished freedom is once again in chains.

Civilization is based upon a reign of peace and justice, and for this reason America has been ennobled by the spiritual contributions of her citizens of Polish descent. By being true to their culture and their creed, Americans of Polish ancestry cannot help being true to their country. Their love of Poland and their desire to make it free only enhance their love of America.

We must continue our efforts to restore Poland to its prewar glory. We are morally obligated to render all assistance possible to Poland in her underground struggle to break the chains of Russian communism by which she is now surrounded and which threaten to engulf all of Europe. We must keep faith with our promises of the Atlantic Charter, and it is our sacred duty to most solemnly pledge ourselves to the memory of Poland's gallant heroes, that we will not rest until the promises of freedom and independence given to the Polish Nation during our last world-wide struggle while

she was fighting and bleeding—are redeemed.

If we of the United Nations go forward in the spirit of the brave men and women of Poland who were the first to stand up against Hitler, and who are now resisting by every possible means the communistic domination of Russia and her satellite nations, including the puppet government now in power in Poland, it is my conviction that we can build a world where intolerance and aggression are only bitter memories of the past and where the ideals of liberty and justice are adhered to by all the nations of the world.

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GORDON].

Mr. GORDON. Mr. Speaker, I deem it a real privilege and with pride that I am permitted to stand before this microphone in this House of Representatives, to freely and under no restrictions, address the Members on the occasion of the one hundredth and fifty-eighth anniversary of the Polish Constitution of May 3, adopted in 1791, by the Congress of the Republic of Poland, which was the most liberal, most democratic of its day. Upon rereading it today, one is profoundly moved at its wisdom and magnanimity which assured rights and freedom to the people of Poland. May I quote at this time a part of that constitution?

> Every person, upon coming to this republic from whatsoever parts of the world or one returning to this, the country of his origin, as soon as his foot touches the Polish soil, he is entirely free to indulge in whatsoever enterprise he wishes to enter, in the manner and place of his own choice; that person is free to enter into contract for purchase of property, for work, for rent in whatever manner and for whatever time he himself agrees upon; he is at liberty to settle in the city or in the village; he is free to live in Poland or to return to whatever country he himself chooses after his commitments in Poland which he voluntarily embraced, are duly performed and completed.

This constitution of May 3 abolished restrictions upon the freedom of the individual and gave the Polish Nation a democratic form of government. However, due to the aggressiveness of its neighbors, the Polish Nation was allowed but a short time in which to enjoy the blessings of its democratic rule. The three powerful neighbors of Poland—Russia, Germany, and Austria—were dissatisfied with the reforms introduced in Poland by this constitution. They connived among themselves, and partitioning Poland, put an end to the freedom and democracy of the Polish Nation. It was not until much later, that, thanks to the efforts of one of our Presidents, Woodrow Wilson, it regained its freedom and independence.

It is impossible today to recall the constitution of May 3, without comparing the events of the eighteenth century with what has taken place in Poland.

After years of unfortunate appeasement of Germany, during the dark days of September 1939, it was the Polish nation which first took up arms against the evil forces of violence and aggression. The events of war developed in such a way, that many of us subconsciously forget the part that Poland played in World War II. We forget the ideals and the principles which Poland rose to defend, and which are being fought for today by almost the entire world. We forget that the chief slogan at the outbreak of war was the struggle for individual freedom, the defense of the weaker against the stronger, the struggle for justice above evil.

In the opening days of World War II, President Roosevelt called Poland an inspiration to all nations because Poland alone dared defy the Germans in their ruthless challenge of those freedoms and democratic liberties championed by Poland.

It was but a short-lived appellation. Poland, that inspiration to all nations, was most ignominiously sold down the Soviet river and today it is languishing in the throes of Russian forced slavery.

Today Poland's sons, scattered through the various parts of the globe, dare not place their foot upon Polish soil for fear of unjust reprisals, uncertain of their property and life in the land of their origin because Poland's political life is dominated by Soviet secret police and puppet agents of Soviet Russia who control its political life.

At this point, I again reiterate the remarks I made last year on the occasion of Poland's Constitution Day, that in today's Poland—Poland which emerged from Tehran and Yalta's Conferences—freedom is nonexisting. American press and our own officers in the diplomatic service therein testify to the fact. As long as this status quo will be permitted to persist, as long as the United States and Great Britain will not justly repair the harm done Poland and the other countries similarly mistreated in Tehran and Yalta secret dealings—until then there will be no peace in the true sense of the word.

Lasting peace, God's peace, must, of necessity, rest upon a solid foundation of justice. Heretofore we were trying to build peace upon the crumbling foundation of the gravest kind of injustice.

Strictest justice demands that the United States and England redeem Poland from that onerous yoke of Soviet domination which they thrust upon Poland at a time when it was politically impotent to resist it.

Poland must be free, since without a free Poland, there will be no true peace.

SPEECH MADE BY THE CHAIRMAN OF THE POLISH PEASANT PARTY STANISLAW MIKOLAJCZYK AT THE POLISH NATIONAL DAY CELEBRATION IN BALTIMORE, MD., ON MAY 1, 1949

Mr. Chairman, honorable guests, ladies, and gentlemen, we are gathered here in such numbers to celebrate the one hundred and fifty-eighth anniversary of the Constitution of the 3d of May, celebrated by the Polish people as their national day.

I am grateful to the Maryland executives of the Polish-American Congress and especially to their chairman, Mr. Jarosinski, for his kind invitation to take part in your manifestation.

I consider it a great honor and privilege to join you on this great day the significance of which is so close to our hearts.

The presence of so many outstanding Americans at this Polish national day celebration indicates not only that the Americans of Polish origin, loyal citizens of their adopted country, have kept in their hearts and memories the traditions of the country of their fathers but also shows that many other Americans are not indifferent to the fate of the Polish people and its ideas which have always constituted the basis of the freedom and independent, existence of the Polish nation.

Immediately the question arises, why in spite of the so many heroic deeds, victorious wars, banners covered with glory and unparalleled sacrifices which have made Polish history for over a thousand years, our ancestors have chosen the anniversary of the Constitution of the 3d of May as National Day of Poland.

Why this act, in spite of the fact that in the meantime more than 150 years have elapsed, makes the Polish national day celebration always so significant.

The enactment of the Constitution of 1791 was a victory of democratic common sense and not a victory of military force.

It was a victory over selfishness consisting of a concession of the privileged classes for the benefit of oppressed masses of the people. This victory was achieved without a bloody revolution—after years of decadence, bondage, and oppression. It was prepared by a long and enduring struggle and by the work of great thinkers, preachers, leaders, and educators of the nation.

The revolutionary and democratic currents in western Europe, affecting Poland by giving her a progressive and for those days a democratic political system, introducing social reforms, placing the peasants and the townsfolk under the protection of the law, and the granting of religious freedom—prove the close contact of Poland with western culture and civilization.

It is true that the peasants—the most numerous class of the nation—did not obtain at once what Skarga, Staszyc, and Kollataj demanded for them. The Polaniec act and recognition of the peasants as the citizens who feed and defend the country was accomplished by Kosciuszko later, but the ideas granting equal civil rights to all Poles were for the first time embodied in the constitution of the 3d of May. The force of the foreign oppressors prevented from putting into effect the ideas of this constitution and plunged the country into a long period of oppression. But these ideas remained in Polish hearts and Polish men both within the country and abroad, sustaining the vision of an independent Poland as a true mother, equally just to all her children.

The participation of Poles in all the liberation movements in the different countries of Europe, and here in America connected with the efforts of Pulaski and Kosciuszko who fought "for your freedom and ours," originated in the progressive and democratic ideas of the constitution of 3d of May, in the faith for a new world—based upon the principles of freedom, social justice, and democracy.

The spirit of the nation, always alive, drew from the ideological principles of the May constitution strength necessary for the struggle as well as the will for endurance, and sustained Paderewski, when he convinced President Wilson of the necessity of upholding after the First World War, reconstitution of a free and independent Poland. Undoubtedly, the longing for freedom, social justice, and democracy deeply ingrained in souls of the masses of the Polish people helped it to survive the bondage, to retain its language and its culture, sustain its active struggle against the oppressors and to create an outstanding record of fighting for independence in Poland as well as elsewhere

for 150 years and especially in the recent war against Hitler's aggression.

Those great ideals inspired us also after the Second World War to endure the fight against communism in Poland for 2½ years and to show to the free people of the world that the will of the Polish people had been suppressed and that this nation so deeply loving freedom and democracy lost them again because of the Soviet aggression and the rape of Poland committed by the agents of the Kremlin.

Our participation in your celebration is so dear to our hearts not only because the aims of independence and democracy are again so significant today, especially in Poland where they were displaced by oppression, terror, and Communist dictatorship, but also because in Poland of today the celebration of the 3d of May is forbidden.

My colleagues of the Polish Peasant Party present here—vice chairman Stanislaw Banczyk and secretary general Stanislaw Wojcik fought during the war against the Germans in the underground and after the war against the bloody Communist dictatorship, who risking their lives succeeded in getting away from the Communist hell only several weeks ago are indeed happy to be able to celebrate with you this day, the celebration of which is now forbidden in Poland.

Still in May 1946 and 1947 the embassies of the Warsaw Communist regime abroad invited guests for the celebration of the Polish National Day, while in Poland, for example in Cracow, the security police and Soviet forces fired at the university students leaving the St. Mary's church after the mass. This took place on the same square on which Tadeusz Kosciuszko took his oath.

I witnessed how in Poznan the national flags displayed by the people were torn off, how small school children leaving the church in Wloclawek were beaten and imprisoned. The standard bearer of the Polish Peasant Party in Katowico had his head broken by the butt ends of the rifles of the security police, the standard was shattered and the image of the Blessed Virgin embroidered on this standard was treaded under foot.

This year in Poland even a celebration for 4 days was announced but not for the purpose of celebrating the 3d of May but for collecting funds for so-called educational and cultural purposes.

This new kind of celebration begins on the 1st of May with Communist manifestations.

Under the threat of arrests, loss of jobs and living quarters, the starved workers will be driven on the streets and, according to instructions, will be forced to carry posters offensive to the Western World.

And for 4 days "compulsory-voluntary" collections of funds will be taken out the remainder of the starvation wages for the purposes of poisoning later with Communist leaflets the spirit of Polish culture and science, to corrupt the soul of the Polish youth.

The Communist press and books that flood Poland instruct to love Stalin humbly, to love and respect the Red Army, and to build monuments for its glorification, to believe in the only truth of Leninism-Stalinism, to hate, betray, and assist in the extermination of all those who still do not believe in the people's democracy and had retained in their hearts the sentiment of patriotism.

I saw in the Polish Communist newspapers cartoons of General Marshall in German uniform with Nazi medals. I saw there the Statue of Liberty covered with Nazi swastikas. Elsewere President Truman, Bevin, and Schuman were pictured as warmongers aiming at the conquest of the whole world. Justice Medina, of New York, was pictured with Hitler and Goering standing behind him with Goebels at a microphone. In another cartoon President Truman had on a leash two worms bearing the initials of CIO and AFL ready to bore through the whole world. There was one cartoon of President Truman who, having set the American rat trap, wants to entice the Persian and Indian rats with the slice of bacon on which it was written, "Help for the undeveloped countries."

The so-called Communist cultural and educational press has in view the indoctrination of the recruits to be ready to sacrifice their lives for the new order in the fight for the realization of the aims of true Leninism-Stalinism.

Its poems call the "brothers" from Leningrad, Stalingrad, Sofia, Athens, and Paris for the final reckoning with rotten American capitalism and its Socialist agents in western Europe. The present educational activities in Poland consist of Communist propaganda concerned with the kolchoz-system, according to which the Russian farmer has practically no work to do, since he has at his disposal all of the newest scientific methods and implements. Supposedly all of these were first invented and constructed in Russia only to be stolen later by the agents of the West and saboteurs for their own use.

We have to admit that the Poles are very intelligent pupils. Once when at a certain mass meeting the Communist propagandist praised the Soviet paradise for the workers and peasants and contrasted it with the famine and misery in the west, one of the worker participants in the meeting made the following motion: "I propose that all those dissatisfied with conditions in Poland be sent to the west and thus be punished. Let those approving of present conditions be sent to Russia and thus be rewarded." The reaction to this motion was spontaneous and the applause was terrific, but no one volunteered to go to the Soviet paradise, and the worker who made the motion was put in jail. There are many amusing stories on the subject of the Soviet paradise dealing with many different spheres of Soviet life, but now one finds that there is every day less amusing comments and more and more sad faces and bitter tears.

Everyone can see and feel how the vises of the Communist dictatorship tighten, how every day it is more difficult to live and to breathe freely because of the quickening tempo of the sovietization of the country and the exploitation of the Polish economy for the purposes of the Soviet economic system and the military preparedness of the Red army.

What does this quickening tempo of the sovietization mean? I shall mention here briefly only a few of the methods used: The liquidation of the independent Polish Peasant Party, the so-called fusion of the Socialists and Communists, the liquidation of all independent newspapers which appeared until recently in spite of the censorship and the want of the necessary quantity of newsprint, the liquidation of all the remnants of the independent cooperative movement, the quickened tempo of the liquidation of the remnants of private enterprise, the introduction of the Soviet slave-labor system for the workers, the beginning of the collectivization of agriculture, the increased number of arrests and the compiling on the Kremlin orders of lists of people of up to 1,200,000 who are to be done away with in the event of a crisis, the placing at the head of the regime and the army well-known and experienced international Communist agents, and speeding up of the Communist indoctrination of the youth, and instead of hitherto disguised struggle with the church, an open fight against it.

As one who was called traitor because I dared, at a time when public opinion of the western world considered the Soviet Russia as an ally, loving peace and democracy, to return to Poland and fight there communism for the independence of the Polish nation and for democracy, as one who without circumspection and without entertaining any illusions told Stalin frankly that I have never been a Communist in my life and will never become one; as one who together with his collaborators watched on the spot the violence and terror of Soviet aggression and of communism having together with my friends here escaped a certain death and perhaps even the "self-accusation" so well known in Communist trials, I together with my friends here consider it our greatest duty to tell of the injustice done to Poland, one of the most faithful allies, at a time when my countrymen are forced to remain silent.

I think it is our duty to warn the free peoples in the west, those who still do not believe, or who still do not want to see the Communist danger for the whole world.

In my book recently published in America and Great Britain under the titles of "The Rape of Poland" and "The Pattern of Soviet Aggression," I tried to inform public opinion of the world as to the terrible truth about Poland. Perhaps you will say that I repeat myself, that you know all this. But I maintain that it is absolutely necessary to experience and to see it because what is happening under the Communist regime is actually more terrible than one can describe.

It is difficult to understand and imagine it from a distance. It is difficult to see even for a stranger visiting in Poland.

The first impression of a stranger would be a spring in full bloom, the sun shining, people working, when questioned they either avoid an answer or reply that everything is all right. In the Communist press there is plenty of statistical data about the success of production plans, enthusiastic testimonial letters signed by people, public squares are filled with manifestating crowds, books and newspapers shout about the emancipation of man, about the happiness of the worker and peasant, about the right of free enterprise, about religious freedom, about the equality of all people, and about the longing for peace. Only the exploiters, black marketeers, profiteers, rich peasants, and saboteurs are being condemned.

It is proclaimed that the Communist government is a government of the workers. But ask the worker what he thinks about it. His right to life depends upon his work and the norm of his work imposed from above. The State provides work and gives him right to have his home.

His wages depend upon a fixed minimum of work done. When recently the Polish miners in Silesia were unable to reach the prescribed norms of production, their wives were ordered to come and collect their wages. They were told that if the wages were insufficient the fault was with their husbands. A strike is considered as sabotage against the State because the latter owns the industry. The trade unions are ruled by the Communists and their duty is to assist management rather than assist the worker in gaining a living wage, because a government of the workers it is said is incapable of doing injustice to anyone.

If the worker does not submit, he will be left without employment, without living quarters, even without a starvation wage, he is not accepted for employment elsewhere, he will have to die on the street from starvation or be obedient to the Communists, attend their manifestations and applaud enthusiastically suppressing his bitter tears.

The peasant, if he has not already been deprived of his land—and sometimes he is deprived of it in the course of ten minutes—has the duty to pay his taxes in produce and these are often higher than the total yield of his land. If there is anything left it is preempted by the Communist controlled cooperatives of so-called peasant self-help at fixed prices which are but fractions of the market prices. In addition he has to

pay a sum to the savings fund which is at the disposal of the Communists. When the peasant is doing well, he is condemned as a rich kulak, village exploiter, and therefore must be liquidated because Lenin teaches that an independent peasantry threatens the Communist system with the revival of capitalism. That is why the peasants must be liquidated, must be forced into the system of kolkhoses and reduced to the status of serfs to the state.

When a small-business man opens a private shop he receives his merchandise from the public store at fixed prices and fixed margin of profit. While the state-owned shops sell better merchandise at better prices and with a higher margin of profit to the state-owned shops.

If one were able to pay the tax fixed arbitrarily, one would have to face a special commission which has the unlimited authority to confiscate all of one's merchandise and send the owner to a forced-labor camp without trial. A craftsman has to wait until he is alloted raw materials and he has to deliver his products to the cooperative where the Communists will pay for it whatever price they chose.

A high-school student has to live in town and the Communists decide whether he can obtain lodgings and at the examination he has to show his "political maturity" and confess whether he loves the "liberator of mankind," Stalin.

A citizen looks for consolation in God, is a believing Christian and he is forced to attend manifestations against his pastor, or bishop, to accuse him falsely, that he is a traitor, that he supports the bandits from the underground, "corrupts the youth, misappropriates public funds" and that he is a saboteur of the new order.

If such a worker, peasant, craftsman, clerk, teacher, businessman or professor has stood all this, and his spirit has not broken down after becoming a modern slave completely dependent economically, then there comes the political terror.

A man has not broken down, he has lost his temper, he has said something rash, the security police picks him up in the night and he disappears. Sometimes he disappears without trace, or his body is found floating in the river, thrown in the field, or in the forest. Sometimes he stays in prison for months without trial. After that they release him and place him under the close observation of spies. Sometimes in the prison cell he is sentenced secretly for several years where later beaten and tortured, he is starved in an overcrowded prison cell. And sometimes a secret sentence, a pistol shot in the back of his head and only by accident a dog may dig out his corpse it was not buried deep enough in the ground.

If it is necessary a political trial will be staged, always before a military court, rendering sentences according to the orders of the NKVD. First of all they will try to break him down. Then they make him appear at a public trial and accuse himself—he is made to disgrace his good name, to accuse falsely his friends, to deny all that he has believed in throughout his life. Then he is given a sentence and will never be free again so that he cannot disclose how they did force him to accuse himself and to denounce his friends.

In this way by means of slave labor, complete economic dependence on the state, poisoning of the soul of the nation, 1,000,000 armed men of the Communist Party, of the security police, of the NKVD, of the so-called Polish Army led by Soviet officers in Polish uniforms and of the Soviet Army stationed in Poland, govern 24,000,000 Poles of anti-Communist views, known for their love of freedom and of the independence of their country.

Five families are forced to live in two rooms while at the same time to show off there are being built palaces, government buildings, party quarters, Communist press buildings, prisons; highways and railways from the east to the west for Soviet military purposes. In addition an unheard-of splendor and luxurious living of those who govern allegedly in the name of the proletariat. The difference in the living standards between the ruling class and the rest of the people is so enormous that you cannot find a similar disparity in any capitalist society of the west.

Such are the conditions in Poland, in Rumania, in Hungary, and in Bulgaria. And in spite of the so-called Tito rebellion the same conditions exist in Yugoslavia. Conditions are similar also in Czechoslovakia, in Lithuania, and Estonia, in Latvia, and, because of the longer period of Communist government in Russia, the conditions there are even worse. The same is to be expected in China, as it would take place in any country in which the Communists succeed in seizing the power.

We therefore warn you, because we know from experience that the ultimate aim of communism is the domination of the whole world. Perhaps you will still disregard what we say today. Perhaps you will distrust us thinking that we speak with the bitterness of political exiles. Perhaps you will say that we want to provoke a war. My answer is—we speak with the voice of those who have witnessed their own nation being put into the irons of oppression and feel with it the brutal injustice of this act. We give warning with the voice of those who having experienced the misfortune and injustice of their own people would like most sincerely only one thing that a misfortune similar to ours be not the lot of other nations.

We do not want either war or human suffering but we are deeply convinced that those who deprived our nations of their freedom, those merely in defense of their dictatorship and not in the defense of any ideology—murder and imprison their countrymen not letting them to live in peace even in poverty, that those keeping in every country their agents ready to betray their own peoples and to murder them with the hands of their own brothers, those are the ones who do not want peace. They want only to gain time for the solution of the secrets gained through espionage and in order to produce the weapons of mass murder.

After having established a dictatorship over 350,000,000 people of Russia and of the countries behind the iron curtain, today they aim to consolidate their power over 400,000,000 of Chinese so that tomorrow they be ready to threaten India and Japan in the east and the rest of Europe in the west.

I do not say this to frighten you but to assist you to face the truth and to appraise the actual state of affairs calmly. I say this so that we entertain no illusions that the world can enjoy peace divided into halves of free men and of slaves, that the two halves one—democratic, strong, powerful, a part of which is the United States, the strongest world power today, but the half always running the risk of diversionary action and burdened by costly armaments, a nonaggressive half wanting peace at any price; and alongside a second aggressive half of bloody and perverse dictatorship not counting the price of human lives and not concerned with human dignity—those two halves cannot live peacefully the one alongside the other. The period of appeasement has passed. The Marshall plan inspired new life and new hope in western Europe. The Atlantic Pact united the countries of western urope for the purposes of common defense against armed aggression. The Communist wave is receding and the Communist attempts to seize the power in Italy and France have failed. These are positive achievements. I believe that the time of easy conquest of one country after another by the Communists has passed. The question, Who is next? will not be repeated as a reflection of helplessness on the part of the free countries.

I think that today already no one entertains the illusions that at this moment only Berlin and lifting of the blockade is the real issue. I think that if another appeasement came to pass and the nations behind the iron curtain were forgotten and left to their fate, besides the guilty conscience of the western democracies, it would not bring to disturbed humanity a lasting peace. That is why the systematic enlightenment of the public opinion of the free nations of the world is necessary. That is why the expansion of alliances is needed in order not to tempt the Kremlin to attack the still weak spots.

On this Polish National Day I wish to your statesmen and leaders that their wisdom and endurance, backed by your power, could bring about the realization of the four freedoms which were born on American soil—bring about the application of the provisions of the Atlantic Charter and of the Charter of Human Rights in international life and among all people of the world.

I wish also that the promises of our great allies concerning the Polish nation were put into effect—the promises of free, strong, and independent Poland. The hopes for such a Poland sustained the fighting spirit of the Poles who fought during the last war in the Polish underground as well as side by side with the other allies, together with the soldiers of the United States and the British Empire. After the last victorious war the Poles are again in bondage. But nobody can kill the spirit of the nation that preserved its ideas of freedom and democracy embodied in the constitution of May 3, 1791, during one and a half centuries of bondage.

We Poles believe that finally justice, freedom, and democracy are bound to win in the whole world and so also in Poland.

We believe that the democracies will win because they have the will to win and are in a position to be victorious in the whole world, assuring lasting peace and happiness to humanity.

(Mr. GORDON asked and was given permission to revise and extend his remarks and include a speech delivered by the chairman of the Polish Peasant Party, Stanislaw Mikolajczyk, at the Polish National Day celebration in Baltimore, Md., on May 1.)

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. ZABLOCKI].

Mr. ZABLOCKI. Mr. Speaker, on this occasion of the one hundred and fifty-eighth anniversary of the Polish Constitution, I wish to share with my colleagues the deep feeling, considerations and convictions that move me to a sincere desire of true sympathy and justice for the enslaved peoples of Poland. This desire, Mr. Speaker, is not based on sentiment and emotion, but on factual historic background demanding such justice. Let us go back in memory and recall the history of Poland. Before our eyes unfurls the story of a brave and peace-loving nation which, thrust into the center of Europe, throughout the thousand years of its existence and development, brought to the world and to civilization the sublime ideals of the human soul. The history of Poland, which at one time stretched from the Baltic Sea to the Black Sea, is singular in the objectives it has always pursued. In the panorama of Poland's history one does not see aggressive wars; there is no persecution of

the neighboring peoples, there is no pillage, destruction, denationalization or slavery. There is seen only the paternal embracing under the protecting roof of other races, nationalities and creeds, and giving them shelter at a time when other nations of Europe expelled them from their boundaries.

In ancient Poland we see human genius, genius of research. We see Copernicus, the great astronomer, who "stopped the sun and moved the earth." We see an endeavor in studies, with the University of Cracow, the second oldest university in Europe, and the historical Commission on Education, leading the way. We see a nation which led all nations at that time as an exponent of democratic principles, where individualism, the dignity of man, and the intangible laws of personal property have been raised to heights unsurpassed even in today's concept of democracy. This was Poland.

But it would be impossible for one to understand the history of Poland, or even the essential character of the Polish nation, unless one realizes the Poles are fundamentally a nation of parliaments. For this circumstance explains the fact that the most important moments of Polish history are concerned with the problems on parliamentarism, and that the Polish nation as such raised to the forefront of its tradition and history not battles or revolutions, but the date of a fundamental reform of parliament and the system; that of the constitution of May 3, 1791. Therefore, it is to this event that my remarks are devoted.

The parliamentary system is a deep-rooted and age-old tradition in Poland. As early as the seventh century, the one common principle to be found in all the Slavonic peoples was a social system in which the supreme authority was the general assembly of all the members of the tribe. Even more important is the fact that already in the ninth and tenth centuries the principle of unanimity, and not the will of the majority, was obligatory. On these democratic principles the Slavonic nations were built, but among them it is particularly characteristic of the Poles, that they were the only nation that remained faithful to the parliamentary tradition throughout all their independent existence. The unbroken continuity of the parliamentary system in prepartitioned Poland, and the fact that on the European Continent only in Poland did the existence of, and government by, parliament know no brake, is one of the distinctive phenomena of European history, which attracted the attention and study of historians, thinkers, and political reformers of the entire world.

If one turns back the pages of history to the Middle Ages, one learns that the will of the reigning Polish princes was subordinated to the decisions arrived at during the gatherings of the leading advising nobles.

In the fourteenth century, when the various local princes again united in a homogeneous Polish Kingdom, these gatherings developed into state council. This was liberalized, giving the gentry representation and a right to share in the council's decisions, with the result that in 1462 Polish history records the first meeting of the General Sejm, representing the gentry of the Polish Kingdom. And that happened over three centuries before our great Nation was born. The fundamental law establishing the principles of Polish parliamentarism, and transforming a traditional practice into an obligatory law, was passed later in 1505 and with it the constitutional "Nihil Novi," announcing that from that day forward the King could not establish anything new without the joint agreement of the senate and the regional deputies. The conception of the Polish Parliament as the General Sejm of those long-ago times embodied three factors: The elected King; the senate, which included the highest officials; and the Sejm, consisting of deputies elected by the gentry at provincial assemblies. This progressive development is a phenomenon which by its modernity was centuries ahead of the principles Europe generally put into force only in the nineteenth century. And the constitutional "Nihil Novi" remained the basic law which, without regard to the changes evoked by later practice, in reality established the principles of Polish parliamentary system down to the passing of the May 3 constitution.

But this system was not without faults. In the first place the delegates of urban areas dropped out early from the labors of the Polish Parliament with the result that the interests of the landed gentry become predominant. And the future was to see many an occasion when the gentry were to forget that their nation was not made of knights and nobles alone. The other great weakness of this system proved to be the outstanding principles of unanimity adopted from the very beginnings at Polish assemblies and Sejms. And although its weaknesses became apparent with the passing of time, the regard and respect for each citizen's word was inherent in the political mind of the Poles and so sacred to them that it was not abandoned until too late. In its later form of "Liberum Veto," which became a settled practice from 1652 on, a single deputy had the power to thwart the work of the Parliament by bringing in question the legality of any later decisions. This principle, more than anything else, ruined not only the principles of parliamentary government as such, but indeed the entire state apparatus of Poland.

But grim and foreboding clouds enveloped the future of Poland after the first partition. While France bathed in the blood of her children killing each other for the rights denied them, something happened which astounded the whole world; without bloodshed and revolution, but with joy and unanimous agreement of her sons, Poland gave birth to her political masterpice, the first written democratic constitution in Europe.

The greatness of the May 3, 1791, constitution consisted of the fact that it freely and openly eliminated the most fundamental weaknesses of the Polish parliamentary and social system.

Based on the principle that "All power in civil society is derived from the will of the people," this great document assured the nation a dual-chamber functioning of Parliament, with the real and final decision belonging to the lower chamber, the Sejm. It further abolished the "Liberum veto," and ensured a program of social reforms, equalizing to a great extent the privileges of the burghers and the nobility, giving the peasants equality under the law, and reaffirming religious toleration, which was a fundamental element in Polish history. The 1791 constitution laid down the essential direction, and succeeding generations, in accordance with the steadily developing spirit of the age, not by way of social revolution, but by evolutionary reforms, tended to follow the line. And, in consequence, in 1918 the Polish State, newly restored under President Wilson's famous thirteenth point, at once took the line of parliamentary government in its broadest sense.

Today, after 158 years, the people of Poland once again pause to draw inspiration and new courage from this truly great and unselfish testament left them by their forefathers, for it is inspiration and courage they need today. Not unlike the time when the constitution of May 3 was signed, Poland's future is again enveloped by dark clouds—red clouds—and while suffering from the terrible devastation of a brutal war, her children live in pressing physical want, and even in more unbearable spiritual want of freedom. Only the inspiration of their historical past, of their ageless sacrifices for the principles in which they have always believed, can give them courage to face the future with the hope of withstanding the advances of a system that knows little of the dignity of a human being, and of restoring their nation to its former state.

In our great and free country, a moment of reflection on the history and the democratic constitution of Poland can help to give us the understanding and the strength needed to ascertain the plight of our traditional ally who has been deprived of her independence and national sovereignty following a victorious war. If we are truly sincere in our desire to see justice and freedom granted to those desirous of it, then our objectives will not and cannot be achieved until the wrong in Poland is rectified. It is urgent that we give sympathetic understanding and effort to aid our ally from the yoke of oppression and minority rule. In our attempt to attain peace and harmony among the nations and peoples of the world, let us be ever mindful and cognizant of the country of parliamentary tradition and its historic constitution of May 3, 1791.

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from New York [Mr. GORSKI].

Mr. GORSKI of New York. Mr. Speaker, today, May 3, the Polish people throughout the world will celebrate Polish Constitution Day. A most memorable day to all.

Just about 2 years after the adoption of our American Constitution the Polish Diet proclaimed the Magna Carta of Poland and today, 158 years later, we here in America are extremely proud of those who gave to Europe its birth of democracy.

Today, people of all nationalities in free countries wonder when they will be able to rejoice in knowing that Poland is once again free. That the crunching yoke of Russian communism has been torn from those enslaved people. Yes; they wonder, too, when these people will again enjoy religious freedom and the right of free speech. When they can raise their heads to their God above in praise and thanksgiving from a people who would not give up, even under the Nazi and Russian persecution.

It was not but a short time after the adoption of the Polish Constitution when its jealous, suspicious, overbearing neighbors cast the finger of death at this new child of democracy. They feared, lest the love of liberty might find a spot among their people. Poland was ordered to be partitioned. Resist—yes, they did; but courage and faith could not withstand the thrust of the bloodthirsty hordes.

Taken from them was their new-born liberty. The right to live as each one's equal. All given to them, of all classes, without bloodshed, persecution, or the fear of being doomed to exile. Gone, alas, was their future that had been likened to the brightness of the Star of Bethlehem.

The western world has been shocked at the manner in which fundamental human freedoms have been gradually eliminated in the eastern and southeastern European nations. In the closing days of World War II the Soviet armies entered these countries posing as the great liberators from Nazi tyranny. They were welcomed because the people of these lands thought there could be nothing so oppressive or stifling of human freedoms than the Nazi hordes. Then too, they all looked to the great and humanitarian promises of the Atlantic Charter—once again they would be free men and free women. Now almost 4 years after the end of hostilities we see what a sad and inhuman delusion has been visited upon these unsuspectiong people.

To all thinking men it is clear now that the Soviet armies were not fighting primarily to eliminate the hordes of Hitler but in reality they were fighting to establish the ideology of communism as the way of life to be followed by all men the world over. These same Soviet armies were the means of establishing rump governments in the countries men of good will thought they were liberating from tyranny. It is an undisputed fact that the evil system of communism now dominates Poland, Czechoslovakia, Hungary, Romania, and Yugoslavia only because the advance agents of the Comintern were backed solidly in their lust for total power by the Soviet armies. Is it not peculiar that communism has failed to take power in those European countries which were fortunate to escape liberation by the Soviet armies?

The greatest pages in the book of world heroism has been written by those stalwarts of the democratic way of life who remained in these satellite countries to fight totalitarianism every inch of the way in the noble effort to stem the tide and salvage basic human liberties for their fellow countrymen. They looked to the western world to hold true to the promises of the Atlantic Charter, they expected us to stand solidly by their side as they fought for the liberties of their people. Even when it became apparent that moral persuasion could not compete with the military stranglehold the Soviets had upon their country they continued the struggle. As one political party after another was put upon the rack of Soviet falsehoods and trumped-up charges they might have given up the fight, had they been faint of heart, but still they continued the struggle. Some of the leaders were put to death by the usual Soviet method of trial by jurists specially trained by the Comintern while still others disappeared in the still of the night, never to be heard of again by their loved ones. Despite these unbelieveable circumstances they continue the fight against red tyrants.

In the western zones of Germany and Austria and in Italy there are today thousands of people who have escaped from the red tyranny. Some are the families of those who paid the supreme sacrifice in fighting for the dignity of man in their homelands, while still others represent the shattered remains of truly democratic political parties, those fortunates who escaped the dragnets which were put out after the Communists took over total power. Then there are those whose greatest crime was to believe in democracy as western civilization knows it who have managed to flee from their homelands, and have thrown themselves upon the mercy of our occupying armies.

May it be our prayer today, that soon Poland will enjoy the freedom that 158 years ago they thought was theirs.

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from Indiana [Mr. CROOK].

Mr. CROOK. Mr. Speaker, today, May 3, is the one hundred and fifty-eighth aniversary of the adoption of the Polish Constitution—the first written democratic constitution to be adopted by a European nation to recognize the fundamental principles of esteemed democracy.

I congratulate the Polish people for having pioneered and cradled the cause of liberty and justice, not only for their great country, but in many parts of Europe and the United States of America. Under the guidance of their torch of freedom the illustrious sons of Poland marched forth in defense of a cause that was just, even to crossing the troubled waters of the Atlantic in frail boats in defense of our own country during the discouraging days of the American Revolution. Yes, they cherished a great ideal; they fought hard, and many died young that we today may be privileged the greatest blessings on earth.

The United States of America, sometimes called the melting pot of the world, has been enriched with the contributions made by our immigrants that came from the cradle of European democracy. Wherever the Polish people have taken domicile in the United States, their citizenry has proved second to none. They have taken an active part in education, religion, law, civic, social, and governmental affairs. Their loyalty and patriotism have been unexcelled. They have carried Old Glory in both war and peace and they stand ever ready to protect our priceless heritage regardless of the sacrifice connected therewith.

So today we celebrate their day of days, and to those millions of Americans of Polish descent, we celebrate with them. And may that great Polish nation ever be protected that its constitution may stand as a beacon light to guide a troubled Europe down the avenues to understanding, reenforced brotherhood of man, and a just and lasting peace for the world.

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. CHESNEY. I yield to the gentleman from Tennessee.

Mr. EVINS. Mr. Speaker, today on the occasion of the one hundred and fifty-eighth anniversary of the adoption of the Polish Constitution I wish to single out for especial tribute a great Polish patriot and soldier who contributed in such full measure to the democratic establishment of our own country. I refer to Gen. Casimir Pulaski, that distinguished Polish gentleman, patriot, military genius, who joined the forces of our own colonies in their fight for independence.

There is in the Fifth District of Tennessee a thriving city which proudly bears the name of this Revolutionary War hero. Pulaski, Tenn., situated in Giles County, in the great State of Tennessee, proudly keeps alive the memory of that patriot who helped so much toward making our own Constitution possible.

When we consider the heroism of this man, his devotion to the cause of freedom and liberty, his genius on the field of battle—and how he joined the forces of freedom on this continent many thousands of miles removed from his home, the land of his distinguished birth, and how his courage and valor were an inspiration to the patriots of our Nation in their hour of need—I think we can all receive inspiration.

It is my sincere hope that somehow this country which this patriot helped to establish in the principles of freedom and democracy and constitutional government may repay the debt of gratitude we owe in such great measure. It is my sincere hope that the shroud of communistic darkness which has enveloped the valiant people of Poland may be lifted—and through the efforts and encouragement of our own great democracy—and the Polish people who so early joined this Nation in the fight for constitutional freedom may be restored to their traditional dignity and liberty.

Mr. PHILBIN. Mr. Speaker, will the gentleman yield?

Mr. CHESNEY. I yield.

Mr. PHILBIN. Mr. Speaker, as busy as we are in the House today I cannot let the occasion pass without making sincere reference to the fact that this is the anniversary of Polish independence. It is a time when we can recall the glories of the past of this great Polish nation and its gallant noble people. It is a time to note the bitter struggles, sacrifices, and contributions which Poland has made in the name of human liberty, in the name of Christianity, and in the name of suffering humanity.

Let me therefore once again join my voice to those which have been raised today in tribute to Poland and her unexcelled sons and daughters. Let me laud her achievements. Let me praise her valor and her indomitable spirit which forged a great legacy of freedom.

She is now in chains and shackles even though the blood of her noble sons has drenched the sacred soil of Poland and other nations in defense of liberty against unspeakable tyranny. Yes, Poland has heroically served the cause of freedom and she must not be abandoned by those of us with whom she fought as allies. Our cause was her cause. Our cause is her cause and we can never sacrifice her noble people to permanent slavery behind the iron curtain.

Let us never forget what Poland has suffered and advanced to make liberty a vital living reality. Let every true American stand with Poland in her hour of sorrow and oppression and do everything we can as a people and a nation to insure her early liberation.

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. FLOOD].

Mr. FLOOD. Mr. Speaker, I observe that during the month of May the Polish Constitution was written, and I observe also that during this month of May in the year 1949 we pay tribute to the memory of that brave people and that event in the history of liberty. Certainly in the month of May, the month of spring, and the month of rebirth in the law of nature we hope and pray that there is reborn in Poland that liberty for which they have always been leaders.

Mr. Speaker, I rise today to pay my respects to the brave people of an ancient and great nation and to pay as well my tribute to this day of commemoration honoring Poland's Constitution Day, May 3. This could very well be described as Poland's Fourth of July, and let me assure you I am proud, indeed, of this opportunity of raising my voice so that it may be heard in this great public forum for democracy and liberty—the House of Representatives of the United States of America.

And it is proper, Mr. Speaker, that the celebration of Poland's Constitution Day be held during the month of May in this year of our Lord 1949, and it was fitting and proper as well that the constitution of Poland in the year 1791 was recognized and promulgated during the month of May, because May is recognized the whole world over as the month of spring. This is the month in which there is reborn under the law of nature all the vigor and all of the hope and all of the dreams and all of the ambitions of things that are new, of things that are to come, of hope and of vision and of certainty for happiness and a new life in the future. We say today then to our friends and brave allies of Poland that in May should be reborn in the hearts and the breasts of all who love liberty, and that means all Poles, whether they be Poles in America or Poles in Poland itself, or in whatever country their search for liberty may have scattered them throughout the world. Certainly in our great country of America the hundreds of thousands of American citizens of Polish ancestry join with their friends, their relatives, and their neighbors in the motherland behind that iron curtain superimposed upon a great and religious people by Communist atheists. Everything must be done to assure these great and freedom-loving and God-fearing peoples that they are not forgotten. There is no doubt in anyone's mind that communism is the enemy of Christianity, and Poland is one of the historic Christian nations not only of Europe but of the world. There is no doubt in anyone's mind that the Communist enemy wishes to destroy the freedom and the liberty of God-fearing America as well as to destroy the same beloved qualities in our faithful ally and friend, Poland.

We must mark well the precept that as long as there is any people, as long as there is any nation, suffering the chains of slavery, economic, political, or religious, or of any other kind, just so long as that slavery exists in the world, then no country and no people any place else in the world are entirely free. The casualty lists of World War I and even more so the casualty lists of World War II for the armed forces of the United States carry thousands of Polish names, and thus prove that Poland's contribution to America has won her, by the blood of her children here, the right to our interest and our concern and our aid. The sons of Poland, in their own uniform and in the uniform of the leading Allied nations, fought on every battlefield with the Allied nations of the far-flung scene that was the horrible World War so lately concluded. In the air, and on the sea, and under the sea, Polish aircraft and Polish ships fought the good fight shoulder to shoulder with their freedom-loving brothers of the Allied western Christian democracies; so we are not throwing crumbs to a beggar, we are merely recognizing in all Christian decency the right of equal peoples to equal liberty, to equal justice, and to equal freedom under Almighty God.

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. DONOHUE].

Mr. DONOHUE. Mr. Speaker, on the third of May, 1791, the Congress of the Republic of Poland adopted a new constitution which was the most liberal and democratic of its day. We are profoundly moved by its breadth and wisdom, which defined specifically the liberties and the freedom of the Polish people.

With the noble ideals of freedom as a battle cry, the Polish nation went forth in that unequal match of power with the enemy in September of 1939. In the opening days of the most recent world conflict, President Roosevelt called Poland an "inspiration to all nations," because Poland alone dared defy the Germans in their ruthless challenge of those freedoms and democratic liberties championed by Poland.

The heroic Polish people fought the invader, from the beginning of the war, not only in their own country, but on every battle front until the enemy surrendered. Poland was one of the fighting Allies, bearing more than her share of the war's burdens, and her sacrifices were not surpassed by any nation.

Poland fought with the Allies with the same objective as expressed in the celebrated charter, the "Four Freedoms," but today Poland is not free. She lies prostrate, suffering from the oppression of an imperialistic tyrant. She is denied the right to have a government which represents the will of her own people.

After her magnificent sacrifices and heroic efforts, Poland deserves better justice from the allies to whom she gave such courageous assistance. From the desecrated ashes of Nazi conflagration, Poland rises a weakened and impoverished republic, seemingly deserted by her allies and scourged by her enemies. She is a victim in war and a victim in peace—a tragedy indeed.

However, the fires of liberty for Poland still flame in the hearts of Poland's people. This spirit is as intense now, in the minds and hearts of all Poles, as it was on May 3, 1791.

Today, Poland is striving mightily to keep body and soul together that she may gain strength to build a new nation out of the ruin left by war. Today, more than ever, she needs our aid, physically and spiritually. God grant that we will repay a debt of gratitude we owe to the indomitable people of Poland. Until Poland and the other small liberty-loving nations are free, there will be no just foundation for true peace in this troubled world.

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, May 3 marks the independence day of Poland, a great nation because the spirit and courage of the Polish people throughout history has shown the way toward worthy steadfast principles which many other nations have been pleased to follow. A nation becomes great because, in spite of its disadvantages, both in manpower and in natural resources, it is able to rise above the elements and take its place among the worthy nations of the world because of the contributions it makes to the progress and welfare of the world. This Poland has been able to do. I mention only a few of the great men of Polish nationality who stand forth as the emblem of a nation dedicated to principles of justice, freedom, and democracy. Not long ago, in our midst, there came Jan Paderewski, with whom I had the pleasure of collaborating in the passage of the resolution demanding the independence of Poland.

Gifted in the fine art of music, looked up to as a leader in this field which means so much to the cultural development of all peoples in the world, his name became a signpost in the march of artistry in music and gentleness of expression. Millions throughout the world were thrilled as they sat throughout his concerts and felt the throb of gifted and nimble fingers which gave forth expression. Millions throughout the world were age as well. Not only did he give example to the world in the art of music, but also did he become a leader in the art of government. He came into power in Poland at a time when chaos and disunity reigned, and, by the use of kind but firm

methods, combined with a high sense of appreciation and understanding of the many difficult problems, he brought order and unity to his native land. Here indeed is an illustration of unusual success and extraordinary accomplishment made by one both an artist and a statesman.

We may go back into the beginning of our own national existence and refer to the aid and assistance which was given the patriots of 1776 by great Polish military geniuses, who brought to the struggling and discouraged men of Washington's army an awakened zeal and forthright courage for their continued struggle to obtain independence. We are indebted to General Casimir Pulaski, whose incomparable efforts in time of need joined with them and gave signal assistance to their then wavering cause. The American people have never forgotten General Pulaski, who together with another countryman, Thaddeus Kosciusko, are remembered by every schoolboy and schoolgirl in America who read in their history books the unusual honor and praise that must be given to these two men of indomitable courage and love of freedom.

It was my privilege and pleasure, as a member of the Committee on Foreign Affairs of the House, to play a small but important part in creating a free and independent Polish Republic after World War I. At that time, the people of Poland were struggling for understanding and sympathy from the nations of the world. This great people had the well-earned admiration and plaudits of a world citizenry for their exceptional military accomplishments in beating back the attack of the Nazi hordes upon their sacred territory. They refused to bargain with the Nazi aggressor, and with honor they went down fighting against great odds. For this, the American people and their allies were grateful and saw to it that Poland was not divided up as spoils of war.

In World War II, the Polish people repeated their gallant stand again, before the Nazi bestiality, and held firm, giving time to the allies to collect their forces and provide and build up other obstacles to the German advance. It is well-known that though their territories were overrun with their enemies and Quislings, the underground system of the Polish people was active in the cause of the allies of World War II, and kept alive the spark of human freedom which was ever burning in the hearts of every true and loyal Polish patriot.

Today, however, Poland finds herself in the throes of great economic suffering and political subservience. Her people are surrounded by other enemies. Her leaders beckon to the call of alien doctrines. They listen not to the voice of Poland as enunciated by the history of a free people, struggling for independence and deliverance from its oppressors.

The United States of America numbers among its citizens hundreds of thousands of industrious and honorable citizens of Polish descent throughout the various communities. Active in every field of endeavor, they have brought to American life the fine human characteristics which the native Pole possesses; always struggling under great odds, they have fought alongside other Americans for a religious and political freedom embodied in the Constitution and Bill of Rights of the United States. Time does not permit me to set forth the names of the many citizens of Polish extraction who have helped to keep alive the noble traditions of Washington, Jefferson, Jackson, Lincoln, Wilson, and Franklin D. Roosevelt.

On this May 3, 1949, it is my fervent hope, and I know the hope of all Americans, that the time is not far off when the yoke of the oppressor shall be lifted from the Polish people in order that they may take their place among the people of other nations and be invested again with their natural rights which our Creator has ordained for all the peoples of the world.

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, 158 years ago this 3d of May, Poland gave to the world an imperishable document. The constitution of May 3, 1791, adopted by the Parliament of Poland holds place of highest rank in the political literature of the ages. It has been a heartening inspiration to free men in every country and to men everywhere struggling to attain for themselves and all humankind the full measure of political equality.

On this one hundred and fifty-eighth anniversary of the adoption of that constitution the sun is shining here in Washington, the trees about the Capitol are green with the springtime hues of hope, and in the flowers of white and pink and red that we passed in coming from our offices to this Chamber was Nature's message of optimism. I cannot but feel that this pleasant day upon which this anniversary has fallen is an augury of the future that lies ahead for Poland.

Poland and her people, giving so much to all the world, so much, so bitterly, and so undeservedly has suffered. Surely for a country of such quality and a people of such character ahead the day of light and sunshine must be breaking. In the darkest hours of the night men and women held fast their faith that "Poland is immortal." That faith they will never abandon. Again, and soon, it is the hope and prayer of everyone in this Congress, Poland will be a truly free and independent nation in which, in the words of the constitution of May 3, 1791, "all power in civil society is derived from the people."

To the people of Poland on this anniversary day may there beam from this historic Chamber what is in our hearts and minds: your sufferings and your sacrifices we will not forget, always as a good and close friend you can count upon us.

I could not close without mention of the circumstance that this year of 1949 is being widely observed by the people of the United States as "Chopin Year," proclaimed in commemoration of the one hundredth anniversary of the death of the great composer who drew his rich musical treasuries from the folklore and folk motives and melodies of centuries of Polish people, reflecting their joys and sorrows and their longings.

Mr. CHESNEY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GORSKI].

Mr. GORSKI of Illinois. Mr. Speaker, I want to extend my greetings to the people of Poland on this, the one hundred and fifty-eighth anniversary of Polish Constitution Day. In former years these great liberty-loving people celebrated this occasion as a national holiday, the same as we Americans do our Fourth of July, but today they are deprived of this privilege, and, instead of a day of happiness, it is a day of sorrow, for only a few short years ago they stood out as a bulwark against the nation which threatened to be the world's greatest tyrant. They were the first to be attacked. The world will forever remember the heroic defense of Warsaw. When the Nazis invaded Poland from the west, the Russians invaded Poland from the east. They were surrounded by two powerful enemies, and when it appeared that the defense of their country was hopeless, these brave soldiers did not surrender but retreated to the territory of friendly allies and carried on the battle. They never wavered and never lost hope, until the enemies of freedom were destroyed and the cause of the Allied countries was victorious. But that victory cast a dark shadow over Poland because Russia, one of its former enemies and a collaborator of Hitler, emerged as a dominant European power and now dominates their country. Many of those brave soldiers who fought so gallantly all through the war cannot now return to their homeland and join their families but are scattered all over the world, waiting for developments, not knowing where or what country their future home will be in, for to return to Poland they would then be sent to Siberia or their lives would be in danger.

I hope that the people of Poland will soon regain their freedom and complete independence, which they have fought so dearly for in past centuries and which they dearly love and cherish.

May their future be as bright as their history is glorious, for these champions of freedom and democracy will never stop fighting until they free themselves of the shackles which their tyrant enemy has placed upon them.

ENROLLED BILLS SIGNED

Mrs. NORTON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 1401. An act relating to the disposition of certain recreational demonstration project lands by the State of Michigan to the Mount Hope Cemetery Association of Waterloo, Mich.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 227. An act for the relief of Stone & Cooper Coal Co., Inc.;

S. 635. An act to increase the fees of witnesses in the United States courts and

before United States commissioners, and for other purposes; and

S. 796. An act to establish the grade of General of the Air Force, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mrs. NORTON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On May 2, 1949:

H. R. 4152. An act to approve repayment contracts negotiated with the Bitter Root irrigation district, the Shasta View irrigation district, the Okanogan irrigation district, the Willwood irrigation district, the Uncompahgre Valley Water Users' Association, and Kittitas reclamation district, to authorize their execution, and for other purposes.

On May 3, 1949:

H. R. 1401. An act relating to the disposition of certain recreational demonstration project lands by the State of Michigan to the Mount Hope Cemetery Association of Waterloo, Mich.

ADJOURNMENT

Mr. BAILEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p. m.) the House adjourned until tomorrow, Wednesday, May 4, 1949, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

583. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report on the audit of The Virgin Islands Company for the fiscal year ended June 30, 1948 (H. Doc. No. 170), was taken from the Speaker's table, referred to the Committee on Expenditures in the Executive Departments, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 201. Resolution for consideration of H. R. 4080, a bill to unify, consolidate, revise, and codify the Articles of War, the Articles for the Government of the Navy, and the disciplinary laws of the Coast Guard and to enact and establish a Uniform Code of Military Justice; without amendment (Rept. No. 495). Referred to the House Calendar.

Mr. BECKWORTH: Committee on Interstate and Foreign Commerce. S. 326. An act to amend the War Claims Act of 1948; with an amendment (Rept. No. 496). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRIEST: Committee on Interstate and Foreign Commerce. H. R. 3151. A bill to amend the Federal Food, Drug, and Cosmetic Act of June 25, 1938, as amended, by providing for the certification of batches of drugs composed wholly or partly of any kind of aureomycin, chloramphenicol, and bacitracin, or any derivative thereof; without amendment (Rept. No. 499). Referred to the Committee of the Whole House on the State of the Union.

Mr. KEE: Committee on Foreign Affairs. H. R. 3559. A bill to strengthen and improve the organization and administration of the Department of State, and for other purposes; without amendment (Rept. No. 500). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 4471. A bill to regulate the hours of duty and the pay of civilian keepers of lighthouses and civilians employed on lightships and other vessels of the Coast Guard; without amendment (Rept. No. 501). Referred to the Committee of the Whole House on the State of the Union.

Mr. CHATHAM: Committee on Foreign Affairs. H. R. 4392. A bill to provide for the payment of compensation to the Swiss Government for losses and damages inflicted on Swiss territory during World War II by United States armed forces in violation of neutral rights, and authorizing appropriations therefor; without amendment (Rept. No. 502). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMATHERS: Committee on Foreign Affairs. S. 937. An act to authorize the Secretary of the Treasury to effect the payment of certain claims against the United States; without amendment (Rept. No. 503). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE of New York: Committee on the Judiciary. H. R. 4366. A bill for the relief of Pearson Remedy Co.; without amendment (Rept. No. 497). Referred to the Committee of the Whole House.

Mr. BYRNE of New York: Committee on the Judiciary. H. R. 4373. A bill for the relief of Ray G. Schneyer and Dorothy J. Schneyer; without amendment (Rept. No. 498). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. H. CARL ANDERSEN:

H. R. 4481. A bill to authorize the Secretary of the Interior to withhold certain wildlife-restoration project payments in the case of any State which unreasonably discriminates against nonresident hunters; to the Committee on Merchant Marine and Fisheries.

By Mr. BEALL:

H. R. 4482. A bill to provide for flight experience for certain students in the senior high schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BOLLING:

H. R. 4483. A bill to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, in relation to extensions made pursuant to wage earners' plans under chapter XIII of such act; to the Committee on the Judiciary.

By Mr. BREHM:

H. R. 4484. A bill to provide for a national cemetery in Ohio; to the Committee on Public Lands.

By Mr. COOLEY:

H. R. 4485. A bill to amend the act of July 3, 1948 (Public Law 897), entitled the "Agricultural Act of 1948"; to the Committee on Agriculture.

By Mr. CURTIS:

H. R. 4486. A bill to repeal the tax on certain toilet preparations and certain war tax rates, and for other purposes; to the Committee on Ways and Means.

By Mr. EVINS:

H. R. 4487. A bill to encourage construction of rental housing at or in areas adjacent to military and naval installations; to the Committee on Banking and Currency.

By Mr. FULTON:

H. R. 4488. A bill to provide for further contributions to the International Children's Emergency Fund; to the Committee on Foreign Affairs.

By Mr. MARTIN of Iowa:

H. R. 4489. A bill to repeal the Federal automotive excise taxes, so called, and for other purposes; to the Committee on Ways and Means.

By Mr. RAMSAY:

H. R. 4490. A bill to provide for the issuance of a special postage stamp in commemoration of the one hundredth anniversary of the opening of the suspension bridge at Wheeling, W. Va.; to the Committee on Post Office and Civil Service.

By Mr. SPENCE:

H. R. 4491. A bill to encourage construction of rental housing on or in areas adjacent to Army, Navy, Marine Corps, and Air Force installations, and for other purposes; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H. R. 4492. A bill to establish for individuals who served in the armed forces during World War II a presumption of service-connected disability in the case of tuberculosis existing within 3 years after discharge from such forces; to the Committee on Veterans' Affairs.

By Mr. WHITTEN:

H. R. 4493. A bill directing that special consideration be given to excess agricultural commodities produced in the United States when entering into foreign-trade agreements under section 350 of the Tariff Act of 1930, as amended; to the Committee on Ways and Means.

By Mr. MILLER of California:

H. R. 4494. A bill providing for an amendment to the Retirement Act of May 29, 1930, as amended; to the Committee on Post Office and Civil Service.

H. R. 4495. A bill to provide additional benefits for certain postmasters, officers, and employees in the postal field service with respect to annual and sick leave, longevity pay, and promotion, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAGEN:

H. R. 4496. A bill providing for an amendment to the Retirement Act of May 29, 1930, as amended; to the Committee on Post Office and Civil Service.

By Mr. KEE:

H. R. 4497. A bill to amend the United Nations Participation Act of 1945 to provide for the appointment of representatives of the United States in the organs and agencies of the United Nations, and to make other provision with respect to the participation of the United States in such organization; to the Committee on Foreign Affairs.

By Mr. MURRAY of Tennessee:

H. R. 4498. A bill to amend section 6 of the act of April 15, 1938, to expedite the carriage of mail by granting additional authority to the Postmaster General to award contracts for the transportation of mail by aircraft upon star routes; to the Committee on Post Office and Civil Service.

By Mr. REDDEN:

H. R. 4499. A bill to provide a civil government for Guam, and for other purposes; to the Committee on Public Lands.

H. R. 4500. A bill to provide a civil government for American Samoa, and for other purposes; to the Committee on Public Lands.

By Mr. RIVERS:

H. R. 4501. A bill to amend the Civil Service Retirement Act of May 29, 1930, as amended, to provide annuities for those civilian employees engaged in hazardous occupations in any branch of the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Virginia:

H. R. 4502. A bill to authorize the Secretary of the Army to dispose of a certain easement near Fort Belvoir, Va., in exchange for another easement elsewhere on the same property; to the Committee on Armed Services.

By Mr. CURTIS:

H. R. 4503. A bill to amend 32 U. S. C. 76, 10 U. S. C. 371a, and 34 U. S. C. 853g–1, defining officers and employees of the United States or the District of Columbia; to the Committee on Post Office and Civil Service.

By Mr. LANE:

H. R. 4504. A bill to amend the act of July 6, 1945, as amended, to provide additional grades for mail handlers, messengers, and watchmen at post offices of the first class, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FERNANDEZ:

H. R. 4505. A bill to vest title to certain lands in the Pueblo of Laguna of the State of New Mexico; to the Committee on Public Lands.

By Mr. MULTER:

H. R. 4506. A bill to amend the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended; to the Committee on Banking and Currency.

By Mr. BONNER:

H. R. 4507. A bill to establish a National Commission on Intergovernmental Relations; to the Committee on Expenditures in the Executive Departments.

By Mr. FOGARTY:

H. R. 4508. A bill to authorize the issuance of a special series of stamps commemorative of the one hundredth anniversary of the settling in New England of the first French-Canadian immigrants; to the committee on Post Office and Civil Service.

By Mr. MORRIS:

H. R. 4509. A bill to amend the act of February 25, 1920 (41 Stat. 452), and for other purposes; to the Committee on Public Lands.

By Mr. STOCKMAN:

H. R. 4510. A bill to provide funds for cooperation with the school board of Klamath County, Oreg., for the construction, extension, and improvement of public-school facilities in Klamath County, Oreg., to be available to all Indian and non-Indian children without discrimination; to the Committee on Public Lands.

By Mr. HOLMES:

H. J. Res. 233. Joint resolution to authorize the appropriation of funds for the construction of a bridge across the Columbia River between Pasco and Kennewick, Wash.; to the Committee on Public Works.

By Mr. MEYER:

H. J. Res. 234. Joint resolution for the incorporation of the Ladies of the Grand Army of the Republic; to the Committee on the Judiciary.

By Mr. BLAND:

H. J. Res. 235. Joint resolution to continue the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KEE:

H. J. Res. 236. Joint resolution providing for membership and participation by the United States in the International Trade Organization, and authorizing an appropriation therefor; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Michigan memorializing the President and the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States relative to taxes; to the Committee on the Judiciary.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the President and the Congress of the United States relative to House Joint Memorial 20, requesting Federal funds to aid in establishing the proposed cooperative wildlife research unit at the University of Alaska; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McDONOUGH:

H. R. 4511. A bill for the relief of Constantine David; to the Committee on the Judiciary.

By Mr. MURPHY:

H. R. 4512. A bill for the relief of Rashid Mia; to the Committee on the Judiciary.

By Mr. SECREST:

H. R. 4513. A bill for the relief of Anthony N. Zahareas; to the Committee on the Judiciary.

By Mr. WHITE of California:

H. R. 4514. A bill for the relief of Mrs. Sook Chong Kim; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H. R. 4515. A bill authorizing Jerome J. Wisniewski, an employee of the Department of the Army, to accept the decorations tendered him by the Governments of France and Italy; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

751. By Mr. PATTEN: House Joint Memorial No. 1 of the Legislature of Arizona, relating to the propagation of fish; to the Committee on Merchant Marine and Fisheries.

752. By Mr. WHITE of California: Petition of 38 citizens of Turlock, Calif., submitted by Mr. L. W. Boies, druggist, protesting the 20-percent excise tax on toilet goods and requesting its repeal as quickly as possible; to the Committee on Ways and Means.

753. By the SPEAKER: Petition of W. L. Larson, president, Trinity Hospital, Ashland, Wis., expressing emphatic opposition to compulsory health insurance; to the Committee on Interstate and Foreign Commerce.

754. Also, petition of Harold S. Foster, Fort Worth Chamber of Commerce, Fort Worth, Tex., expressing opposition to H. R. 3190, the Lesinski minimum-wage bill, and stating that the bill H. R. 4272, the Lucas bill, is less objectionable; to the Committee on Education and Labor.

755. Also, petition of Charles B. Allen, Dallas Branch Railway Mail Association, Dallas, Tex., relative to action depriving clerks of the air-mail service in Dallas of their seniority rights, and protesting such action; to the Committee on Post Office and Civil Service.

756. Also, petition of Emmet Arthur Hinkelman, Chicago, Ill., urging the establishment of Federal scholarships to help train additional psychiatrists, psychologists, and psychiatric social workers in order to combat mental illness; to the Committee on Interstate and Foreign Commerce.

757. Also, petition of William J. Smith, United States Disciplinary Barracks, Fort Leavenworth, Kans., petitioning consideration of his resolution with reference to the case of William J. Smith, petitioner, ASN 16051074, against the Adjutant General, United States Army, Washington, D. C.; to the Committee on Armed Services.

758. Also, petition of Edward F. Alcock and others, Orlando, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

759. Also, petition of Mrs. Nettie R. Austin and others, Miami, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

WEDNESDAY, MAY 4, 1949

(Legislative day of Monday, April 11, 1949)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, at this high altar of the Nation's service maintain in us the fidelity of those to whom much has been given and from whom much will be required. Give us honesty in dealing with our besetting sins, humility in confessing them, and resolution in overcoming them. Even as the din of words assails our ears from a turbulent world, grant us an inner calm undisturbed by any outer commotion. Endue us with Thy enabling grace that we may never betray for expediency's sake the high solemnities of duty which are the very breath of our integrity. Give us courage to seek the truth honestly and then to follow humbly the kindly light that leads us on. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 3, 1949, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 227. An act for the relief of Stone & Copper Coal Co., Inc.;

S. 635. An act to increase the fees of witnesses in the United States courts and before United States commissioners, and for other purposes;

S. 796. An act to establish the grade of General of the Air Force, and for other purposes; and

S. 850. An act conferring United States citizenship posthumously upon Vaso Benderach.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.