

accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

"(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

"(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school. If a State maintains separate schools for minority and for majority races, no funds made available pursuant to this Act shall be paid or disbursed to it unless a just and equitable distribution is made within the State, for the benefit of such minority races, of funds paid to it under this Act.

"(d) For the purposes of this Act—

"(1) 'State' includes any of the forty-eight States and the District of Columbia, Territory of Hawaii, Puerto Rico, Alaska, and the Virgin Islands.

"(2) 'State educational agency' means, as the State legislature may determine, (a) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (b) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education, and except that for the period ending June 30, 1948, 'State educational agency' may mean any agency or agencies within the State designated by the Governor to carry out the functions herein required of a State educational agency.

"(3) 'Nonprofit private school' means any private school exempt from income tax under section 101 (6) of the Internal Revenue Code, as amended.

"(4) 'Nonfood assistance' means equipment used on school premises in storing, preparing, or serving food for school children."

And the Senate agree to the same.

RICHARD B. RUSSELL,  
J. H. BANKHEAD,  
ARTHUR CAPPER,  
ALLEN J. ELLENDER,  
GEORGE D. AIKEN,

*Managers on the Part of the Senate.*

JOHN W. FLANNAGAN, Jr.,  
CLIFFORD R. HOPE,  
STEPHEN PACE,  
AUG. H. ANDRESEN,  
ORVILLE ZIMMERMAN,  
HAROLD COOLEY,

*Managers on the Part of the House.*

Mr. RUSSELL. Mr. President, I ask unanimous consent for the immediate consideration of the report.

Mr. WHITE. Mr. President, is it a unanimous report, signed by all the conferees?

Mr. RUSSELL. It is a unanimous report and is signed by all the conferees on the part of both Houses.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I move the adoption of the report.

The report was agreed to.

#### MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

Mr. TAYLOR. Mr. President, on yesterday I had a prepared statement which I intended to present, but in the excitement last evening it became lost in the shuffle; and the hour was so late that I decided to let it go until today. At this time I should like to proceed with it.

Mr. President, no vote that I have cast this session gives me greater satisfaction and pride in retrospect than my negative vote on the Lea bill, the so-called anti-Petrillo bill. On the final vote, you will recall, only three Members voted against the bill, the Senator from Vermont [Mr. AIKEN], the Senator from Washington [Mr. MITCHELL], and I. I debated the bill for 4 hours with the Senator from Colorado [Mr. JOHNSON], and I tried to convince my colleagues that the bill was unconstitutional, unworkable, and badly drafted. I consulted in advance with several students of labor and radio problems. All of them told me that the bill was clearly unconstitutional; but, as friends, they advised me not to take up the fight. "Petrillo," they assured me, "is the most unpopular man in the country today, and if you do not join the pack and bark at him, you will miss a chance for acclaim from press and radio. Since the bill is obviously invalid, you might just as well vote for it and leave it to the courts to throw it out." I did not heed that warning, much as I appreciated the kind spirit that prompted it. I do not think that Congress should legislate for the headlines, or reflect the passions of the moment. I do not think we should enact unconstitutional legislation, and rely upon the courts to mop up after us. Upon Congress, as well as upon the judiciary, rests the obligation of protecting the Constitution.

One of my chief concerns in the fight over that bill was for the acting profession and for all those who earn their livelihood in the radio business as actors and singers—I myself having formerly been in that occupation. The Lea bill, if enforced, could do much harm to radio actors; yet their union has been accused of no abuses, and their employment relations have been happy.

This week I had the satisfaction of learning that the radio industry, which espoused and promoted the Lea bill, has begun to realize that, in so doing, it has very definitely "laid an egg" to use one of its own expressions. Tide magazine is a trade paper which speaks for the top crust of the advertising business, which produces practically all of the major network broadcasts. In its May 17 issue, it devotes its leading article to an analysis of the Lea Act and a consensus of opinions of the advertising agencies' lawyers and executives.

Their verdict on the bill does not agree with the majority of the Senate, which thought it was conferring so great a boon on the radio business, but with these experts in the radio business, the three lonesome dissenters. They call the bill a legislative boomerang. Their judgment is based entirely upon self-interest,

but it is cool, rather than hysterical self-interest. On reading it, I made a silent wish which I have made many times in the past. I wished that when business leaders have problems which require our attention, they would come to Washington and talk them over with us in person, rather than entrust them to trade associations and lobbyists, who seldom, if ever, exemplify the best or the most authoritative thinking of the industry which they profess to represent. Pressure boys thrive on conflict, rather than on solutions. We have seen this illustrated on many occasions. On the OPA issue, for example, the retail dry goods lobby has been repudiated by most of the large department stores in the country. Advice, consultation, and exchange of views is always helpful to everyone, but pressure campaigns delude both the pusher and the pushed.

The article in Tide is worth reading. It would be well for all of us now to think back to the failure of the anti-Petrillo bill. For we are again being asked to legislate on labor problems in white heat, when passions are high, and when each day's reflection and deliberation is the occasion for whiplash headlines about delay and procrastination. Let us not cook another indigestible hasty pudding.

Mr. President, I ask unanimous consent that the entire article to which I have referred from Tide magazine be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**LEA ACT—LEGISLATIVE BOOMERANG?—AN EXAMINATION OF THE ANTI-PETRILLO LAW, WHICH INDICATES THAT IT MAY NOT WORK AT ALL AND MAY BACKFIRE ON THE BROADCASTERS, IF NOT ON THE ADVERTISERS**

When Congress passed, and the President signed, the Lea bill last month, they ostensibly sought to get James Caesar Petrillo and bounce his American Federation of Musicians out of one of the deepest, softest feather beds in United States industry. However, competent radio attorneys who have studied the law say that Congress failed on both counts. If not unconstitutional (in violation of the thirteenth, antislavery, amendment), the law, they claim, contains a loophole large enough for Petrillo to drive a brass band through. And there are enough smaller loopholes to make the act appear utterly useless from anyone's standpoint.

The Lea Act was designed, as its proponents announced, to keep Petrillo's union from doing certain specific things for which it is famous. The act makes it a misdemeanor (punishable by a year in jail and/or a \$1,000 fine) to "coerce, compel, or constrain" a broadcast licensee:

To hire more employees than he needs to perform actual services.

To pay fees because he fails to employ persons he doesn't need (as when musicians get double fees if one program is broadcast over both an AM and an FM station).

To pay more than once for services performed in broadcasting (as in the case of extra fees for transcribed rebroadcasts).

To pay standby fees.

To refuse to carry noncommercial educational broadcasts (as in the famous case of the Interlochen, Mich., Music Camp which Petrillo kept off the air).

To refuse to carry programs originating overseas.

To pay royalties in connection with making transcriptions.

ishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

#### "APPROPRIATIONS AUTHORIZED

"Sec. 3. For each fiscal year, beginning with the fiscal year ending June 30, 1947, there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as 'the Secretary') to carry out the provisions of this Act.

#### "APPORTIONMENTS TO STATES

"Sec. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying, during such fiscal year, agricultural commodities and other foods for the school-lunch program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the aforesaid funds made available for such year for supplying agricultural commodities and other foods under the provisions of this Act, except that the total of such apportionments of funds for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for agricultural commodities and other foods for the school-lunch program. Apportionment among the States shall be made on the basis of two factors: (1) The number of school children in the State and (2) the need for assistance in the State as indicated by the relation of the per capita income in the United States to the per capita income in the State. The amount of the initial apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States; and, finally, apply the figure thus obtained to the total funds to be apportioned. For the purpose of this section, the number of school children in the State shall be the number of children therein between the ages of five and seventeen, inclusive; such figures and per capita income figures shall be the latest figures certified by the Department of Commerce. For the purposes of this Act "school" means any public or nonprofit private school of high-school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico. If any State cannot utilize all funds so apportioned to it, or if additional funds are available under this Act for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner.

"Sec. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, \$10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of \$10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods. The total of such funds apportioned for nonfood assistance for use in Alaska, Territory of Hawaii, Puerto Rico, and the Virgin Islands shall not exceed 3 per centum of the funds appropriated for nonfood assistance in accordance with the provisions of this Act.

#### "DIRECT FEDERAL EXPENDITURES

"Sec. 6. The funds appropriated for any fiscal year for carrying out the provisions of

this Act, less not to exceed 3½ per centum thereof hereby made available to the Secretary for his administrative expenses and less the amount apportioned by him pursuant to sections 4, 5, and 10, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act."

#### "PAYMENTS TO STATES

"Sec. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by \$1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by \$3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings, of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified."

#### "STATE DISBURSEMENT TO SCHOOLS

"Sec. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines

are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

#### "NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"Sec. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay. School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities; for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities.

"Sec. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act the same proportion of the funds as the number of children between the ages of five and seventeen, inclusive, attending nonprofit private schools within the State is of the total number of persons of those ages within the State attending school. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

#### "MISCELLANEOUS PROVISIONS AND DEFINITIONS

"Sec. 11. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such

Just after the President signed the bill, Petrillo reiterated his year-old ban on music for television, and again told AFM members that they could not play simultaneously for AM and FM programs without double pay.

And last week the AFM told KROW (Oakland) that University of California students would have to stop using music on their weekly variety radio show unless they hired stand-by musicians.

Mr. TAYLOR. Mr. President, in continuing with the thought that the Congress should not pass measures which would probably be declared unconstitutional at some future time, I feel that, inasmuch as we have been informed that the President of the United States is to address a joint session of Congress tomorrow afternoon at 4 o'clock, it would be very ill-advised for the Senate to continue deliberating at this time upon the pending bill. Almost certainly the President's address to the Members of Congress will be concerned largely with the problem of labor relations and labor legislation. I believe that it would be wise for the Senate now to adjourn until tomorrow afternoon at 4 o'clock, and then meet and listen to what the President has to say before proceeding further.

Mr. President, I can say from practical experience that the thinking of the working people of America is fundamental, and sometimes elemental. Generally speaking, they are not highly educated. I am afraid that many of them have what we might call an inferiority complex, because they do not have many of the things of life which other persons are able to enjoy. They come from the poorer classes, as we sometimes choose to refer to those who work for a living. Under the circumstances I am afraid that repressive labor legislation might result in a terrible strike taking place generally throughout the country, and chaos might be provoked throughout the Nation. Workers are jealous, above all else, of their freedom. From my experience in associating with them, from working with them in the factories, and from my contacts with them in other ways, the one thing of which they are most jealous is their freedom, their privilege to tell John D. Rockefeller, for example, what they think of him if they wish to do so. If they get the idea that someone is trying to tread upon their rights, I fear that the consequences may be disastrous.

I have spent many hours in talking with workers. While there are only a few of them who have read the Constitution and know exactly what are their rights, they have been told over and over again that they do have certain rights, and that they are just as privileged, in many ways, as is the richest man in the country. So, I do not believe that the enactment of legislation, particularly at this moment, would end labor strife. Even if the legislation were eminently fair, coming at the present time when labor is engaged in a great struggle, they would view such legislation as being aimed at them in their struggle with the employers.

It seems to me, Mr. President, that in collective bargaining labor is at a tremendous disadvantage. I have in my mind a picture of an ancient Roman amphitheater. I see the employers on one side of the arena safely in a cage be-

hind bars, and the employees who are bargaining being required to come out on the other side of the arena into the middle of the area where the lions are waiting. The lions are those critics of labor, such as the press, who are always anxious to defame labor. Labor is required to come out into the merciless center of the arena and bargain while the employers are safely back behind the bars. The employers are not making demands; they are only denying them. They do not receive any publicity. They have done nothing spectacular. They have continued to operate their businesses, and would continue to do so by paying the same wages forever if labor did not make demands upon them for increases in the compensation which they receive. So labor gets the headlines. That is the way it is in the United States Senate. A Member of the Senate may introduce constructive measures. That is what he is expected to do. But it does not make the headlines. However, if he opposes violently some measure, or does something which is sensational, he can make the headlines.

I heard someone say the other day—I do not know whether it is true or not—that the late Senator Borah had never introduced a bill. He always opposed something. He always chose measures which were sponsored by other Senators and opposed them. He was an expert at such things, and he remained constantly in the headlines.

The Senator from Mississippi [Mr. BILBO], in his own inimitable way, does the unusual and the unorthodox all the time. I have noticed that since the able Senator from Mississippi left the Senate and returned to his own State in order to campaign there, practically every day he has been given front-page space in the Washington newspapers merely because he does not do what he is expected to do. That is the position in which the workers find themselves. They are making demands; they want something; so they receive all the publicity while the employers are immune. It places the workers at a serious disadvantage.

Inasmuch as we are so close to the controversy here in the Senate, I think it might be well to have a word from someone who is outside looking at it, and get his idea of what is going on. I should like to read an article from the Washington Daily News of Thursday, May 23. The headline is "In All Fairness," and the article reads:

In the heat whipped up in Congress over labor legislation many things have been said that will not bear the light of cool analysis.

Even in the calmer mood of the minority report on the Senate labor bill, submitted by Senators BALL (Minn.), TAFT (Ohio), and SMITH (New Jersey), all Republicans, there are some inferences that can be challenged, because they concisely express assertions made in other quarters.

"It has always been an axiom of liberalism that unrestrained and unregulated power in the hands of any individual or group is dangerous to democracy and freedom," the report says.

Well and good. Accepted. The report then continues: "Labor unions and their leaders exercise such unrestrained and unregulated power today. The proposals which we are making in these amendments are aimed to be corrective of certain labor prac-

tices in the same sense that the anti-trust laws of the early decades of this century were corrective of the abuses of the free-enterprise system.

"Such measures safeguard real freedom. Our amendments are no more against the true interests of enlightened labor unionism than such measures as the Interstate Commerce Commission and the Securities and Exchange Act were against the best interests of business."

Without going here into the amendments, some of which seem helpful, some not, the inference of these statements can be examined with some benefit.

There is general agreement that John L. Lewis has indulged in an exercise of power not commensurate with his responsibility as a union leader and a citizen by his refusal for some time to bargain collectively in the accepted manner.

But the inference from what the Senators say, and others have said it directly, is that national labor leaders are going around calling strikes willy-nilly.

The inference also might be drawn from what the Senators said that power is weighted on the side of labor leaders and unions. That isn't the fact. Our big industry is as powerful, if not more so, than ever, and its power is enhanced by its interconnections. This is proved today in politics of which the best demonstration is what has happened in Congress to measures supported by labor.

Because of their great financial resources, increased by tax refunds, big industries are well able to stand long workless sieges.

The Senators also referred to antitrust laws to regulate business. The truth is, of course, that business continually has been striving to shake off such restrictions.

The irony of it all is that Members of Congress who are so rabid to do something about labor include many who were so anxious to vote huge tax refunds to business, who voted for the insurance antitrust exemption in both House and Senate, who voted for the Bulwinkle bill in the House and are ready to vote for it in the Senate.

Their complaints about labor would come with better grace if they were equally alert to protect the public interest from these other threats. In all the excitement it is only fair to point this out.

Mr. President, that was an article written by Mr. Thomas L. Stokes.

Inasmuch as we are enacting legislation to curb the freedom of labor, I should like to point out that when fascism was riding roughshod across Europe it was the laborers, the labor movement, those who worked with their hands, who were principally responsible for the continuance of the underground movements, the resistance. We very seldom read of any bankers being shot because they were associated with the resistance movements. We very seldom read of any great industrialist being shot because he was out with the Maquis or other elements sabotaging the Nazis. On the other hand, we generally read that the big industrialists, the upper strata, were collaborating with the Nazis, and I am sorry to say that in my opinion in America there are some who would be very happy to have some fascism or nazism here. They did not like Hitler's fascism because the Germans ran it, and in the competitive economic system there is over the world, the boys are out to get their hands on everything they possibly can, and that was the object of Hitler's fascists. The big businessmen financed Hitler because they were having difficulty getting markets and raw materials and

To restrict the number of records which can be made or used for broadcasting.

To pay fees for the use of transcriptions of live programs. (These last three things apply not only to radio licensees but to everyone else.)

#### MAJOR VICTORY

The Nation's newspapers found only one basic fault—in a comment typical of papers everywhere—the New York Times complained of the ridiculously narrow scope of the legislation. Justin Miller, president of the National Association of Broadcasters, thought that the act was the radio industry's first major legislative victory. Broadcasting gleefully called the law a momentous victory for all who live by the microphone. The bill was written to take away Jimmy Petrillo's gun. It does just that. It brings an end to AFM pillaging of radio. And one advertising journal made a quaint historical allusion—"Caesar hath met his Brutus."

But it looks as though Brutus came armed this time with a rubber dagger. Attorneys say that the act can't hurt anybody directly, but that indirectly it is succeeding already in making the Congress which passed it and the radio industry which acclaimed it look thoroughly ridiculous; and the same attorneys believe that the industry wouldn't have a snowball's chance in hell if it tried to have the act enforced.

For the joker in the act, and the part which lawyers are looking at closely, is subsection C. It stipulates that the law "shall not be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right heretofore or hereafter existing or of any legal obligation heretofore or hereafter incurred or assumed."

As the bill was discussed in the House, Representative CLARENCE F. LEA, Democrat, of California, explained: "The bill is not intended to prevent bargaining or the entering into contracts between the broadcaster and any other person even for the purposes which are prohibited from being accomplished by coercion under the terms of this bill. Any obligation created by contract thus made, or any obligation that exists as a matter of law against the broadcaster, is subject to enforcement by legal procedures in court. A strike for failure to comply with such a contract would not be in violation of the provisions of this bill."

#### NO VIOLATION

In other words, if the broadcasters agree to any or all of the practices cited, Petrillo will violate nothing. And, as will be shown, while his current contract lasts; or if and when similar ones go into effect, all the things which Petrillo does and which the proponents of the act dislike, will still apparently be 100 percent legal.

The only possibility of crimping the AFM under this new law, some radio lawyers say, would come up between contracts, while negotiations for new ones are going on. And they say that you don't have to be as sharp as Petrillo to duck any possible prosecution even then.

#### EXEMPT DEALINGS

He will do this, says NAB's Miller, by going to work on advertisers and agencies. By doing so, he would make his subsequent dealings exempt from the act, since the Lea Act deals primarily with broadcasters; only on a few points (and relatively unimportant ones at that) does it prohibit any "coercion" the musicians might direct against anybody else. Petrillo could use any legal means to get individual contracts with advertisers and agencies.

This opens up a whole new field. Even if he has no real desire to deal directly with advertisers and agencies, Petrillo can scarce them by making them think he has. Aside from the trouble it would put them to, and it might be considerable, there likely would be further complicated union disputes—with,

for example, those advertisers with closed shop CIO contracts for their regular workers. Faced with the prospect of dealing with the AFM, it is a cinch the advertisers and agencies will do their utmost to leave the job to the broadcasters.

If a strike for failure to comply with a contract does not violate the act, the question comes up: When would a strike violate the provisions of the law? If in negotiating new contracts Petrillo asks the broadcasters to continue paying added fees for transcriptions, standby fees, and so forth, and if the broadcasters refuse, it would probably be illegal for Petrillo to call a strike. That, presumably, would be coercion.

#### GREATER LIVE FEES

Actually, however, it probably would not be necessary for Petrillo to coerce anyone. The American Federation of Radio Artists, in fighting the Lea bill, showed how to beat that game. Instead of ever suggesting added fees for transcriptions, the AFM or AFRA could simply demand much greater live fees—enough to equal its present live fees plus present transcription fees (plus whatever new increases it felt were coming to it).

In such a case, if the broadcasters balk and the union strikes, there will be no violation. For the union can contend, legally, that the strike is for wages for live performances, has nothing to do with transcriptions, standbys, or anything else actually prohibited by the bill.

More likely, however, is a different approach, suggested by Petrillo's attitude toward television. Without demanding anything or negotiating anything, Petrillo has forbidden his musicians to work for television stations. As he sees it, the medium is "not going to grow at the expense of the musicians. As television grows, the musician is going to grow with it, or we are not going to assist in its development." There is no violation obviously and, ironically perhaps, the television stations may have to go to Petrillo for a contract. That makes the law work perfectly—in Petrillo's interest.

#### INDEFINITE VACATION

To carry that point a notch further, the musicians might easily decide that radio work had become too tiresome and nerve-racking. So instead of negotiating for new contracts, they might all go on indefinite vacations. Nobody would call them out on strike, of course. Nobody on the union's side would mention the word. And until the broadcasters bring around a new contract, nobody would work.

This, point out the lawyers, puts a whole new complexion on labor relations, thrusts the industry into the position of seeking out the union to get a contract. As long as the law remains on the books, they maintain, it will pay Petrillo to be bashful and dilatory, to refuse to take the initiative. That is, if he wishes to avoid a court test of the act.

#### ANXIOUS BROADCASTERS

Again, runs the theory, if the broadcasters want to get a reduction in demands for live fees by agreeing to pay for off-the-line or off-the-air transcriptions when used (but only when used), they will have to come to Petrillo to suggest the arrangement. Petrillo, certainly, would want to make them prove their anxiety for this type of a deal before he would agree. Of course he would probably agree, but reluctantly, in order to protect himself against any charges of coercion in connection with extra charges for transcription.

Actually, most of the lawyers except those at the NAB believe that the act would be thrown out on constitutional grounds if Petrillo ever got himself or his boys arrested for "coercion" (as Joseph A. Padway, general counsel of the AFM, hinted might be done). They are even a little dubious that an outraged broadcaster could convince any United States attorney to try to prosecute the case. And, peculiarly, the act has no civil remedies,

only criminal penalties, which makes it much more complicated and difficult to enforce.<sup>1</sup>

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While Congress was busy denouncing him, he told the motion picture companies they would have to hire three times as many musicians as they had, pay them twice as much. (He settled for 30 percent more money, 44 percent more musicians.)

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To restrict the number of records which can be made or used for broadcasting.

To pay fees for the use of transcriptions of live programs. (These last three things apply not only to radio licensees but to everyone else.)

#### MAJOR VICTORY

The Nation's newspapers found only one basic fault—in a comment typical of papers everywhere—the New York Times complained of the ridiculously narrow scope of the legislation. Justin Miller, president of the National Association of Broadcasters, thought that the act was the radio industry's first major legislative victory. Broadcasting gleefully called the law a momentous victory for all who live by the microphone. The bill was written to take away Jimmy Petrillo's gun. It does just that. It brings an end to AFM pillaging of radio. And one advertising journal made a quaint historical allusion—"Caesar hath met his Brutus."

But it looks as though Brutus came armed this time with a rubber dagger. Attorneys say that the act can't hurt anybody directly, but that indirectly it is succeeding already in making the Congress which passed it and the radio industry which acclaimed it look thoroughly ridiculous; and the same attorneys believe that the industry wouldn't have a snowball's chance in hell if it tried to have the act enforced.

For the joker in the act, and the part which lawyers are looking at closely, is subsection C. It stipulates that the law "shall not be held to make unlawful the enforcement or attempted enforcement, by means lawfully employed, of any contract right heretofore or hereafter existing or of any legal obligation heretofore or hereafter incurred or assumed."

As the bill was discussed in the House, Representative CLARENCE F. LEA, Democrat, of California, explained: "The bill is not intended to prevent bargaining or the entering into contracts between the broadcaster and any other person even for the purposes which are prohibited from being accomplished by coercion under the terms of this bill. Any obligation created by contract thus made, or any obligation that exists as a matter of law against the broadcaster, is subject to enforcement by legal procedures in court. A strike for failure to comply with such a contract would not be in violation of the provisions of this bill."

#### NO VIOLATION

In other words, if the broadcasters agree to any or all of the practices cited, Petrillo will violate nothing. And, as will be shown, while his current contract lasts, or if and when similar ones go into effect, all the things which Petrillo does and which the proponents of the act dislike, will still apparently be 100 percent legal.

The only possibility of crimping the AFM under this new law, some radio lawyers say, would come up between contracts, while negotiations for new ones are going on. And they say that you don't have to be as sharp as Petrillo to duck any possible prosecution even then.

#### EXEMPT DEALINGS

He will do this, says NAB's Miller, by going to work on advertisers and agencies. By doing so, he would make his subsequent dealings exempt from the act, since the Lea Act deals primarily with broadcasters; only on a few points (and relatively unimportant ones at that) does it prohibit any "coercion" the musicians might direct against anybody else. Petrillo could use any legal means to get individual contracts with advertisers and agencies.

This opens up a whole new field. Even if he has no real desire to deal directly with advertisers and agencies, Petrillo can scarce them by making them think he has. Aside from the trouble it would put them to, and it might be considerable, there likely would be further complicated union disputes—with,

for example, those advertisers with closed shop CIO contracts for their regular workers. Faced with the prospect of dealing with the AFM, it is a cinch the advertisers and agencies will do their utmost to leave the job to the broadcasters.

If a strike for failure to comply with a contract does not violate the act, the question comes up: When would a strike violate the provisions of the law? If in negotiating new contracts Petrillo asks the broadcasters to continue paying added fees for transcriptions, standby fees, and so forth, and if the broadcasters refuse, it would probably be illegal for Petrillo to call a strike. That, presumably, would be coercion.

#### GREATER LIVE FEES.

Actually, however, it probably would not be necessary for Petrillo to coerce anyone. The American Federation of Radio Artists, in fighting the Lea bill, showed how to beat that game. Instead of ever suggesting added fees for transcriptions, the AFM or AFRA could simply demand much greater live fees—enough to equal its present live fees plus present transcription fees (plus whatever new increases it felt were coming to it).

In such a case, if the broadcasters balk and the union strikes, there will be no violation. For the union can contend, legally, that the strike is for wages for live performances, has nothing to do with transcriptions, standbys, or anything else actually prohibited by the bill.

More likely, however, is a different approach, suggested by Petrillo's attitude toward television. Without demanding anything or negotiating anything, Petrillo has forbidden his musicians to work for television stations. As he sees it, the medium is "not going to grow at the expense of the musicians. As television grows, the musician is going to grow with it, or we are not going to assist in its development." There is no violation obviously and, ironically perhaps, the television stations may have to go to Petrillo for a contract. That makes the law work perfectly—in Petrillo's interest.

#### INDEFINITE VACATION

To carry that point a notch further, the musicians might easily decide that radio work had become too tiresome and nerve-racking. So instead of negotiating for new contracts, they might all go on indefinite vacations. Nobody would call them out on strike, of course. Nobody on the union's side would mention the word. And until the broadcasters bring around a new contract, nobody would work.

This, point out the lawyers, puts a whole new complexion on labor relations, thrusts the industry into the position of seeking out the union to get a contract. As long as the law remains on the books, they maintain, it will pay Petrillo to be bashful and dilatory, to refuse to take the initiative. That is, if he wishes to avoid a court test of the act.

#### ANXIOUS BROADCASTERS

Again, runs the theory, if the broadcasters want to get a reduction in demands for live fees by agreeing to pay for off-the-line or off-the-air transcriptions when used (but only when used), they will have to come to Petrillo to suggest the arrangement. Petrillo, certainly, would want to make them prove their anxiety for this type of a deal before he would agree. Of course he would probably agree, but reluctantly, in order to protect himself against any charges of coercion in connection with extra charges for transcription.

Actually, most of the lawyers except those at the NAB believe that the act would be thrown out on constitutional grounds if Petrillo ever got himself or his boys arrested for "coercion" (as Joseph A. Padway, general counsel of the AFM, hinted might be done). They are even a little dubious that an outraged broadcaster could convince any United States attorney to try to prosecute the case. And, peculiarly, the act has no civil remedies,

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Just after the President signed the bill, Petrillo reiterated his year-old ban on music for television, and again told AFM members that they could not play simultaneously for AM and FM programs without double pay.

And last week the AFM told KROW (Oakland) that University of California students would have to stop using music on their weekly variety radio show unless they hired stand-by musicians.

Mr. TAYLOR. Mr. President, in continuing with the thought that the Congress should not pass measures which would probably be declared unconstitutional at some future time, I feel that, inasmuch as we have been informed that the President of the United States is to address a joint session of Congress tomorrow afternoon at 4 o'clock, it would be very ill-advised for the Senate to continue deliberating at this time upon the pending bill. Almost certainly the President's address to the Members of Congress will be concerned largely with the problem of labor relations and labor legislation. I believe that it would be wise for the Senate now to adjourn until tomorrow afternoon at 4 o'clock, and then meet and listen to what the President has to say before proceeding further.

Mr. President, I can say from practical experience that the thinking of the working people of America is fundamental and sometimes elemental. Generally speaking, they are not highly educated. I am afraid that many of them have what we might call an inferiority complex, because they do not have many of the things of life which other persons are able to enjoy. They come from the poorer classes, as we sometimes choose to refer to those who work for a living. Under the circumstances I am afraid that repressive labor legislation might result in a terrible strike taking place generally throughout the country, and chaos might be provoked throughout the Nation. Workers are jealous, above all else, of their freedom. From my experience in associating with them, from working with them in the factories, and from my contacts with them in other ways, the one thing of which they are most jealous is their freedom, their privilege to tell John D. Rockefeller, for example, what they think of him if they wish to do so. If they get the idea that someone is trying to tread upon their rights, I fear that the consequences may be disastrous.

I have spent many hours in talking with workers. While there are only a few of them who have read the Constitution and know exactly what are their rights, they have been told over and over again that they do have certain rights, and that they are just as privileged, in many ways, as is the richest man in the country. So, I do not believe that the enactment of legislation, particularly at this moment, would end labor strife. Even if the legislation were eminently fair, coming at the present time when labor is engaged in a great struggle, they would view such legislation as being aimed at them in their struggle with the employers.

It seems to me, Mr. President, that in collective bargaining labor is at a tremendous disadvantage. I have in my mind a picture of an ancient Roman amphitheater. I see the employers on one side of the arena safely in a cage be-

hind bars, and the employees who are bargaining being required to come out on the other side of the arena into the middle of the area where the lions are waiting. The lions are those critics of labor, such as the press, who are always anxious to defame labor. Labor is required to come out into the merciless center of the arena and bargain while the employers are safely back behind the bars. The employers are not making demands; they are only denying them. They do not receive any publicity. They have done nothing spectacular. They have continued to operate their businesses, and would continue to do so by paying the same wages forever if labor did not make demands upon them for increases in the compensation which they receive. So labor gets the headlines. That is the way it is in the United States Senate. A Member of the Senate may introduce constructive measures. That is what he is expected to do. But it does not make the headlines. However, if he opposes violently some measure, or does something which is sensational, he can make the headlines.

I heard someone say the other day—I do not know whether it is true or not—that the late Senator Borah had never introduced a bill. He always opposed something. He always chose measures which were sponsored by other Senators and opposed them. He was an expert at such things, and he remained constantly in the headlines.

The Senator from Mississippi [Mr. BILBO], in his own inimitable way, does the unusual and the unorthodox all the time. I have noticed that since the able Senator from Mississippi left the Senate and returned to his own State in order to campaign there, practically every day he has been given front-page space in the Washington newspapers merely because he does not do what he is expected to do. That is the position in which the workers find themselves. They are making demands; they want something; so they receive all the publicity while the employers are immune. It places the workers at a serious disadvantage.

Inasmuch as we are so close to the controversy here in the Senate, I think it might be well to have a word from someone who is outside looking at it, and get his idea of what is going on. I should like to read an article from the Washington Daily News of Thursday, May 23. The headline is "In All Fairness," and the article reads:

In the heat whipped up in Congress over labor legislation many things have been said that will not bear the light of cool analysis.

Even in the calmer mood of the minority report on the Senate labor bill, submitted by Senators BALL (Minn.), TAFT (Ohio), and SMITH (New Jersey), all Republicans, there are some inferences that can be challenged, because they concisely express assertions made in other quarters.

"It has always been an axiom of liberalism that unrestrained and unregulated power in the hands of any individual or group is dangerous to democracy and freedom," the report says.

Well and good. Accepted. The report then continues: "Labor unions and their leaders exercise such unrestrained and unregulated power today. The proposals which we are making in these amendments are aimed to be corrective of certain labor prac-

tices in the same sense that the anti-trust laws of the early decades of this century were corrective of the abuses of the free-enterprise system.

"Such measures safeguard real freedom. Our amendments are no more against the true interests of enlightened labor unionism than such measures as the Interstate Commerce Commission and the Securities and Exchange Act were against the best interests of business."

Without going here into the amendments, some of which seem helpful, some not, the inference of these statements can be examined with some benefit.

There is general agreement that John L. Lewis has indulged in an exercise of power not commensurate with his responsibility as a union leader and a citizen by his refusal for some time to bargain collectively in the accepted manner.

But the inference from what the Senators say, and others have said it directly, is that national labor leaders are going around calling strikes willy-nilly.

The inference also might be drawn from what the Senators said that power is weighted on the side of labor leaders and unions. That isn't the fact. Our big industry is as powerful, if not more so, than ever, and its power is enhanced by its interconnections. This is proved today in politics of which the best demonstration is what has happened in Congress to measures supported by labor.

Because of their great financial resources, increased by tax refunds, big industries are well able to stand long workless sieges.

The Senators also referred to antitrust laws to regulate business. The truth is, of course, that business continually has been striving to shake off such restrictions.

The irony of it all is that Members of Congress who are so rabid to do something about labor include many who were so anxious to vote huge tax refunds to business, who voted for the insurance antitrust exemption in both House and Senate, who voted for the Bulwinkle bill in the House and are ready to vote for it in the Senate.

Their complaints about labor would come with better grace if they were equally alert to protect the public interest from these other threats. In all the excitement it is only fair to point this out.

Mr. President, that was an article written by Mr. Thomas L. Stokes.

Inasmuch as we are enacting legislation to curb the freedom of labor, I should like to point out that when fascism was riding roughshod across Europe it was the laborers, the labor movement, those who worked with their hands, who were principally responsible for the continuance of the underground movements, the resistance. We very seldom read of any bankers being shot because they were associated with the resistance movements. We very seldom read of any great industrialist being shot because he was out with the Maquis or other elements sabotaging the Nazis. On the other hand, we generally read that the big industrialists, the upper strata, were collaborating with the Nazis, and I am sorry to say that in my opinion in America there are some who would be very happy to have some fascism or nazism here. They did not like Hitler's fascism because the Germans ran it, and in the competitive economic system there is over the world, the boys are out to get their hands on everything they possibly can, and that was the object of Hitler's fascists. The big businessmen financed Hitler because they were having difficulty getting markets and raw materials and

colonies by peaceful means, and they decided to go after them by forcible means.

When our own exploiters saw the situation and realized that they were actually in danger of being enslaved themselves, naturally they fought Hitler and helped us by putting their factories at our disposal, although, of course, they did not do it until after they had had a strike of their own, the first one of the war, a sit-down strike, wherein they refused to produce any armaments until they got their cost-plus contracts.

But now that Hitler is safely out of the way, I think some of them would not be averse to having the condition here in America such that the labor unions could be destroyed, and democratic government would give way to totalitarian rule by the big interests of the country. Perhaps I am overly apprehensive, but that is my feeling.

Mr. President, yesterday we adopted an amendment which said that no employer can give anything of value to a representative of any union. I should like to say that I think it is going to be another mistake, along with the Lea bill, something which we will live to regret, because many examples can be cited of arrangements which are now in force in our country, very happy arrangements between employers and their employees, whereby the employers finance, or help finance, many worth-while activities.

It has been pointed out previously that many employers furnish the funds for health-benefit associations and other things of the kind; but I should like to call to the attention of the Senate the fact that it will be impossible for them to continue doing so, because, no matter how the employer may feel about it, if the amendment shall be enacted it will be against the law for him further to continue these activities, and it will be beyond the power of the union to finance the activities; so they will be discontinued.

There are throughout the country literally thousands of baseball, softball, basketball, bowling, tennis, golf, and other athletic leagues or teams which unions manage but which employers finance, at least in part. There are also bands, orchestras, parks, playgrounds, dance halls, and recreation centers which unions operate, but which management helps to finance. There are picnics, boat rides, vacation plans, and, yes, even victory-garden programs, where the union manages the activity, but the company gladly contributes a small or a large part of the cost.

And let me stress that the companies support these projects gladly, voluntarily, and enthusiastically—partly because they take sheer human delight in seeing their people enjoy themselves and partly because they consider it good business.

I do not want anything I said a moment ago, Mr. President, to be construed in any way as a blanket indictment of industrialists. Many of them are great humanitarians. But I do say that even as in Germany, they do have enough power so they could enslave the country. I think there is danger in this country of the same thing happening as

in Germany unless we are ever on guard against it.

Let me give some concrete cases. The union of the employees of a retail chain—and this is an example of what would be outlawed by the Byrd amendment which was adopted last night—began to develop a girl's softball league, a tennis league, and later a bowling league, in a large city where such activities were common and where the games drew large crowds. The union officials wanted these activities to prosper for two reasons: First, the girls enjoyed such sports, and secondly, it might be a means for increasing their regard for their union. Teams were organized and the girls began to meet for practice. One day the union manager of a team invited the manager of the chain to come out to watch the girls practice.

When the employer went out to a park to watch his girls perform, in company with the manager of the union, he discovered that there were quite a few ball teams practicing in the same park. He further discovered that some of his competitors had girl teams practicing in the park. All these teams of pretty young girls were decked out in rather colorful and expensive uniforms. Large crowds came to see the pretty girls and the colorful costumes. But the new team of our friend was not bedecked in pretty uniforms—these girls were playing in cheap makeshift outfits because their union was new and did not have the money to buy them nice uniforms.

This employer was neither a "tight wad" nor was he blind to the business factors involved in the situation. He saw that large crowds of people watched these girl teams, and that the teams were known by the names of their companies. He at once saw the possibilities for advertising through an attractive and successful team. He furthermore had the good sense to know that girl employees who came to like the athletic activities would tend to stay on the job and would not drift away to other employment. He promptly proposed that since the union did not have the money to "doll-up" their girls, the company would like to help by supplying the teams with the prettiest outfits obtainable. There was an activity which doubtless created a great deal of goodwill between the employer and the union. But now, by the adoption of the Byrd amendment, we have outlawed such a thing absolutely. Anything of that nature henceforth is against the law.

This retail management didn't want to be bothered with the problems of organizing and managing athletic teams. They merely wanted their girls to have attractive and successful teams. They merely wanted their girls to enjoy the sports. They much preferred that the girls, through their union, manage their own sports, while the company makes a cash contribution and watches the game from the side lines.

Mr. President, the legislation before the Senate would not permit that management to give their own employees pretty uniforms.

A famous manufacturer of sweet goods maintained in connection with one of

their American plants a generous program of financing picnics and outings, for the families of employees. The primary objective of the company was to prevent labor turn-over in their plant. By trying to win the good will of the entire family of an employee, through these picnics and outings management hoped to cut down labor turn-over, which was quite costly to them.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TAYLOR. I yield, if by so doing I do not lose the floor.

Mr. REVERCOMB. Mr. President, I ask unanimous consent that the Senator from Idaho may not lose the floor by yielding to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. REVERCOMB. I thank the Senator from Idaho for yielding at this time. On behalf of the Senator from Massachusetts [Mr. SALTONSTALL] and myself, I offer an amendment to the pending amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 4 of the so-called Ball amendment, at the end of line 12, it is proposed to strike out the period, insert a colon, and add the following:

nor shall the quitting of labor by an employee or employees in good faith because of the abnormally dangerous conditions for work of the place of employment of such employee or employees be deemed a strike under this section.

Mr. REVERCOMB. I may say that earlier today the Senator from Massachusetts [Mr. SALTONSTALL], on behalf of himself and the Senator from West Virginia, offered an amendment to the pending amendment offered by the Senator from Minnesota [Mr. BALL] and other Senators. I am now authorized on behalf of the Senator from Massachusetts to withdraw that amendment, and to offer the amendment which I just sent to the desk and which was just read.

The PRESIDING OFFICER. Without objection, the amendment will be received.

Mr. BALL. Mr. President, will the Senator from Idaho yield to me?

Mr. TAYLOR. I yield.

Mr. BALL. As one of the authors of the pending amendment, I am perfectly willing to accept the amendment just offered by the Senator from West Virginia on behalf of himself and the Senator from Massachusetts. I think it states what is the purpose of our amendment, and I accept it, and ask that our amendment, as modified by the additional language just read, be reprinted.

The PRESIDING OFFICER. Without objection, the amendment will be modified accordingly, and will be reprinted as requested by the Senator from Minnesota. The previous amendment offered by the Senator from Massachusetts on behalf of himself and the Senator from West Virginia is withdrawn.

Mr. REVERCOMB. Mr. President, will the Senator from Idaho further yield to me?

Mr. TAYLOR. Yes; I yield.

Mr. REVERCOMB. I want to thank the Senator from Minnesota for accepting the amendment as a modification of his amendment. I also wish to thank the Senator from Idaho for yielding and giving me the opportunity to present the amendment.

I now ask unanimous consent, Mr. President, that the amendment which has just been accepted by the Senator from Minnesota as a modification of his amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

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Mr. TAYLOR. Mr. President, I was just recounting the case of a candy manufacturer who was in the habit of financing picnics for the benefit of his employees as a part of his labor-relations program. On the side this employer had another motive, namely, to keep a union out of the plant. But the union succeeded in organizing the plant and in securing a union-shop contract. Within a very short while the union and management were on most cordial terms and the company felt that the union's presence in the plant was more of an asset than a hindrance.

But the families of the employees wanted to keep up the picnics and outings, as doubtless they will even now, but the amendment adopted last evening will bring an end to the picnics. To hold the goodwill of its members the union felt it should provide such a program. But the union was new and was decidedly limited in funds. It could not afford the elaborate meals, and prizes and other expenses which the company had borne in the past. Furthermore, it was a matter of pride with the union officials that the former company program, which was aimed partly at fighting the union, should not be continued by the company in competition with the union. The union was in a dilemma, it must equal the former outlay of the company, but it did not have the money to do so.

At this juncture, the personnel manager of the company had the good sense to size up the situation and to guess the problem facing the union officials. He also had the good sense to know that any effort by the company to interfere with the union or to embarrass it would be bitterly resented by the union leaders. He proposed to the company that they continue in the company budget the former amount spent on these picnics, but that the money be turned over to the entertainment committee of the union as a good-will contribution of the management. Management further realized that these young union officers might be suspicious of any proposal by management regarding the operation of the picnics. So they suggested that the union completely manage the program, but with company financial aid. Of course,

no longer will they be able to have the picnics unless the union is able to foot the bill itself. The Senate of the United States last night adopted an amendment which provides that it shall be against the law for an employer to help finance even a picnic for his union.

Here is another instance where the local situation made it better for all parties that the company contribute money to an activity, but leave its management entirely in the hands of the union. By this method there was less likelihood of friction, and much better prospect for harmony and mutual respect.

I venture to say that the amendment adopted last evening is going to cause far more labor strife than exists now, not because of any great effect it is going to have, but because of little irritations, because management has been in the habit of assisting unions in their recreational programs and health programs and can no longer do so.

Another very interesting illustration of company-financed but union-managed activity is an annual Labor Day parade in a large industrial center. Each year the unions carry on aggressive competition for prizes and honors for the best display and floats in the parade, which is strictly a union show. These parades have become such colorful spectacles that it is estimated that between a million and two million people gather along miles of streets to watch the spectacle. Union committees spend much time and energy trying to figure out clever and unusual displays to win the coveted prizes.

Now everyone loves a good parade, and that includes the managers of big companies. They like to see their employees put on a good show and win the prizes. So it has become customary for various companies to quietly but most substantially back their own employees' unions. This is particularly true of concerns such as bakeries, dairies, and retail stores which sell directly to the public. They consider it first-rate and relatively inexpensive advertising to have their company names borne by colorful floats in this strictly labor parade. At a recent parade, one big bakery supplied their union with 100 big vans especially painted for the display, plus a beautifully-uniformed band and a synthetic loaf of bread that cost more than a thousand dollars and required a tractor-drawn trailer to carry it to victory and the prize. Not to be outdone by a bakery, a nationally known dairy company set its machine shops to work to outdistance that loaf of bread.

Obviously such an activity is an outpouring of good fun and human rivalry of a healthy sort, plus some sense of clever advertising. Equally obvious is the fact that no company wants to share the management of a Labor Day parade. But if there are any parades henceforth, Mr. President, the company must take upon its shoulders part of the responsibility for managing them, or all the persons involved may be sent to the penitentiary. The employers give their money and cheer for their own employees—and hope that many people will see the show. That was in the good old days before the adoption of the Byrd amendment.

We could assemble hundreds of such examples of athletic teams, camp grounds, dance halls, dramatic clubs, and every other conceivable sort of sport or recreational activity that a local group might devise—with employers gladly contributing money, but not wishing to be bothered with any further responsibility for the activity.

Let us examine the development of some typical company health and sick-benefit insurance schemes.

A large midwestern sales agency required a crew of well-trained and above-the-average salesmen, preferably middle-aged men. Companies in the field were in the habit of stealing crack salesmen from each other, by various inducements. The company we are considering decided to set up a fund to help care for the hospital and medical expenses of its employees, plus some provision for salary payments to the family when the breadwinner was laid up for very long. These benefits were open to all salesmen in the employ of the company, provided they agreed verbally to return to work for the company after receiving any benefits under the plan. The fund was entirely supplied and operated by the company, through its personnel department. The amount of aid to be given was not prescribed by any fixed rules. The company representatives judged each case on its merits.

There were three motives in maintaining the practice: first, the desire to stop labor turn-over; second, the generosity of the owner who had grown up with the business; and third, an effort to keep a salesmen's union from getting into the business. But the union finally secured a contract, after something of a fight. Subsequently, the union and management established very harmonious relations and took up the question of the sick and health benefits. Management was glad to continue contributing the funds, and joint supervision of the outlay was established. But this did not work well at all. Some of the more "militant" union members were always complaining that a particular family had not received a sufficiently generous allowance, and blamed the representatives of management for "discriminating" against that family because of some past-alleged grievance or grudge. There were endless arguments, making for ill will. It was obviously necessary either to discontinue the benefit fund or to find some less damaging method of supervision. Management did not wish to discontinue the fund, for that would lay them open to recrimination and would lose them the values in lowered labor turn-over.

At this juncture the management proposed that a union committee accept complete responsibility for administering the funds. By this means they confined all arguments over the amount of benefits within union circles, thereby removing the only bone of contention between the union and management.

Those who have not had practical experience in such matters may say that such an arrangement is an unprincipled method; but the experience of many companies shows that it works better than joint management in many instances.

Very similar results flowed from a plant hospital. A large establishment built a small private hospital for employees and their families. Limited medical service and less limited hospital services were rendered employees. The company considered the investment as profitable in reducing labor turn-over. The costs were borne by a pay-roll tax which took 1 cent from the employee and 2 cents from management. The services were administered by the company, with an advisory committee of employees picked by the personnel department.

When the union came in, the services were continued on the old basis. But more cantankerous individual union members were always filing grievances against the way the hospital was operated. They particularly charged that the head physician was incompetent, was a company stooge, and so forth. After some careful consideration by an intelligent personnel department, the company decided to propose to the union that they assume complete responsibility for management of the services, with a lump-sum contribution from management, to be supplemented by any amount the union chose to take from its own members. Management figured that it is much easier to criticize the other fellow's work than your own—and that complete responsibility for administration by the union would tone down their attitude. The joke of the story is that the union committee cracked down on union members tending to abuse the privileges more than management had ever done, and wound up rehiring the same physician in charge.

That is only an example, Mr. President, showing that it will be very difficult in many instances to have joint administration of many of these undertakings and projects which have been a part of American industry. If labor administers these funds, then it is responsible, and if there is any criticism it does not add to the dissatisfaction on the part of labor with management. It does not help to build up ill will. It is a matter within the union. But if all these countless thousands of good-will projects now have to be administered jointly, instead of being projects creating good will they will become bones of contention, and will help to create ill will, out of which probably many major strikes will arise over some matter which at first was petty.

We could give many other illustrations of this same principle. When a union and a company honestly sit down together and seek the best possible manner for administering some fund benefitting employees, many times the best way to remove the entire matter from the area of union-management friction is to make the employees feel that they are completely responsible. Divided responsibility often becomes a fruitful source of friction. Placing the union members completely in charge leaves them no one to criticize but themselves if anything goes wrong. They also feel a greater sense of ownership and responsibility; and do a better job.

That ties in with what I stated a while ago, Mr. President, that people who labor with their hands sometimes have an in-

feriority complex and feel overaggressive and assertive, trying to overcome the feeling "I am just as good as the other fellow if I just had the breaks he had." When the employees are permitted to participate in these activities, and have the opportunity to manage something, they tend to feel more friendly toward those who are managing the plant. In other words, they begin to share the problems of management. But now we will not even let them have that small boost to their ego. We are going to deprive them of the pleasure even of administering petty funds for picnics, and one thing and another.

A large wholesale house with several hundred employees was a self-insurer, with a sick-benefit fund. While it is probably true that management administered the fund reasonably well and with practical fairness, there were always charges and rumors of favoritism. That is the point I wish to bring out, Mr. President. Even if management administers these funds well, labor will be found criticizing management because there is an opportunity to criticize; and there is really no need for a situation which causes friction, if the unions are permitted to manage these matters for themselves. Discontent with the administration of the superintendent, became a prominent factor in leading employees to turn to a union that happened along about that time. Anxious to prevent organization of their plant, the management built a company union and delegated to it considerable authority over the sick-benefit fund. But low wages finally led the company union to bolt, en masse, to a bona fide union.

When the company and the union finally negotiated a contract and established fairly friendly relations, the management of the sick-benefit plan—the funds for which were contributed by the company as a percentage of the pay roll—was handed back to the company. But immediately grievances began to pour in. The more militant and noisy union members charged the company with discriminating in favor of "company pets." The union voted to set up its own sick-benefit fund and to levy on members a flat sum per week. But after some calculations they discovered the cold facts of life, and saw they could not provide very ample benefits.

At this juncture, the management made a farsighted move. It proposed to add its contribution to the union members' more modest sum, to supply an adequate sick-benefit fund, but to leave the management entirely in the hands of the union. To tell the whole story, it must be said that a union treasurer did try to run away with \$600 of the fund, but he was caught and the funds were restored. At this juncture, the management did not suggest taking back the fund, but merely advised the boys to be careful about bonding all officers and taking the usual precautions.

I could continue this recitation of instances at great length, with infinite variety as to the nature of the funds and the way in which they are administered. In many cases there is mixed responsibility. But also, in many instances, both management and the union are

agreed that placing full responsibility on the shoulders of the employees may result in the best atmosphere and the smoothest administration.

Educational programs sometimes become a matter of mutual interest between employers and the union. In a particular instance during the war, a union which organizes skilled workers in small shops decided to open a training school for workers, to enable its members to advance their earning power. But the school was also open to non-union students wishing to enter the trade. The union felt that this would attract such people to the union. When some of the employers heard of this project by the union, they were greatly interested and most anxious that it succeed. They needed more trained workers. They also guessed that the union had only limited financial resources. Several employers offered to help finance the training school, with the verbal understanding that they be allowed to canvass the students with a view to hiring them. Most of them were small employers who could not afford to set up any kind of training program for themselves, and they had complete confidence in the ability of the union to do a good job. Furthermore, they had no desire to become involved in administering the school. They were quite happy to make modest contributions to its maintenance, and to get their share of the graduates. But, of course, under the Byrd amendment they will no longer be able to help finance the school unless they also assume the responsibility of managing the school; and that, in turn, probably will lead to dissatisfaction on the part of the employees.

In another instance, the union of a department store set up a dramatics club. It aroused considerable interest and began to give little performances at union meetings around town. The club went by the name of the shop where the members worked. The personnel department and the advertising departments of the big store immediately sensed that there was an activity which might be of benefit to both of them. The management proposed to the union that it would be glad to assist the dramatics endeavor financially and with materials. From that time forward the carpenter shop, the display department, and the dress and the clothing departments of the store began to give unlimited help to the play group. Scenery, costumes, printed programs, notices of performances carried in the store ads, and other contributions in kind were given, as well as cash. Here, again, Mr. President, is a human situation. The union and the boss are not fighting each other. They are merely living together. The owner of the store is glad to see his employees have a good time. He is also appreciative of the advertising which a successful play group gives his store name. He used to attend rehearsals personally and applaud "his play company" as enthusiastically as the union leaders applauded. But that employer can no longer contribute to the dramatics club of his employees without becoming a criminal in the eyes of the law as we are writing it at this time.

Employment offices and hiring halls are sometimes productive of joint support by union and management. During the war a union that organizes small shops set up a recruiting program to attract people into their hiring halls, so that they could fill their shops with union members. The union advertised for workers and sent solicitors around to all sorts of meetings to plead with people to work part time or full time to help the war effort. But the union was young and could not afford to invest too much money in such recruiting activities. The employers quickly sensed that this activity was profitable for them, and offered to make cash contributions to the union. Particularly the small employers realized it was far more economical to pool their advertising efforts through the union employment office than to run small ads in the newspapers. They had neither the facilities nor the desire to share in the supervision of the hiring halls. They had the good sense to know that the union would tend to favor the employers who contributed, if it showed any partiality in rationing out the sparse supply of workers.

There was another activity in which the employers found it good business to contribute financially—in that case, to a hiring hall, in order that they might obtain their employees more reasonably than if they individually advertised in the newspapers and conducted their own hiring. But they will no longer be able to do that, because they would be giving something of value to representatives of the union to maintain the hiring hall, and that would be against the law, according to the provisions of the Byrd amendment.

Mr. President, for the benefit of those whose knowledge of labor relations is limited to what they read in the newspapers, let me give a rather unusual illustration of how good labor relations can devise a novel procedure for solving a tough problem.

A large wholesale bakery, with several hundred delivery trucks on the road all the time, is bound to have many traffic accidents. In a particular case, discipline of drivers who had accidents became a serious bone of contention between management and the union. Where the company felt that negligence had produced loss of a vehicle or injury to pedestrians, the management was inclined to discharge the employee or to lay him off for a considerable period of time.

But accidents are bound to happen—as in the case of the Lea bill, I may say—and the union often made a good case for its members' not being to blame for a given accident. Then a bitter fight always ensued between the union grievance committee and the traffic superintendent of the company. The general manager of this company was a former truck driver himself, and he had considerable faith in human beings. He was convinced that some democratic procedure could be devised whereby guilt would be determined with reasonable accuracy, and justice done. Since the company and the union never had serious trouble over anything else, he rightly judged that it was not bad people, but bad procedure, that was causing the friction.

After considerable discussion, the company and the union set up a traffic court to try offenders. After considerable experimentation, they finally arrived at a procedure whereby a jury of union truck drivers could be called to sit in judgment on any case where the normal grievance procedure did not produce a quick settlement. This jury sat over a trial very much like a criminal court. The company, the insurance company, the employee or the union might individually or severally appear before the court, with or without counsel, to argue for or against the offending driver.

The union elected its juries and stood ready to supply them whenever their services were required. But it cost money to take those drivers off their jobs and to assemble them. The company held that this was a legitimate charge against the business, and paid the union the total costs of the trials. Neither the company nor the union would abandon this traffic court.

Now, Mr. President, I want to point out something to the distinguished Senators present. These cases which I have cited may seem quite unorthodox. They may not appear to be the conventional way of handling such matters. They are all an outgrowth of free, democratic discussion by the people on the scene—the union and management in a plant working out what seems to them to be the best way of meeting a problem with which they may be faced. They are American democracy, our free way of life at its best. They do not conform to the usual manner of hiring an insurance company to look after health or sick benefits.

They do not conform to a standard pattern laid down by law, nor by a Government board. They conform to one thing only, namely, the free and cooperative judgment of the employers and the union men on the spot. They are men who sit down together and work out the solution of their problems by a method which works. And, I may say, it works precisely because they figured it out for themselves. Whenever it ceases to work, they meet again and do some more figuring. Out of it comes a result which pleases them, a result which works for them.

The Byrd amendment would extend the long arm of the Federal Government into the private lives of these little people and forbid them to do what they have found it is good for them to do. The sponsors of this legislation are really proposing the most unwarranted of Government interference with private initiative. Here we have unions and employers who have, in good will, good sense, and democratic respect for each other, met and solved their local problem. But it would appear that some Senators would want to break up this wholesome process and compel those persons to conform to some rigid pattern which they hope to devise on this floor.

I repeat that genuine collective bargaining means just such meetings of men of good will, men of good sense, men determined to find a way to overcome by their own common sense all local difficulties.

Mr. President, the present wave of strikes is to be expected. We have gone through a war in which persons kept themselves in restraint. They were compelled to remain steadily on the job. They could not take vacations. They built up pressures within themselves, and the present period of unrest is only one which we should naturally expect. If we want absolutely peaceful, stereotyped, and uniformly regular labor relations in this country, I see only one way in which we may procure them. They cannot be obtained by the Congress passing laws compelling men and women to work. It might be possible to shoot some of the workers, but they would still refuse to work. We must make up our minds that we shall have strikes, and that we must sit them out. We may have to go hungry to some extent if we want to maintain a free country. That is something for which we may be required to pay. On the other hand, if we cherish our personal comfort, and the right to get a letter through to Aunt Millie on time, and other things which we take for granted, we may find that they cannot be easily attained. If we cherish our privileges more than we cherish our free institutions, and insist on everything being done after a pattern, then let us face the situation squarely and scientifically, just as the British have done. Let us socialize our basic key industries such as those which can tie up our economy. We will then know that the workers will remain on the job just as do the employees in the Post Office Department. The Post Office Department has never had a strike. It seems that government is more capable in dealing successfully with labor problems than are the private employers of the Nation. Perhaps some of the basic industries to which I have referred should be socialized. I am not attempting to say which ones should be socialized. But the socialization of our basic industries may be the only way by which we can have absolute peace in connection with labor and industry. We do not have to worry much about the little private enterprises because the employees in those industries may go on strike and thrash out their problems. If one chain of grocery stores is closed down because of its employees going on strike, the consuming public may patronize some other chain of grocery stores. If the services of one garage are no longer available to the patrons of that garage because of a strike of the employees of the garage, the public may go to another garage. We must make up our minds to like the situation and wait patiently for the strikers and the employers to settle their differences.

Mr. President, I make the prediction that no bill which the Senate could pass, no matter how restrictive or how stern it might be, would be of any help at the present time. The Senator from Virginia said that we should do something very stern. We can get just as stern as we please, but it will not force men and women to return to work until they feel that they are getting a square deal.

Mr. President, the Senate should remember that there are thousands of employers and union leaders scattered through the towns and cities of this coun-

try who are settling their differences through peaceful means. We never hear of them, precisely because their little local meetings succeed in producing a workable pattern for them.

Do Senators believe that the long arm of the Federal Government should reach out to a little town in Iowa and tell the owner of a grocery store there that he may not give a pretty uniform to the girl clerk who plays on the union ball team? Should this Government tell the owner of a clothing store in Michigan that he may not contribute to a fund which is managed by the union to help his own salesmen when they are sick? If the manager of a brewery wants to pay for the instruments and the uniforms for a snappy brass band to be managed by the union of his own employees, shall we tell him he may not do so?

It is well to remember that America is a vast country, filled with some pretty ingenious people. We have to have traffic laws, but we must be very careful that those laws do not obstruct the free flow of ideas and methods. We must remember that most employers and union men, right on the job where the problem arises, are better able to find a way out than those of us here who never managed a union or a union grievance procedure. The proposed legislation is most unwise, because it is bound to interfere with precisely the kind of collective bargaining that we all profess to desire. It will not accomplish the aim it professes. It will accomplish much harm.

Remembering that there are thousands of shops throughout the country where these health, educational, recreational, and other cooperative programs are in operation, how is any member of the Senate going to justify to the people who are proud of these programs that we have seen fit to outlaw them? How can we justify to any employer or union outlawing something that they know by their own experience is mutually helpful to them and does no one else any conceivable harm? Some of these welfare schemes have been in operation for years, and the community has come to depend upon them. Everyone is happy over them. But some morning they learn that their Congress has outlawed them as being very bad. It does not make sense, and we will never be able to convince these citizens who have done their democratic duty that it makes sense.

I do not believe that we will be able to convince members of management that we have acted wisely when it begins to come home to them what we have really done. Thousands of managers who have participated in these programs for their union members, to help keep them satisfied, to help keep good employer-employee relations, when they find what we have done to them, will begin printing articles in trade papers, like the article I introduced from Tide magazine saying that we acted ridiculously in passing the Lea bill. The very people that bill was passed to benefit are now ridiculing us, saying that we were stupid in the extreme.

I think many people who have written urging that we pass labor legislation, when they find what kind of labor legis-

lation has been passed, that we have ended their good relations with their employees, and made it against the law for them to participate in these programs, will start printing articles in their magazines saying that the Senate went too far, and overstepped the bounds, and that that was not what they wanted.

To be perfectly frank, Mr. President, if we would take the letters which come to Members of Congress saying, "We want you to pass some labor legislation," and would go to the people who wrote the letters, I will wager we would not find one of them in 100 who had any idea what he meant when he said, "Pass some labor legislation." If we should ask what kind of labor legislation, he would be at a total loss. That is just the way Congress is acting. There is a demand, in the newspapers especially, and on the part of many people who have not thought the matter through, that we do something—legislate, pass some labor legislation. So the Congress frantically starts legislating, without any idea of what it is legislating about.

The amendment of the Senator from Virginia was the most outstanding example. It was offered, then the able Senator from Florida [Mr. PEPPER] started pointing out idiosyncrasies and flaws and faults in the amendment. Then, its sponsors would take it out and amend that part of it; then, they would bring it back, and the Senator from Florida [Mr. PEPPER] would read it again and point out something else that was the matter with it, either just downright silly, or probably unconstitutional. They would then take it out and amend it some more. Four or five times they had to repair to the cloakroom with the amendment and feverishly work on it, then, they would bring it back and the Senator from Florida would work on it. That is the spirit of this whole proceeding. It does not make any difference who wrote the amendment or who offered it or what it is about, let us pass it. Pass it. Do not even have any debate on it.

Last night our opponents tabled one amendment offered by those of us who are trying to make the bill a workable measure. They would not even give us an opportunity to set forth the merits of the amendment. They were so anxious to get busy and pass something, the Byrd amendment, in that instance, which had been amended until it did not resemble what it started out to be at all, they were so anxious to adopt it, because it had the reputation of taking a sock at labor, and they wanted to get at that one right away, that they would not even consider an amendment offered in an effort to improve the bill, as we have tried to improve it, or make it less obnoxious, at least, by pointing out flaws and defects in the amendment of the Senator from Virginia.

Mr. President, I shall close now, but I have a poem here I wish to enter in the RECORD. Ordinarily I would simply insert the poem, but I truly think it is worth reading aloud to the Senate, or I would not read it. I am not doing this to consume time, but I feel that the poem is worth reading.

This poem was presented to a convention of World Federalists at Chicago, Ill., April 28, 1946. The chairman of the convention said:

The Chair recognizes Silas Blake Axtell, delegate from New York.

I may say that I have had the pleasure of meeting Mr. Axtell, who is a very fine gentleman, a capable lawyer, and a devout believer in world government. Mr. Axtell read this poem:

The people died. It was the people's war.  
Why did they die? What were they dying for?

Why are the people always asked to die?  
Who are the people? You, and You, and I!  
Our children yet unborn! Then—let us rise!

In God's name, let us rise up and declare  
And end of war before the whole world dies!  
Come out! Come out, to every village square!  
Come out from factories and homes, and  
schools!

Bring out your laws, bring out your dreams,  
and skills

Bring out your faiths and all their golden  
rules!

And hurl your strength against the thing  
that kills

Our blossoming youth on every countryside!

The World is off, and now no longer wide.  
Nothing is out of range, New York, Eire,  
Rome,

Forbidden Lhasa, jungles or icy bay!  
No place is safe where man has built a  
home;

Stars shine above them all, to light Death's  
way.

Air knows no boundary, atoms no control  
Except this urge fast gathering in the soul  
Of frightened man to somehow save his son  
From this last awful thing, he's made and  
done!

You joined your powers for war, Now, stretch  
your hands

And pluck this hurtling terror from the skies  
Before it crashes down upon the lands!  
Before the last spring flower falls and dies!

Our human blood obeys no several rules  
Of politics, in one or isolate pools.  
Blood is but blood. And dust to dust returns  
Regardless of its flag. And each hurt burns  
For liberty. Then let us so proclaim!  
And swear allegiance to our bond, and state  
Our will, world-wide, this day to promulgate  
A people's peace, and Government in its  
name!

The poem was written by Elva Just.

All the laboringman has, to make him feel important in this world, is his feeling that he too is free; that he is just as free as any Senator, as any rich man in the great house upon the hill, and if we start taking away that feeling from him it is going to rankle in his soul; he will become rebellious. I am convinced of that, for, having worked in factories myself, I know how the men feel. You can take them with you a long way if you will reason with them. Someone representing the management can come to the factory and, if he is a good fellow and will talk to the boys a little while, can practically win them over to anything. But if someone who represents the authority up above comes to the factory and tends to become a little tough, the boys seem to take a great delight in trying to get twice as tough as he can. It is their only defense, it seem, against their feeling and knowledge that they have not been able to climb the ladder socially

and financially. They are willing to go along with anyone, but, on the other hand if anyone tries to rob them of this one precious thing which they hold in common with the highest citizen of the land, this liberty of theirs, they greatly resent it.

Mr. President, they may not understand the Constitution fully, and may not understand exactly what their liberties are, but they have a good idea that they have such liberties, and that they can say what they please about the President or anyone else and get away with it. If they believe that anyone is trying to take their liberties away from them there is likely to be a mass psychological reaction and a mass strike may take place in which practically every laborer in the country would sit down. Then if more repressive measures were taken to end the strike it would only make the situation worse and worse.

Mr. President, as I stated a while ago, I am not a Socialist. I am not a Communist. I have been accused of being a Socialist and of being a Communist. Every time I ran for office I was called a Socialist and a Communist. I denied it in 1928 and I lost the election. I denied it in 1940 and I lost the election. I denied it in 1942 and I lost the election. Finally in 1944 I became tired of denying it, so I simply let the charge go unanswered, and I was elected. I do not know what that means. I do not know whether the people want socialism or like socialism or communism or whether they simply like someone to ignore those who would accuse him falsely.

As I said, I am not a Socialist or a Communist. But if we insist that we cannot be inconvenienced by any strikes, that the wheels must turn smoothly, and that if we want to travel we must go at a certain moment and cannot wait a few days while the men are thrashing out their problems with management, that is really too bad for us.

The strikes are simply a means of letting off steam on the part of the workers. I will wager that the railroad workers are anxiously awaiting at this very moment to hear the call back to work. I will wager that a percentage so small as hardly to be worth mentioning have gone off fishing. I am willing to bet that they are waiting by their telephones for the call to come which will send them back to work. I have been a member of a union, and I believe I know how they feel. While I never was engaged in a strike, I know the psychology of the workers pretty well. I have a brother who is a member of a railroad brotherhood, and I am quite certain he is at this very moment out on strike, because I know he is not the kind of man to let his fellow workers in the brotherhoods down, and I will bet anything I have that at this moment literally the perspiration is standing out on his forehead and that he is sitting by the telephone hoping and praying that the call will come which will take him back to work. But the men think they have gotten a raw deal. All management had to do was simply say "No." Management made no demands on anyone. The newspapers did not write up management. Management was simply behaving itself, going along

as usual, and the railroad workers thought they were entitled to a better deal. From what I have seen at first hand, and from what I have heard from my brother who is a member of a railroad brotherhood, I am inclined to believe the men are entitled to a better deal.

Much is said about the railroad workers being the aristocracy of labor. That is mush. That is one job in which the worker does not know from one hour to the next whether he will work or whether he will be laid off for several days. The worker does not dare to go downtown to a movie for fear the call will come for him to go to work "right now." There are no regular hours of work. The worker is at the mercy of someone who may call him at almost any time. Some of the jobs are on regular schedules, but a great many of them are not. Generally a worker is expected, unless he has a considerable amount of seniority, to take the job whenever he is called to take it, whether early in the morning, in the middle of the night, or at any other time.

As I have stated, the workers are simply letting off steam. Even now I am sure they are anxious to go back to work, and if they do not go back I would be willing to bet it is because management is not meeting them half way and is not willing to give them a reasonable deal.

Up to this very moment Senators who now are urging the most repressive amendments have eulogized the railroad workers. Until this railroad strike happened they rose on the floor every little while and eulogized them and said, "Look at the aristocracy of labor. See what fine workers they are. If only we had something like the Railroad Labor Act to apply to all industry, how wonderful it would be." All of a sudden their heroes have gone out on strike, and I do not wonder that some Senators feel quite bitter after the paeans of praise they have uttered for the boys of the brotherhood.

So we see, Mr. President, that so-called perfect laws to keep industrial peace do not work. We cannot frame a law on the floor of the Senate which will settle strikes. I do not believe any group of experts, which we are not, with the possible exception of the Senator from Oregon [Mr. Morse] can frame adequate strike legislation. We are not experts in labor relations, no matter how much we may think we are, and we are not going to frame a bill here which will settle the strikes that are now in progress or will prevent strikes in the future.

Mr. President, I have been an employer of labor most of my adult life. I started out when I was 15 years old working for wages. When I was 18 I bought a half interest in a business which, incidentally, happened to be a theatrical stock company, and from that day until this, with one or two brief interruptions, I have been an employer of labor. I have always gotten along with my labor. If I wanted to let my passions rule me, I could be very antilabor, very bitter toward labor, because shortly after I first bought a partnership in the business I mentioned we played a small town in Arizona. We had a big tent, with a stage in it, and we presented our plays in the big tent. The stage-hands union told us we had to hire,

I think it was, three stage hands. We had not been using any stage hands at all. The actors changed the scenery between the acts, and pulled the curtain, and pushed the light switch. The union told us we had to have three stage hands. We hired them. They put the woods wings on upside down; that is the butts of the trees were sticking up in the air and the foliage was on the stage. Then the one they set to watch the curtain became so interested in the show that he stuck his neck out past the proscenium arch so the whole audience could see him. And the one who was supposed to push the light switch and lower the curtain become interested in the show and forgot to lower the curtain. So finally we told them to go down and sit behind the stage on a bench, and we paid them, and proceeded to run our show ourselves.

That was an injustice and, as I said, I was pretty angry about it at the time. From that and other experience I have had I could feel very bitter toward labor. But I have let my good judgment, my common sense, prevail.

Mr. President, much as we talk about what a great deal we owe to the inventors such as Bell who invented the telephone, and Fulton who invented the steamboat, and Watt with his steam engine, however much we owe to them, however much we may owe to Mr. Ford, who perfected mass production of automobiles, however much we owe to them for our high standard of living today, I say that we owe just as much to the idea of trade unions, because if it had not been for trade unions wages would never have risen to the point where the people could buy goods and enable us to make use on a mass scale of telephones, automobiles, and all the other things which we enjoy today.

Labor has had to strike time and again to get petty increases. The newspapers say, "Look at the fools. They have struck, and they have remained idle over such a long period of time that they have lost millions of dollars. There was only a difference of 2 or 3 cents. They could have settled it a month ago. It will take them a year and a half, perhaps, to make up what they have lost in wages."

Mr. President, that is not a valid argument, because if they had never struck in the first place, away back yonder, and insisted on getting increases little by little, a few cents at a time, if they had always been hesitant to fight for their rights, today workers would be getting two or three dollars a day. To be sure, the prices of commodities might not be so high as they are, but we would not be able to buy them at any price, because we would not have the money. We would not have our great mass production economy, with all its conveniences and luxuries, and the blessings it brings to us. So I say that labor is entitled to a great deal of credit.

In the General Motors strike the criticism was made that there was not a great deal of difference between the amount the workers were asking and what the employer offered; but they stuck to their guns and finally got a little more. It was said that it would take them a year or two to make up the difference. But we can thank them for putting up

the fight, because it makes it possible for cars to be manufactured cheaply. If they could not be sold to the workers on a mass scale, those of us who can afford to buy a car now, if they were produced for a few of us who happened to receive more than the others, would have to pay so much that probably even a Senator could not afford an automobile. So we all owe a great debt of gratitude to labor.

With respect to the railroad strike which is now in progress, I should like to read an excerpt from the report to the President by the Emergency Board which was appointed on March 8, 1946, pursuant to section 10 of the Railway Labor Act. I may say that this railway strike has been in prospect for many months. No one can say that the railway workers did not give ample warning and undertake negotiations in ample time to have prevented this strike, which we can call a catastrophe if we wish, but I do not look upon it as such. It is a great inconvenience, to say the least. The report of the Emergency Board reads in part as follows:

In this case, as in similar predecessor controversies between the railroad carriers and the railroad transportation unions, one of the causes of the impasse in negotiations and subsequent conflict in presentation of evidence revolved around differing concepts regarding the operation of the dual basis of pay. Because of this conflict between the parties concerning the dual basis of pay, we think it not inappropriate to comment to some extent upon it.

Briefly, the dual basis of pay applies only to road service, and consists in a combination of mileage and hours. For example, in road freight service 100 miles is deemed equivalent to an 8-hour day and a speed basis of 12½ miles per hour. If the crew runs 100 miles or more in 8 hours it is paid on a mileage basis. If the time required to run the mileage is longer than a speed of 12½ miles per hour, overtime accrues at time and a half. If on the other hand the run is less than 100 miles and is performed within 8 hours, the basic minimum pay for 8 hours or 100 miles is applicable.

The question of being paid by the hour or by the mile also arises in connection with controversies with bus companies. Recently in Idaho there was a so-called strike of the bus workers. All the newspapers called it a strike. It involved the Greyhound Lines, which run through my home town. Recently the operator of the local bus line was in Washington and I talked with him. He gave me a perfect illustration of how the workers always take the rap. The work stoppage is called a strike, whether the workers are on strike or whether they are locked out, or whatever may be the reason for the controversy.

He stated that certain scales of pay had been established on the basis of the war speed of 35 miles an hour. Suddenly the war ended and the speed limit was lifted, so that the busses could travel 45 or 50 miles an hour. A run which formerly required a certain number of hours now required a great deal less time, and for the same run the employers wanted to cut the pay of the drivers; but, of course, the workers could not make up the difference, because that was a run, and when they reached the end of it, that was the end of the day's work. So it was simply a question of taking a cut

in wages, and the workers did not want to take a cut in wages.

The workers had asked the bus company to negotiate with them. The next morning when the bus company employees came to work the bus depot and the sheds where the busses were kept were locked. The newspapers in my home town and all over the country called it a bus strike. They said that the drivers were out on strike. The operator of the local busses told me that he himself knew it to be a fact that they had not gone out on strike. The bus company claimed that it could not make ends meet if it had to operate on the new basis. The busses were all shut down between the cities, so the operator of the local bus line hired the bus drivers for the wages they were asking of the Greyhound Line, and he put some of his city busses on the intercity routes. They were not built for that purpose, and probably were not as efficient as they might be; but he put them on, and he told me that he was making plenty of money. And yet the bus company was so exercised and excited that it would not even negotiate with the bus drivers over their contract. It had found a good way to cut wages by increasing the speed of its busses, and it was not going to sacrifice that advantage.

Mr. President, a resolution was presented on the floor of the Senate signed by 135 economists, I believe, saying that we should not pass this repressive labor legislation. The economists thought that it would solve nothing. The Senator from Minnesota [Mr. BALL] raised the question whether those people knew anything about labor relations, or whether they were qualified to advise us. Some of them were doctors of divinity, ministers of the gospel, teachers of those who would take up the church as their life work. I think that those men should know something about the problems of labor. Certainly any minister of the gospel or anyone interested in teaching Christianity should know something about the trials, tribulations, privations, and suffering of those who labor. I think that would qualify them rather well. If they are conscientious they must certainly have familiarized themselves with the problems of labor.

The Senator from Minnesota stated that only 10 of the 35 he had looked up were in Who's Who. I am surprised that there are even 10 economists in the United States who are listed in Who's Who. If anyone had asked me to make a wager on the subject, I should have said that there were not that many who were well enough known or of sufficient prominence to be included in Who's Who.

Mr. President, the Senate has failed to provide broad and comprehensive social security legislation. Not satisfied with our dereliction in this matter, we now sally forth to strike labor a blow while the workers are engaged in deadly conflict with the great octopus of corporate wealth—in this instance a great black giant in the coal industry, erected on the graves of countless under-privileged children whose lives were sacrificed because of substandard living conditions,

because of filth and flies and foully offensive lack of even the most basic sanitary facilities.

I know that railroad work is a very difficult life. My brother's health is impaired from the constant nervous strain under which he labors in operating a locomotive. He has had an accident or two. It happens to all of them. They are constantly under a great strain. Frankly, his health is breaking; and if he does not last many years—and he will need to last a good many years yet—when he does break under the strain of the severe occupation he will be left without any way to take care of his family.

So I hope that the people of America will not place all the blame on those who labor. I feel that there are at least two sides to this question, and that labor's side is equally justified with that of those who own and operate the plants, if not more so.

Mr. JOHNSON of Colorado. Mr. President, due to the fact that at 12 o'clock tomorrow the Senate will vote on cloture, and due to the fact that all amendments must be presented before that time, I am forced to offer tonight an amendment which I am really not quite ready to offer. As a matter of fact, I wished to hear the President's statement at 10 o'clock this evening before I offered my amendment.

I understand there are at least 25 or 27 amendments which already have been submitted.

Mr. BALL. Mr. President, will the Senator yield at that point?

Mr. JOHNSON of Colorado. I yield.

Mr. BALL. I believe that, under the cloture rule, if the Senator presents the amendment at any time before the vote is taken on the cloture petition tomorrow, if he does not offer the amendment tonight, there will be an hour tomorrow during which amendments may be offered, under the rule. Amendments offered during that time would still be offered in compliance with the rule. The offering of an amendment at such time would be a privileged matter, and the Senator would be able to take any other Senator off his feet in order to offer it.

Mr. JOHNSON of Colorado. That is why I am presenting the amendment tonight, in order to have that privilege tomorrow, if necessary. Otherwise, I would not present the amendment now.

The PRESIDING OFFICER (Mr. Ferguson in the chair). Without objection, the amendment will be received, printed, printed in the RECORD, and ordered to lie on the table.

The amendment submitted by Mr. JOHNSON of Colorado is as follows:

Amendment intended to be proposed by Mr. JOHNSON of Colorado to the bill (H. R. 4903) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place insert a new section as follows:

"Sec. —. (a) Whenever the President determines that the Nation is imperiled, or the domestic tranquility, or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway

Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

"(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a) shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

"(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates to rates of pay, be made effective as of the date of such proclamation.

"(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void."

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask a question. Suppose that in the course of his address the President injects some new matter in regard to which we may need to offer an amendment. Under the rule we could not offer such an amendment, as I understand the situation.

The PRESIDING OFFICER. Unanimous consent would be required for that purpose, if the cloture motion were agreed to.

Mr. JOHNSTON of South Carolina. But that would tie up the Senate, because probably some Senator would object.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. CAPEHART. I desire to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CAPEHART. When will it be in order to offer an amendment which I have, which is in the nature of a substitute for the bill?

Mr. JOHNSON of Colorado. Mr. President, if the Senator is asking me, I shall say that it will be in order to offer the amendment at the end, after all the amendments have been acted upon.

The PRESIDING OFFICER. Under the rule, it will be in order to have the amendment submitted, for printing, at any time up to the time when the cloture petition is voted upon. It will not be in order to offer the amendment for consideration until after the pending amendment and all other amendments have been disposed of. It would be the last thing to be voted upon prior to action on the committee amendment as amended.

Mr. CAPEHART. Mr. President, I desire to submit the amendment in modified form, to be printed under the rule.

The PRESIDING OFFICER. Without objection, the amendment will be re-

ceived, printed, and printed in the RECORD, and lie on the table.

The amendment submitted by Mr. CAPEHART is as follows:

Amendments, in the nature of a substitute, intended to be proposed by Mr. CAPEHART to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz, at the proper place insert the following:

"SECTION — That with the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health, safety, and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of government that a means be provided for supplying essential goods and services when such stoppages occur.

"(a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health, safety, or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

"(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has occurred if the President determines that it is necessary for him to take possession of and operate such properties in order to provide goods or services essential to the public health, safety, or security. While such properties are operated by the United States, they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them or (2) the President finds that the continued possession and operation of such properties by the United States is not necessary to provide goods or services essential to the public health, safety, or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States. In fixing such just compensation, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, to the fact that the United States would have returned such properties to their owners at any time when an agreement was reached settling the issues involved in such work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing.

"(d) Whenever any properties are in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers of such labor organization, to seek in good faith to induce such employees to return to

work and not to engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work (unless excused by the owner of the business or its agent, or unless prevented by illness, disability, or similar valid reason) or who does engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, and the Railway Labor Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall not be entitled to any seniority rights based on his prior employment. Any provisions of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slow-down, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct of direction thereof or for the payment of any strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this subsection by reason only of his having ceased work or having refused to continue to work or to accept employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than \$5,000 or to imprisonment for not more than 1 year, or both.

"(f) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(g) As used in this section, the terms 'employee', 'representative', 'labor organization', 'commerce', 'affecting commerce', and 'labor dispute' shall have the same meaning so far as they apply to labor disputes in an industry included in the scope of the National Labor Relations Act, as amended, such words shall have the same meaning as if applied to the Railway Labor Act, as amended, so far as labor disputes involving employers or employees covered under the Railway Labor Act, as amended, are concerned.

"SEC. — The provisions of this act shall apply to industries or facilities already in the possession of and being operated by the United States Government or any agency thereof, which governmental operation has been brought about as the result of a work stoppage or threatened work stoppage.

"SEC. — Notwithstanding the provisions of any other law, this act shall be in full force and effect from and after 12 o'clock meridian of the day following its approval."

Mr. CAPEHART. Mr. President, I wish to say that, although I am aware, of course, that the Chair knows and all Members of the Senate know it to be so, I still wish to call their attention to the fact that in refusing to work the railway workers are defying the Government of the United States.

Mr. JOHNSON of Colorado. Mr. President, I should like to make a brief statement at this time. It will not take me long to deliver it to the Senate. I

desire to make it in connection with the amendment which I shall offer at the proper time. As I have said, there are approximately 25 or 30 amendments already pending to the bill, and more amendments are likely to be offered. Statements have repeatedly been made on the floor of the Senate that, if all the amendments now pending were enacted into law, they still would have no effect whatsoever upon the pending railroad strike.

Mr. President, after I have offered my amendment, that statement no longer will be true, because my amendment has to do directly with the railroad strike, and with nothing else.

I need not tell the Senate about the strangulation of traffic and the paralysis that has gripped the country, with the shut-downs all over the United States, with the threats of famine and the threats of riot and the threats of disorder which certainly must come about if the railroad strike continues. Yet, with all the amendments and with all the consideration which is being given to labor legislation, even in the face of the situation which confronts the country, no amendment to deal directly with the labor situation is before us.

A little while ago we were told that the President would appear before a joint meeting of the Congress at 4 p. m. tomorrow. I hope he makes a fighting speech. I hope he tells us very definitely of some legislation which he recommends, because the situation requires a fighting speech. The desperate situation which we are in cannot be handled by any milk-and-water approach. The approach must be hard and it must be stern, even though the Senator from Idaho [Mr. TAYLOR] complains about stern legislation even at a time like this.

I have read in the newspapers that the strike is now almost 100 percent effective. Three hundred and eighty-four railroad lines are tied up. I heard over the radio a few minutes ago that out of a normal number of 17,500 trains in the United States, only 100 are operating. The surprise to me is that 100 trains are still operating. The surprise to me is that the tie-up is not 100 percent effective. I say that because I know something about railroad labor; I know how loyal they are to one another; I know how they stand shoulder to shoulder in any fight in which any branch of organized labor finds itself engaged. So I am surprised that this strike is not even more effective than it is, even though it be, 99.9 percent effective.

Mr. President, at 10 o'clock tonight the President of the United States will talk to the people. I understand his talk will be a "fireside chat." In his address I really expect the President to be very firm and to tell the people the exact situation, although perhaps they know it as well as he does.

Today I have received telephone calls from Denver, and in them I have been told of the tragic situation in that city, and what is going on at the Union Station and how concerned everyone in that city is about the present strike situation.

Mr. President, the President of the United States is going to find that the people to whom he will talk tonight are very impatient, that they are angry, that they are frightened, that they are terribly discouraged. The audience he will face, even though he faces it over the microphone, will not be a very pleasant one to face, because of the antagonism with which he will be confronted when he speaks to the people. So I hope, and I fully expect, that the President will be very serious and will make some definite recommendations which will give the people hope that the present situation will clear up, and will clear up very soon.

I understand that some consideration is being given to operating trains with military forces, directly or indirectly. I sincerely hope that nothing of that kind is contemplated. I cannot think of a greater mistake which anyone could make than to attempt to operate the trains directly or indirectly with military forces. Many men in the military forces understand the operation of trains, to be sure; but we have 250,000 trainmen in the United States who know all about the operation of trains, and they can do a good job of it.

The thing we need to do here in the Congress and the thing which needs to be done at the White House is to get the 250,000 trainmen and the other members of the operating unions back to operating the trains, and not attempt to fool ourselves or attempt anything so reckless as to try to operate the trains with military forces. I say to anyone who is considering such a thing as that, please do not do it, because it will only end disastrously for all of us.

As I understand the situation, the President took over the railroads on the part of the Government based on the provisions of the 1916 law, the law which authorized the President to take over the railroads in the First World War. It authorized the President to operate the railroads during wartime. I understand that the President's order is based upon that old law, which I presume everyone thought was obsolete. I wish to remind the Members of the Senate and everyone else, for that matter, that in 1918 the Congress authorized payment out of the Treasury of the United States to the railroad companies of compensation for any losses which they suffered through Government operation of the railroads. I presume that law is also still in effect. I presume also, that inasmuch as the Government has now taken over the railroads, and they are suffering great financial loss because the trains are not operating, the Congress will be called upon to vote millions upon millions of dollars in order to compensate the railroads for the losses which they are now sustaining as a result of the strike. The situation with reference to World War I set a precedent for that kind of treatment. I believe it is very unfortunate that the President has taken over the railroads under the 1916 and 1918 laws.

Mr. President, I wish to read my proposal. It is not long. I shall read it into the Record and comment upon its provisions. I know positively that if this

proposal is enacted into law the railroads will operate for at least 200 days. I do not know whether the provision which is before the Congress at the present time would result in the operation of the railroads for one hour. There is no other provision now before the Congress, except the amendment offered by the Senator from Wisconsin. I do not understand how it would operate, but I should make an exception of it. Perhaps it would do something toward settling the present railroad strike. I do not know. But my amendment would result in the operation of the railroads for at least 200 days, and the rights of labor would not be violated.

Mr. President, my sympathies are with the men who operate the railroads. As the Senator from Idaho has said, those men who are called out on the lines at any time during the day or night, have grievances in many instances. I believe that their demands should be considered seriously, and that many of them should be met. My amendment would do nothing to violate, or injure the rights of those men.

Mr. President, my amendment reads as follows:

(a) Whenever the President determines that the Nation is imperiled, or the domestic tranquility or general welfare threatened—

I obtained those words out of the Constitution, Mr. President, in case some Senators may not recognize them—

by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employers of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

Mr. President, I can hear Senators say, "A simple proclamation by the President will not have that good effect. Certainly, if that is all your amendment means, the President could issue that kind of a proclamation without any law telling him that he may do so."

However, Mr. President, I have provided for sanctions in the next paragraph. I do not believe that we can deal with this problem tonight without making provision for the imposition of sanctions. I believe that sanctions must be provided for. I regret the necessity of putting sanctions into a law and having the railroad workers, or any other laborers whether organized or not, interpret the language as being directed toward them. However, when the Nation is in peril, and when its welfare is threatened, drastic action is called for.

I now read the next paragraph:

(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work, within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a), shall be deemed to have voluntarily termi-

nated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

Mr. President, that is a severe penalty to impose upon a railroad man. There is nothing quite so valuable to him as his seniority rights. They mean everything to him. They are counted from the time he starts working for the railroad, and they end only upon his retirement from railroad service. His runs, his wages, his employment, and all considerations granted to him by his employer are based upon his seniority. It is priceless to him.

Under the amendment a railroad man would not be taken out and shot if he does not work, and no physical penalty would be exacted from him; but if he does not work he loses that which is most precious to him, namely, his seniority. I know enough about railroadmen to know that they will not take any chance on losing their seniority rights. No; the amendment does not make refusal to work a crime.

Mr. CAPEHART. Mr. President, will the Senator yield to me?

Mr. JOHNSON of Colorado. I yield.

Mr. CAPEHART. I should like to invite the Senator's attention to the fact that at about this time, or possibly a little earlier last night, I asked unanimous consent to introduce a bill which would do exactly what would be done by the proposal which the Senator from Colorado has read, except with reference to the 100-day period. The bill which I asked unanimous consent to introduce last night was similar to the amendment which was offered by the able Senator from Illinois about 10 days ago. Last night I tried to obtain unanimous consent of the Senate to introduce the bill to which I have referred, and have it acted upon by the Senate. I agree 100 percent with the able Senator from Colorado that a provision such as is in the bill which I hold in my hand, will stop the railroad strike. I realize, as does the Senator from Colorado, that it is quite severe. I know of no way, however, of protecting 140,000,000 American people, than by in some way stopping the present railroad strike.

Mr. JOHNSON of Colorado. The strike must be stopped. I am sorry I did not give the Senator credit for the measure which he wished to propose.

Mr. CAPEHART. I do not want any credit for it. If any credit is to be given, it should be given to the Senator from Illinois, because I merely improved upon his amendment and tried to do so in the form of a bill. If we could have passed the bill last night and the House had acted favorably upon it today, no doubt by this time the railroad strike would be at an end and trains would now be moving. That indicates how much confidence I have in the suggestion which the Senator from Colorado has made and in the amendment which was offered by the Senator from Illinois. I agree with the Senator from Colorado that it is only along that line that we can do anything under the circumstances. I dislike very much to introduce such a bill as the

one to which I have referred, but I see no other way in which we can remedy the crisis which now confronts the Nation. We must protect the American people. In my opinion, our job is not to debate the merits or demerits of labor controversies and disputes between management and labor. Our job as Senators is to protect all the people all the time and not debate whether one side is right or the other side is wrong. Our job is to pass laws which will protect all the people. The duty of the courts is to enforce the laws. I do not think it is germane to pending legislation for Senators to take sides in disputes between employers and employees. Our job is to be fair and equitable to all people, to legislate for all 140,000,000 American people. I hope that is exactly what we will do, rather than take sides in any labor disputes.

Mr. JOHNSON of Colorado. I thank the Senator from Indiana for his comments. I read a part of the bill he presented last night for the consideration of which he asked unanimous consent, but so far as I read in it, it was almost an exact duplicate of the amendment offered a few days ago by the Senator from Illinois [Mr. LUCAS]. The amendment offered by the Senator from Illinois does not in my opinion affect the operation of railroads in any degree, and I will state why I do not think it does.

Under paragraph (g) of the second section of the amendment, on page 5, I find this language:

As used in this section the terms "employee," "representative," "labor organization," "affecting commerce," and "labor disputes," shall have the same meaning as in section 2 of the National Labor Relations Act as amended.

Of course, if the definitions are the same, then the amendment of the Senator from Illinois does not in any way apply to or affect the operation of railroads, because, as we know, the railroad unions and railroad labor are not under the National Labor Relations Act. There is a special act affecting railroad labor. That is why I offer this amendment, as a complement to the amendment which was offered by the Senator from Illinois.

I have the feeling, Mr. President, that if we had a lesser number of amendments in front of us, if we had the amendment that was offered by the Senator from Illinois, complemented by the amendment which I am offering now, and if they had been consolidated into a bill, we would have the legislation necessary to deal with the railroad strike and with the coal strike.

The amendment offered by the Senator from Illinois deals with the coal strike and strikes similar to the coal strike, while my amendment deals with the railroad strike. If we had these two amendments in a bill by themselves, the Senate would have something to act on.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. What does the Senator propose to do about the railroad strike? After all, the railroads have been seized already under an existing law. Why is another law needed at the moment?

Mr. JOHNSON of Colorado. I do not want the Government to seize the railroads. I think that is a very foolish thing to do.

Mr. TAFT. It has been done, however.

Mr. JOHNSON of Colorado. They were seized under the 1916 law; and, under the 1918 law—World War I law—the United States Treasury will be called upon to pay the railroad companies for any losses they sustain because of their seizure by the Government. That is what I am complaining about. My amendment does not contemplate seizing the railroads. I do not think the railroads should be seized. I do not think the proper way to solve the problem is for the Government to take them over—temporarily or in any other way—and especially I think it was a terrible mistake to take them over under the 1916 law, with the ensuing financial burden imposed on the Treasury to make up their losses, for which there was a precedent in 1918. There is no doubt in the world that the same thing will happen again.

Mr. TAFT. What does the Senator propose to do about the present strike?

Mr. JOHNSON of Colorado. This is what I propose to do. I should like to see the President return the railroads to the operators. I do not say anything about that in my amendment, but it seems to me that would be a sensible thing to do. What I propose is a very simple thing. It is so simple that I presume Senators will be dubious about it. I read the provision a moment ago, but I am glad to tell the Senator from Ohio what my amendment contains, because other Senators have come on the floor since I read it, and I should like to have them hear it. I shall read the first part of the amendment.

Whenever the President determines that the Nation is imperiled—

Certainly it is imperiled at the present time—

or the domestic tranquility or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation.

It seems like a very simple remedy, for the President to issue a proclamation to that effect, and call upon the employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work, until after the expiration of a hundred days following the date of the proclamation.

If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

Now here is the sanction, here is the penalty; and it is a severe penalty. Without accusing the railroad worker of crime, without molesting him in any way

from a physical point of view, without sticking a bayonet in his back and telling him to crawl on an engine or crawl on a freight train and operate the railroads, without doing any of those drastic things, we do something which is extremely drastic, extremely effective, but which is mild in comparison, and not so objectionable. The second subdivision reads:

(b) Any such employee who engages in a strike, slow-down, or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a) shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

That is a severe remedy.

Mr. TAFT. Will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. TAFT. Does the Senator think we can deprive the railroad worker of his seniority rights which he has acquired without any assistance from the Government, but by personal arrangement with the railroads?

Mr. JOHNSON of Colorado. Yes, indeed, I do. He got those rights because of the sufferance of the Government. They would be worthless to him if Government did not operate. He does not get those rights under any law, but certainly the Congress can take such rights away from him.

Mr. TAFT. I do not see how Congress can take those rights away from him.

Mr. JOHNSON of Colorado. I do not know why Congress cannot take them away from him if it wants to.

Mr. TAFT. Of course Congress has no right to take them away from him. They are not rights created by law, and I see no way by which Congress can deprive him of those rights. The railroads may attempt to do so, the railroads can do so now, but it would bring about another strike if the railroads did it. And who will get the seniority rights the man gives up? When the employees go back, the same seniority rights are going to exist, and nothing Congress may do will possibly destroy them. I cannot understand the remedy suggested by the Senator.

Mr. JOHNSON of Colorado. The Senator is jumping at conclusions. The Senator probably does not know how precious seniority rights are to the men. The proclamation is to be issued by the President. The railroad men are put on notice that if they go out on strike they are going to lose not only their jobs but their seniority rights, and as a result they are not going to strike against the President's proclamation. The proclamation would be issued only in a great crisis, only when the Nation is in peril. The President is not going to adopt such a drastic remedy as that in an ordinary small strike, but when the welfare of the country, when society itself, is threatened, when Government is threatened, certainly the President has to have some remedy.

The Senator from Ohio says that the Government has not that power. Yet I

understand that tomorrow we are going to be told that the thing to do is to pass a law making it a criminal offense to strike against the Government. If we can pass such a law as that, if we can make a crime of striking merely because under a 1916 law the Government took over the operation of the railroads, if we can pass that kind of drastic legislation, then certainly we can pass such legislation as I have suggested in the amendment.

Mr. TAFT. I am absolutely opposed to such legislation, so far as I am concerned. All the legislation and measures which have been proposed have acknowledged the right of men to strike or quit work. Penalties have been imposed only on the officers, and those who have organized the strike. That penalty exists today. Such men can be indicted today, as I understand, under the Smith-Connelly Act.

I certainly would not vote for any law which made it a crime for an employee to strike. Furthermore, I think that if we did that there would be universal defiance. It is not possible to put 200,000 men in jail. I think it is an utterly vain remedy for any strike. I do not favor the more drastic remedy, and I am only suggesting that I doubt whether the Senator's remedy is one which we can constitutionally impose.

Mr. JOHNSON of Colorado. I recognize that the Senator from Ohio is a very great lawyer, and I respect his opinion, especially on legal matters. I do not always go along with his judgment, and I think he is letting his judgment run away with his legal opinion in this case. I feel certain that if he will reflect a little more on the proposal he will not find any constitutional barrier against the adoption of such a provision. Of course, if the Senator from Ohio is correct, if we are not going to adopt any sanctions whatever against striking, we might as well forget legislation on the matter; we might as well quit; there is nothing we can do. Are we going to take this thing lying down? Are we going to let a few little organizations and a few organization leaders imperil the whole Nation, inflict famine and bloodshed and other ills upon the country? Certainly, if the strike continues that is what is going to happen. There is no question but that there will be suffering in every city of the Nation—in every part of the country. There will be tremendous losses of property. Food will spoil.

I talked the other day with a colonel who had just returned from India. He told me about the country there, the great jungles, what fertile land is there, the vast acreages of unimproved land in India. I said, "Tell me, Colonel, why it is then that 100,000 Indians starve every year? If they have all this fertile land and plenty of labor, why do they not reduce those jungles to fertile fields?" He said, "The answer is very simple. The reason the Indians starve is because they do not have transportation." He said, "They cannot get food from here to there, and as a result many starve to death."

Mr. President, if the strike continues we will be in the same condition. We will have the food, we will have the wheat, we will have the fat cattle, but we will not be able to get the fat cattle

and the wheat from the place where produced to the places where it is needed for consumption. Then we will be in the same situation as many of the people of Indian if we let the strike continue.

I wish to read two more paragraphs:

(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates to rates of pay, be made effective as of the date of such proclamation.

That means that after the President issues his proclamation, and after the men are required to go ahead and work or lose their seniority, they will be paid in accordance with the agreement which is entered into afterward; they will be paid up to the time the President issues his proclamation. In other words, the new pay rates, the new conditions which will be agreed upon, will be retroactive to the date when the President issues his proclamation.

There is one other short paragraph which I will read, and then I am through:

(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void.

That is in order to take care of the objection which has already been raised by the Senator from Ohio.

Mr. President, I submit the amendment.

The amendment submitted by Mr. JOHNSON of Colorado was received, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JOHNSON of Colorado to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place insert a new section as follows:

"SEC. —. (a) Whenever the President determines that the Nation is imperiled, or the domestic tranquility or general welfare threatened, by strikes, slow-downs, or other concerted stoppages of work, or threats of strikes, slow-downs, or other concerted stoppages of work, by the employees of any carrier subject to the provisions of the Railway Labor Act, the continued operation of which is essential to the preservation of the national health, safety, or security, he is hereby empowered to issue a proclamation to that effect calling upon such employees to refrain from engaging in strikes, slow-downs, or other concerted stoppages of work until after the expiration of 100 days following the date of such proclamation. If at the end of such 100-day period, the controversy shall not have been settled, the President shall have power to extend such period for an additional period of 100 days.

"(b) Any such employee who engages in a strike, slow-down or other concerted stoppage of work within such period of 100 days, or extension thereof, following a proclamation of the President under subsection (a) shall be deemed to have voluntarily terminated his employment and shall not be regarded as an employee of such carrier for the purposes of the Railway Labor Act, as amended, unless he is subsequently reemployed by such carrier, and, if he is so employed, shall not be entitled to any seniority rights based upon his prior employment.

"(c) Any agreement or settlement reached with respect to any such controversy after the date of issuance of a proclamation of the President under subsection (a), shall, insofar as such agreement or settlement relates

to rates of pay, be made effective as of the date of such proclamation.

"(d) Any provision of any contract inconsistent with the provisions of this section is hereby declared to be against public policy and to be null and void.

Mr. JOHNSON of Colorado. Mr. President, I wish to place in the RECORD an editorial which was published in the Evening Star of today entitled "The President's Duty." I hope that the President will read the editorial; I hope he will read it a half a dozen times, and I also hope that Members of the Senate will read the editorial, not once, but many times. It states the case exactly as it is. It points out the tragic situation which faces the country today, and it calls for a remedy in keeping with the situation we face.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### THE PRESIDENT'S DUTY

Because so few believed that it would come to pass and because it is certain to have such a shattering impact on the national welfare, the railroad strike seems to belong in a different category from the other strikes which have plagued this country since the war's end. But actually, except in the measurement of its consequences, there is no real difference.

In the railroad strike, the coal strike, the steel strike, the petroleum strike and in many of the other strikes involving powerful unions and great industries vitally affecting the life of the Nation there is clear and undeniable evidence that collective bargaining has failed. And the railroad strike, climaxing a succession of threatened railroad strikes which were prevented only by actions taken outside the law, demonstrates that the Railway Labor Act, possibly the best legislation of its kind in our experience, is a failure.

Equally clear are the principal reasons for the collapse of the machinery set up for the voluntary settlement of industrial disputes. These voluntary processes have failed because of an increasing disinclination to make them work. In some cases the employers have been at fault, believing that they could obtain a better settlement with their workers after a strike had forced Government intervention. In more cases the unions have been at fault. Slanted laws have given the men who belong to unions and the men who lead them enormous power, and experience has taught them that, frequently, they can use this power to coerce the public and to coerce the Government, thereby obtaining greater concessions than could be obtained through peaceful bargaining.

The railroad strike illustrates the point. Two out of 20 unions, representing 250,000 workers, forced the President by threat of a strike, to offer them a higher wage than had been recommended by the emergency board set up under the law. But the President did not bid high enough and the leaders of these two dissenting unions—men possessed of power far out of proportion to their sense of responsibility—have resorted to a strike which has crippled the country, believing that they can get what they want, whether reasonable or unreasonable, if the public can be made to suffer enough.

The question of placing blame, however, is of secondary importance. The significant fact, whether unions or employers or both are at fault, is that the public is the victim of their excesses, and that there is not now any legal means whereby the overriding public interest can be protected.

In this situation the duty of the President is clear. He has tried as best he could with the means at hand to keep our economy on an even keel. But there cannot be the slightest doubt that he has failed, nor that

the prestige and dignity of his office have suffered in the process. Furthermore, as failure piles upon failure, the prestige of the President will continue to diminish until a point is reached at which he will have little or no influence and we will witness the spectacle of the President of the United States being defied by every small-minded and arrogant spokesman for a minority interest with some selfish and often petty end in view. Clearly, there is no hope in this direction, and unless the country is to resign itself to a continuing and endless succession of utterly destructive industrial upheavals, the duty of the President is equally clear.

For the first time in more than a decade labor legislation is before the Senate. Some action is going to be taken, yet the various proposals now under consideration, desirable as they may be in themselves, are far from adequate. The imperative need is for broad and comprehensive legislative action—action which will be basically concerned with the protection of the public interest in a situation which has become intolerable. But the recommendation for that action should and must come from the President.

It would be a futility, however, to come forward with a timorous, halfhearted, politically motivated proposal. In the Star's opinion, the time has come for the President to put before the Congress a forthright recommendation for legislation setting up a system of compulsory arbitration, applicable to all industrial disputes vitally affecting the public interest and backed by sanctions sufficiently drastic to insure acceptance by the parties to the disputes.

Mr. MURRAY. Mr. President, I hesitate at this moment to address the Senate on the pending legislation but, as I understand, discussion of the legislation must continue at this time, notwithstanding the colloquy which has just taken place, which impresses upon us the serious crisis confronting the Nation as the result of the railroad strike. I would very much prefer, if it were possible, to delay my remarks until after we have heard from the President tonight, and at the joint session of Congress tomorrow afternoon at 4 o'clock. I am sure we are all waiting with great anxiety the recommendations of the President of the United States in the serious situation which confronts us. Nevertheless the pending legislation must go forward. Therefore I should like to take the time of the Senate in discussing the issues which are now before the Senate.

Mr. President, I wish to discuss in a general way the amendments now before the Senate through which it is claimed that industrial peace is to be restored to the Nation. Already Senators have pointed out in much detail the far-reaching effect of these proposals. Everything that has been said against these amendments has been demonstrated throughout the years to be the truth. As pointed out by so conservative a publication as the Wall Street Journal, which was read into the RECORD yesterday, they will fail absolutely in accomplishing any result except confusion and chaos in the field of labor relations. Let me quote from that editorial:

None of the labor measures recently brought forward deals at all thoroughly with the fundamentals of national labor legislation. Any one of them, if enacted, would leave Federal laws on the subject a patchwork of inconsistent and partly conflicting provisions for the courts to struggle with. The real need is not of more law but of less,

of simpler and more precisely expressed statutes designed first of all to render men and groups of men equal before the law.

Federal labor law should be thoroughly revised and codified. Until it is ready to tackle that job in an atmosphere of relative industrial peace, Congress would do well not to legislate on labor.

Mr. President, no one familiar with the past history of labor relations in this country can fail to see the consequences which will ensue from the adoption of these violently restrictive proposals now before the Senate. These amendments would take away from men their fundamental rights if they sought to better their conditions. All this is sought in the name of industrial peace. Of course, it is obvious that such laws would accomplish just the opposite of what is desired. If Congress is induced to pass this legislation, taking away rights of the working people, it will turn us back to all the evils which we spent 50 years in endeavoring to correct.

During the course of this debate, Senators addressing this body have expressed profound concern over the dangers inherent in attempting to enact this kind of legislation in the heat of excitement and emotion.

Nevertheless, ever since the opening of this debate, the situation has grown steadily worse. The reason for this development it seems to me, is that the underlying causes of the crisis which we are confronted with have been ignored.

We are attempting only to attack the symptoms, and we are approaching them with feelings of ill-will and emotion.

We have failed to note that all these labor disturbances which we are contending with have sprung from the economic and social upheavals of the war. At the end of the war, industry was confronted with the need of making tremendous adjustments in returning to peacetime production. A program of reconversion was in order. The Congress passed liberal laws to aid industry in reconversion.

But, Congress took no action in that direction for labor. Labor was left with its problems and required to fight it out with management the best it could under the democratic processes of collective bargaining. But, management has had the whip-hand. It occupied a position of great advantage. It came out of the war with huge earnings and a disposition to be adamant against the demands of labor in its claims for the adjustment of wages and working conditions. It realized that a strike at this time would arouse the resentment of all who might, as a result, suffer inconvenience. So, management bluntly rejected the claims of labor as revolutionary and impossible. On the other hand, the workers contended that their claims were just and fair and equitable in view of the situation in which they found themselves stranded at the end of the war.

So, there was a failure to work out contracts between management and labor to readjust the workers to peacetime conditions, and we began to witness a series of shut-downs because of a lack of contracts.

The finding of a scapegoat upon which to place the blame or responsibility for these conditions can serve no purpose.

In his message to Congress warning against the enactment of repressive legislation affecting either side in the struggle for readjustment, the President said:

I hope that the Congress \* \* \* will not adopt repressive or coercive measures against either side. A free American labor and a free American private enterprise are essential to our free democratic system. Legislation which would stifle full freedom of collective bargaining on either side would be a backward step which the American people would not tolerate.

But, Mr. President, notwithstanding these fine words, the country is left in a state of confusion. Our citizens are properly shocked by the distressing results from the shutdown of the coal mines. At this moment an organized effort is on foot to place the sole blame for the closing of the mines on the workers, and in total disregard to the President's appeal, all sorts of repressive, coercive, and punitive measures are now being proposed against the workers. It is assumed, without any proof whatsoever, that the workers are solely to blame. Daily we read editorials denouncing John L. Lewis, the spokesman for the mine workers. Scores of cartoons are being published in which that heavy-browed leader "is symbolized by every sort of animal from weasel to the lion."

Last Sunday all the newspapers in the country carried reproductions of a photograph of John L. Lewis and Charles O'Neill in conference. That photograph shows these two men to look enough alike to be psychological twins. As one writer points out, "both have lowering eyebrows. Both are in need of girth-controlling diet. Both are expensively dressed and enjoying what look like good cigars. But the resemblance goes much further than such matters of dress and avoidupois." In both cases there is an appearance of extreme pugnacity and unwillingness to compromise.

Now, Mr. President, each of these men have powerful backing. Mr. O'Neill has behind him all the wealth and influence of the mine owners. Lewis represents the power of a half a million mine workers. One represents organized capital—the other organized labor.

During the long weeks of this crisis these men have fought in just about the same way. Neither displayed much regard for public convenience or welfare. It has been said by one critic that "their arguments take the form of occasional grunts."

But, Mr. President, all the bitter attacks published in the press have been leveled exclusively against the workers and not against the operators.

It is assumed that if a strike interferes with production, some labor leader must be the devil in the woodpile. It never occurs to most writers and cartoonists that it takes two to make a quarrel. So, Lewis is assailed as the villain in the case and O'Neill is referred to as a sort of industrial statesman representing the operators.

Mr. President, this is not the first time that the Senate has had before it demands for hasty legislative action to meet a crisis precipitated through the failure of the Congress to enact appropriate leg-

islation designed to obviate the fundamental causes. In 1943, in the heat of a controversy over a stoppage of war production in the coal mines, we debated and passed the War Labor Disputes Act, more commonly known as the Smith-Connally Act. That was the most ill-conceived and ill-considered piece of legislation ever to come before the Congress. In his veto message of June 25, 1943, President Roosevelt warned the Congress that the Smith-Connally Act would not lessen, but would promote, industrial strife. That prediction was fully borne out by subsequent events.

Had it not been for the far-sightedness of President Roosevelt in obtaining a no-strike pledge from the major labor organizations at the very beginning of the war, it is probable that the Government's machinery for settling labor disputes would have broken down in wartime under the influence of that legislation just as it did break down at the end of the war when the no-strike pledge no longer operated.

But now again, Mr. President, we are witnessing a drive for further restrictive labor legislation based on emotion. As I have already pointed out, even such a conservative newspaper as the Wall Street Journal describes this as unwise legislation and warns against it.

Mr. President, in recent months we have witnessed a series of strikes from one end of the country to the other.

We have also witnessed an increasing demand for constructive action by Congress—action to avoid the ill effects of these strikes and to promote cooperation and industrial peace.

I am one of those who believe that the situation calls for the most careful and constructive legislation that will avert further confusion and discord. America is no longer an agricultural country; it has become a highly complex industrialized economy in which the laissez-faire theory of government is completely outmoded. A shut-down of the coal industry creates far-reaching complications in our economy and Government cannot stand idly by.

As the elected representatives of the American people it is our responsibility to act; to act without prejudice and emotion; to act without delay; and to act wisely.

It is my judgment that the American people want a realistic and comprehensive program of legislation that will go to the roots of these conflicts between capital and labor and usher in a period of cooperation—a period of peaceful prosperity and expansion. Thoughtful citizens, like the editor of the Wall Street Journal, are disappointed to find every strike situation used as an excuse for a frenzied drive to weaken the rights of American labor, and to forestall a statesmanlike program of effective action.

To map out a realistic program we must first determine the real causes of conflicts between management and labor.

Cause No. 1 has been the rapid increase in the cost of living. As a result of the war, the cost of living has gone up 24 percent since 1941, and 12 to 15 percent

since October 1942, when wage stabilization went into effect.

These price increases, however, do not take into consideration the enormous increases in living costs due to the black market. Price control violations have been eating away at the pocketbooks of every family in the country. The over-all statistics also conceal the particularly acute situations which have developed in certain areas of the country—notably in the coal regions. There the miners are at the mercy of the company stores. There enforcement of price controls because of inadequate funds and personnel has been notoriously inadequate.

But what has happened to wages during that same period? Average hourly earnings for all manufacturing have risen 20 percent above October 1942. But it is "take-home" pay, or average weekly earnings, that determines the workers' income. Average weekly wages for all manufacturing have gone up only 6.1 percent since October 1942. In fact, they have not kept pace with even the official cost of living. And they have, of course, fallen far short of the actual rise in living costs, if black-market prices and deterioration of quality are taken into account.

Moreover, "take-home" pay has been dropping rapidly in recent months. As a result of reduction in both hourly pay and weekly hours, average weekly wages for January 1946 were 13.1 percent below those of January 1945.

That is not the whole story, however; when the American worker demands an increase in base pay, he is not asking for more money for the same work. His output per hour is substantially above what it was back in 1941 when his basic wages were frozen to the cost of living under the Little Steel formula. Output per man-hour has risen about 5 percent each year since 1935, or close to 50 percent.

The worker has continually produced more for each hour of work. What he is asking now is that he be paid in accordance with what he produces. This is a matter of simple justice. It is also a matter of basic necessity in order to maintain high production and continuing purchasing power to absorb the increased output of industry.

There is also the question of what has happened to profits. The lag of wages behind productivity is evidence enough that profits have been swelling all out of proportion. And the figures certainly verify this conclusion.

During the war period of 1942 to 1945, average annual corporate profits were approximately \$23,000,000,000, or more than four times the average of the pre-war 1936-39 period. And even after deduction of taxes, the annual average was more than \$9,000,000,000, or 2½ times the comparable average for 1936-39.

For particular industries, the figures are even more striking. In textiles, 1944 profits before taxes were 6 times the 1936-39 average; for electrical equipment about 5 times, for printing and publishing 4½ times, for rubber 6¼ times, for transportation equipment over 4 times, and for lumber and timber over 12 times.

Is it any wonder that working men and women are aggrieved and feel impelled to strike in order to obtain a better share of the products of their labor so that they may build for themselves and their families a standard of living more in keeping with American ideals? The greatest cause of strikes today is the profiteer who sees in a period of short supply, the natural aftermath of the war, an excellent opportunity to increase his profits at the expense of the American people.

The answer to the rising cost of living is clear. On the one hand, we need an extension of the Price Control Act for an adequate period of time, without crippling amendments, together with adequate funds for administration and enforcement.

On the other hand, we need extension of the minimum wage law, without inflationary amendments, to allow those now receiving substandard wages to come just a little bit closer to catching up with the cost of living.

A second cause of labor disputes, in my opinion, is the rapid growth of monopoly and the concentration of business and industry in the hands of a small group. There are some persons who seem to think that the problem of prices and the cost of living is a strictly temporary phenomenon occasioned merely by the shortages resulting from the war. As soon as we recover from wartime shortages, they claim, then the law of supply and demand will come into its own, and prices will be determined on the basis of competition between business enterprises. This approach reveals an appalling ignorance of the economic facts of life. Prices are no longer determined primarily on the basis of competition. Prices are increasingly controlled by the handful of monopoly interests which dominate almost every branch of our economy.

Mr. President, in an article which appeared in *Fortune* magazine in March, 1938, I find the following statement:

In the progress of mankind there was a time for the Dark Ages, another for the Renaissance, another for an Industrial Revolution. There was a time for the building of America, for the creation of bigger markets and bigger pay rolls and, inevitably, bigger industrial units. And that is our time.

In our time men have become conditioned to the idea of bigness. They believe that to grow big is almost of necessity to progress. They believe that the expansion of American enterprise necessarily involves the corporate expansion of its units. And they are taught that the corporate expansion of the units should result in bigger profits, individually, to the economy as a whole.

American business was founded upon the principle of free competition maintained through free markets. But during the era of bigness the units of business became so big that they developed a fear of price wars; they dared not compete against themselves, and no one dared to compete against them. There consequently emerged the super-units—well-defined industrial groups whose members act in concert and whose aim is not competition but, on the contrary, price stabilization.

But inasmuch as these policies impinge upon and invade the sphere of public welfare, they impinge upon and invade the functions of government. By its very office, government must intervene.

Mr. President, what is the connection between monopoly control and labor disputes? First of all, monopoly control means higher prices, prices that drive the wage earner to demand higher wages. Second, monopoly prices mean higher profits for the privileged few, profits that sharpen the contrast between the position of capital and the position of labor, and make it inevitable that the wage earners demand a larger share of the national income. Third, monopoly profits mean vast economic power in the hands of a few business enterprises, power to force their employees out on strike and to sustain, with little trouble, the losses resulting from the strike. In such an endurance contest between the unlimited financial resources of monopoly and the hunger of men and women on strike, monopoly will invariably gain the upper hand. Fourth, monopoly economic power means the political power to gain control of parties, to elect members of Federal, State, and local governments, to destroy democratic principles and to block liberal legislation.

During the period between World War I and World War II monopoly power in America grew by leaps and bounds.

I ask unanimous consent to have inserted in the RECORD at this point a statement entitled "Basic Facts on Concentration of Economic Power Before World War II."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BASIC FACTS ON CONCENTRATION OF ECONOMIC POWER BEFORE WORLD WAR II

The 45 largest transportation corporations owned 92 percent of all transportation facilities of the country.<sup>1</sup>

The 40 largest public-utility corporations owned more than 80 percent of the public-utility facilities.<sup>2</sup>

The country's 20 largest banks held 27 percent of the total loans and investments of all the banks.<sup>3</sup>

The 17 largest life insurance companies accounted for over 81.5 percent of all the assets of all life insurance companies.<sup>4</sup>

The 200 largest nonfinancial corporations owned about 55 percent of all the assets of all the nonfinancial corporations in the country.<sup>5</sup>

One-tenth of 1 percent of all the corporations owned 52 percent of the total corporate assets.<sup>6</sup>

One-tenth of 1 percent of all the corporations earned 50 percent of the total corporate net income.<sup>7</sup>

Less than 4 percent of all the manufacturing corporations earned 84 percent of all the net profits of all manufacturing corporations.<sup>8</sup>

No less than 33 percent of the total value of all manufactured products produced under conditions where the four largest producers of each individual product accounted for over 75 percent of the total United States output.<sup>9</sup>

<sup>1</sup> National Resources Committee, June 1939: *The Structure of the American Economy*, pt. 1, p. 106.

<sup>2</sup> *Idem*.

<sup>3</sup> Twentieth Century Fund, Inc.: *Big Business, Its Growth and Its Place*, 1939, p. 9.

<sup>4</sup> National Resources Committee, op. cit., p. 103.

<sup>5</sup> *Ibid.*, pt. 1, p. 107.

<sup>6</sup> President of the United States in his message to Congress April 20, 1938: 75th Cong., 3d sess., S. Doc. 173, *Strengthening and Enforcement of Antitrust Laws*, p. 2.

<sup>7</sup> *Idem*.

<sup>8</sup> *Idem*.

<sup>9</sup> Temporary National Economic Committee,

More than 57 percent of the total value of manufactured products was produced under conditions where the four largest producers of each product turned out over 50 percent of the total United States output.<sup>10</sup>

One-tenth of 1 percent of all the firms in the country in 1939 employed 500 or more workers and accounted for 40 percent of all the nonagricultural employment in the country.<sup>11</sup>

In manufacturing 1.1 percent of all the firms employed 500 or more workers and accounted for 48 percent of all the manufacturing employment in the country.<sup>12</sup>

One-third of the industrial-research personnel were employed by 13 companies. About 150,000 industrial corporations were without research laboratories.<sup>13</sup>

Mr. MURRAY. Mr. President, the table I have just inserted in the RECORD reveals that in 1931 the 200 largest non-financial corporations owned about 55 percent of all the assets of all the non-financial corporations in the country. One-tenth of 1 percent of all the corporations owned about 50 percent of total corporate assets and total corporate net income.

That was the picture immediately before the war. During the war the trend toward the growth of monopoly was tremendously accentuated.

When the defense program began Government turned to big business for the production of military goods and equipment. Small business was brushed aside.

On September 30, 1944, 100 corporations held 75 percent of all outstanding prime contracts. Big business corporations also received the great bulk of sub-contracts. They received the bulk of the new war plants which had been built with Government funds or financed through the amortization provisions of the tax laws.

Mr. President, in the *Washington Post* this morning there appeared an article in which it was stated that the United States Steel Corp. had taken over the big plant at Geneva, Utah, which had cost originally \$200,000,000. The United States Steel Corp. obtained the plant for the sum of \$47,500,000.

Big business also got most of the contracts for scientific research. Under those contracts, for the most part, the corporations which carried on the research will have control, through patents, of the postwar commercial applications of such research.

Furthermore the big corporations of the country succeeded in obtaining tax exemption for the expenses involved in huge advertising campaigns designed to build up their prestige in the public mind.

As a result of all those influences, the position of big business increased in each successive year of the war. In 1939 firms with more than 1,000 employees ac-

monograph No. 27, *The Structure of Industry*, p. 275.

<sup>10</sup> *Idem*.

<sup>11</sup> Howard R. Bowman, Donald W. Paden, and Genevieve B. Wimsatt: *The Business Population in Wartime*, Survey of Current Business, May 1944, pp. 12-13.

<sup>12</sup> Department of Commerce and Bureau of Old-Age and Survivors Insurance (see app. B).

<sup>13</sup> Works Progress Administration, National Research Project on Reemployment Opportunities and Recent Changes in Industrial Techniques, Industrial Research, and Changing Technology, 1940, pp. 45-46.

counted for 30 percent of the total employment of all American trade and industry. By 1943 this figure had risen to 44 percent. In 1939 firms with more than 1,000 employees accounted for 36 percent of the total pay roll. In 1943 this figure had risen to 53 percent.

Since the end of the war large industrial and business concerns have been steadily absorbing smaller firms. In the fourth quarter of 1945 the rate of mergers and acquisitions in manufacturing was higher than at any time in the previous decade and a half. This should be a warning to all of us that monopoly is on the march.

Mr. President, at this point I should like to read a portion of an address entitled "Business Restrictions Upon the Market," which was delivered by Hon. Wendell Berge, Assistant Attorney General of the United States, before the American Marketing Association on Thursday, May 16, 1946. It reads as follows:

In the lifetime of the present generation we have witnessed a profound and calculated increase in the rise of economic monopoly, the concentration of economic power, and the drive to eliminate competition as the organizing principle of the market. We have become sharply conscious of a revival of economic feudalism, of a renewal of the philosophy of privilege, and the reappearance of a whole array of monopolistic devices intended to destroy the free market.

Our national economy is not mature. Our capacity for economic growth is tremendous, but it will not take place without effort. Difficult and vexing situations incident to reconversion must not be permitted to warp the immense opportunities of the years ahead. If labor, Government, and industry cooperate wholeheartedly in utilizing the vitality and flexibility of our economic system, the American people will go forward to levels of production and abundance which we have only begun to glimpse. Abuses of economic power to limit and dominate the free market can jeopardize this future. It is among our first concerns to make certain that the opportunity and the promise within reach are given every aid to their realization. In this undertaking enterprise is at stake, and with it the fate of economic freedom.

The growing political power of monopoly is evidenced in many ways. There is the current drive to cut the antitrust law into shreds by exempting insurance companies, railroads and newspapers, and by preventing adequate appropriations for the Antitrust Division. There is the attempt to tighten banker control of the railroads. There is the drive of the power trust against the Missouri Valley Authority and other similar measures which would tend to promote small business and new competitive enterprises in the industrially backward areas of the country. There is the campaign of the large banks against any public program that would make capital available for small business and competitive enterprises.

Above all, there is the current campaign to restrict the rights of labor and entrench monopoly control over the lives and destinies of the American people. The antilabor amendments now pending before the Senate will further strengthen this campaign.

The answer to the problem of monopoly lies in a broad program to prevent increased concentration of economic power, to break up monopolies where

that is at all possible, and to devise appropriate forms of public control over monopolies which cannot be broken down. It also calls for preservation of the antitrust laws, adequate appropriations for the Antitrust Division, loans for small business, and developmental projects to expand industry in backward areas.

In my opinion, such a program would go a long way toward reducing the causes of disputes between management and labor.

In addition to the cost of living and the growth of monopoly, a third cause of labor disputes is our present system of taxation.

For many years, the tax burden in America has fallen too largely upon the shoulders of those least able to pay.

Let me be a little more specific about the effect which taxes have on the purchasing power of the average worker. Let me add the impact of Federal taxes to the impact of rising living costs, and see how the average man or woman now stands as compared to 1939.

It has been calculated that a married man, without children, earning \$2,000 a year, would have \$1,830 left after income and social-security taxes. This would buy about the amount of goods and services that could have been purchased in 1939 with \$1,250 or \$1,400, depending on which cost-of-living index is used.

On the same basis, a \$1,500 income would buy about \$1,000 to \$1,100 worth of 1939 goods and services, and a \$1,000 income would buy about \$600 to \$700 worth. And I am not talking about a small minority of the population. There are about 30,000,000 wage earners and their families included in these income brackets.

For many years, the large industrial and business organizations in America have been enjoying unfair advantages under our tax laws. For many years they have been using devices invented by high-powered law firms. They are devices which, though they may be within the letter of the law, nevertheless represent unjust evasions of the spirit of the law.

But during the last few years we have seen a new device in the history of taxation, a new method whereby monopoly is enabled to enhance its economic and political power. I refer to the carry-back and carry-forward provisions of the tax laws.

During the hearings on the 1942 tax laws, representatives of our big corporations argued that the engineering costs of conversion from war to peace would be so great that industry could convert only if it were given tax exemption during the war for the purpose of building up postwar reserves. It was argued, however, that it would be impossible during the war to calculate how much of a postwar reserve any company might need.

Accordingly, the present carry-back and carry-forward plan was devised. The theory behind this plan was that a corporation should be able to average off its wartime and postwar profits in order to be able to sustain the losses incurred in converting their plants from war to peace. In essence, this plan means

that every corporation has been given a postwar reserve equal to the total amount of normal taxes and excess profits taxes paid during the preceding 2 years. It is provided that out of this reserve, the United States Treasury compensates corporations at the rate of 81 cents on every dollar of decreased income and 81 cents on every dollar of loss.

In August 1944 when I discussed this matter on the floor of the Senate, I pointed out that at that time the postwar reserve set up for American corporations under these provisions of the tax laws amounted to \$28,000,000,000—the estimated amount of normal and excess profits taxes levied during 1943 and 1944. (See CONGRESSIONAL RECORD of August 9, 1944, p. 6898.) Today this fund amounts to more than \$31,000,000,000—the estimated total of all normal and excess profits taxes paid by corporations for 1944 and 1945.

Although the argument in favor of these provisions of the tax laws was presented to Congress in terms of the need for meeting the engineering costs of reconversion, there is nothing in the law which would prevent this huge reserve from being used to compensate a corporation for losses sustained through strikes—strikes which might easily have been avoided under honest collective bargaining.

Let us suppose that there is a strike which lasts for 100 days. To the workers on strike, this means 100 days of deprivation, sacrifice, and uncertainty. It means 100 days during which bonds are cashed in, debts are incurred, insurance policies are canceled, and bills mount higher and higher.

To the corporation, however, it means not 100 days of financial loss, but 19 days of loss. This is so because for every \$100 loss, the Federal Treasury will give the corporation \$81. If my figures are not complete, it is because I have not taken into consideration the extent to which financial manipulation and involved bookkeeping methods could succeed in giving a corporation far more than 81 cents of return on a dollar of loss. It is entirely possible, and entirely within the ability of the accounting experts for a corporation to obtain far more than a dollar from the Federal Government for every dollar loss during a strike.

The A. F. of L. executive council recently expressed the belief that governmental tax policies had put industry "in a favored position" where it could resist demands of the workers and sustain prolonged strikes "without financial loss, regardless of the public interest."

Obviously, as the A. F. of L. points out, these provisions of the tax laws do not have the effect of inducing a reasonable attitude on the part of management in its wage negotiations with organized labor. Rather, these provisions induce a stubborn and arbitrary attitude, since management would have little or nothing to lose—perhaps even something to gain—by a strike.

The remedy for this situation is a complete revision of the tax structure—a revision that will not only provide for taxation in accordance with the ability to pay, but will also wipe out all provi-

sions of the tax laws that subsidize strikes.

A fourth cause for labor disputes is the lack of a national system of health insurance.

Under present conditions, the costs of medical and hospital care represent one of the greatest threats to the security of the average workingman and his family. Sickness and disease do not respect the size of one's pay check or bank account. They frequently wipe out a family's savings and lead to heavy borrowing. When the breadwinner of a family is sick, he and his family face the twin calamity of mounting medical bills and the cessation of wages.

Because medical and hospital care is so expensive, the ordinary worker tends to postpone going to a doctor. For him, there is no such thing as preventive medicine. For him, medical care is a luxury resorted to only after it is too late for prevention.

The ever-imminent threat of accident and disease is an important factor in the demand for higher wages. In the absence of an adequate insurance fund to meet the costs of medical and hospital care, the only security for the worker and his family can be a larger bank account.

Consequently, there has been an increasing interest on the part of organized labor, in negotiating with employers, for the creation of special health insurance plans.

The present controversy between the United Mine Workers and the coal operators is only one in a growing number of such cases. Some companies have already agreed to establish plans of this type. A survey by the Social Security Board revealed that in 1945 there were 115 such plans in existence.

How simple it would be to dispose of the multiplying disputes between management and labor regarding health and welfare funds by making a single health insurance law! This is exactly what organized labor prefers, in order to remove the entire question of health insurance funds from the sphere of collective bargaining.

The present demand of the mine workers for a health and welfare program is little understood by a large section of the public.

I should like here to call attention to a discussion of this matter by a well-known writer for the Washington Post, Mr. Alfred Friendly, which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER (Mr. WHERRY in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post of May 19, 1946]  
HE MAY GET 3 PERCENT—JOHN L.'S ASKING FOR NOTHING NEW IN FUND DEMAND

(By Alfred Friendly)

When John L. Lewis' proposal for a health and welfare fund was rejected last week by the soft-coal operators, one of their grounds was that it represented a new social theory and philosophy.

So revolutionary was the idea, the operators implied, that it should be thoroughly studied by Congress before it was installed;

because it had such broad national implications and repercussions, it should not first be tried out, in the absence of public policy, on the coal industry.

It is somewhat difficult to follow this line of reasoning. Whatever the merits or demerits of the miners' demand for a welfare fund, the notion does not appear to be new or revolutionary in theory or philosophy.

Quite aside from such plans in Europe and even Asia, there are many health, welfare, insurance, and pension funds in the United States which embody all of the basic ideas.

#### THE ESSENCE OF IT

The principal elements in the miners' plan are:

1. It shall be paid for entirely by the employers. They are asked to contribute an amount equal to 7 percent of the industry's pay roll.

2. It shall be administered solely by the union.

3. It shall be used to provide medical care, hospitalization, accident and death benefits other hardship compensation, vocational retraining for disabled miners, and even "cultural and educational" grants.

The Bureau of Labor Statistics reports that more than 600,000 American workers are covered by somewhat similar health-benefit programs set up by union-management contracts. (This does not include possibly a million more covered by life insurance schemes, by health and welfare plans outside collective-bargaining agreements, by voluntary participation plans, or by systems installed unilaterally by either unions or employers.)

#### THE PATTERN HOLDS

Most of the plans written into labor contracts are financed entirely by the employer, whose contribution is usually 2 or 3 percent of pay rolls. In some cases the contribution runs as high as 5 percent.

Of these systems, a little more than one third are jointly administered by union and employer. In another third, insurance companies assume the principal administrative responsibility. Somewhat less than one-third are run solely by the union.

Most plans in the last-named category are financed entirely by the employers.

#### ONLY HALF FOR HEALTH

The most important of these is a plan of the International Ladies Garment Workers Union (AFL). The employer usually contributes 3 to 4 percent of his pay roll. One-third to one-half of this amount is allocated for health benefits; the rest is used for vacation and retirement provisions.

In some instances the amount of the benefit and the rules under which claims are paid are determined by a joint union-management committee. But in other cases the determination is entirely in the hands of the union.

The ILGWU plan covers about 150,000 workers. Health and hospital benefits are paid, many elaborate health centers are maintained and in tubercular cases (occupational disease of clothing workers) sanitarium treatment is provided during the entire illness.

#### SURGICAL BENEFITS PAID

Another system is that of the New York City Laundry Workers division of the Amalgamated Clothing Workers (CIO). In this case, the employers contribute 1 percent of weekly pay rolls and the fund is administered by a seven-man union board.

Local unions of the United Hatters, Cap and Millinery Workers (AFL) in several large cities have also negotiated union-administered health benefit payment plans. Employers contribute 2 percent of the pay rolls.

In some cases the governing board for the fund has employer representation; in others, it is entirely union run.

Hospital and surgical benefits are paid, and disability benefits equal to half of the

worker's wage are paid for as much as 20 weeks in 1 year.

#### MERE FIGUREHEAD

Most of the so-called jointly-administered plans are financed entirely by the employers. And while the employer shares in controlling the plan, the BLS states that the "day-to-day administration is actually in union hands."

In most of the programs, regardless of the type of administration, there are weekly disability benefits of 50 to 60 percent of an employee's regular earnings. The maximum benefit period runs from 13 to 36 weeks. Payments for hospital care are also usually provided, running from \$4 to \$5 a day for 31 days.

A major provision in virtually all of these plans, and one with important bearing on the mine workers' demands, is that they do not cover disability caused by occupational accidents. This is because there are State workmen's compensation laws protecting workers injured on the job.

#### THE "COVERAGE" DOESN'T

But some 20 States have optional workmen's compensation plans. The employer may or may not choose to participate. And in many of the Southern States the benefit payments are woefully low.

If a miner is injured in line of duty in a mine which does not participate in the State plan the miner's only recourse is to sue. The trouble here, the union insists, is that the principal medical testimony will come from the company doctor.

The miners also cite the disaster last December at Four Mile, Ky., in which 24 lives were lost. Suits against the mine are to no purpose, for it was incorporated for a trifling sum, its property was mortgaged to its full worth, and there were no assets to be seized.

#### HE'LL GET SOMETHING

From experiences such as this, Lewis is therefore demanding that his welfare plans also provide benefits for occupational injuries.

It is almost a certainty that Lewis will acquire a welfare fund, though probably not as large as he is demanding. Two or 3 percent seems a more likely figure.

It is also probable that the fund will be jointly administered, or run by a tripartite trusteeship, with public or Government representation.

Finally, one provision of the contract may require all mines to participate in State workmen's compensation laws. The operators have already offered this proposal and they may use it as a lever to reduce the size and scope of the welfare fund.

Mr. MURRAY. Mr. President, the present controversy between the mine workers and the coal operators has thus far centered around the confused question of the health fund.

Mr. President, the question of the coal strike and the miners' health fund has been discussed at length on the floor of the Senate. I find something very perplexing in the attitude of those who contend that the present crisis in the coal industry calls for legislation limiting the rights of labor.

On the one hand, they all agree that the health problem in mining areas is extremely acute. I do not believe there is one man in the United States Senate who will deny that there is a serious need for improved health services for the coal miners of America.

Yet, on the other hand, I have yet to hear a constructive proposal from those who are calling for antilabor legislation—a proposal that would actually do something to improve the health of the miners, and therefore remove one of the

most direct causes of strikes in the coal industry.

Mr. President, I do not believe in enacting national legislation to meet the needs of a specific, localized situation. Yet those who favor the restriction of labor's rights are calling for national labor legislation because of the fact that a dispute over health plans has arisen in the coal mines.

If we are to enact national legislation to deal with a localized problem, then, in the name of logic, let such legislation be aimed at the problem which has given rise to the coal strike!

Then, let us enact the national health bill, S. 1606, and thereby establish a national health insurance fund which will bring adequate medical and hospital care within the reach of every miner in America, and the dependents of every miner!

If this action were taken by Congress, Mr. President, the fundamental basis of the present coal dispute would completely disappear. The miners, like all others, would have a health-insurance fund, soundly conceived and soundly administered. The effect upon labor relations in the mining industry would be incalculable.

No, Mr. President; there is no fundamental answer to the miners' health problems other than the creation of a national system of health insurance.

But the case for national health insurance does not rest entirely upon the situation in the mines. It rests upon a Nation-wide need for improved medical and hospital care.

It rests upon the fact that private insurance plans have proved totally incapable of bringing adequate medical and hospital care within the reach of the great masses of our people.

It rests upon the fact that national health insurance would contribute to labor peace, not only in the coal mines, but in every branch of industry and trade as well.

In this situation, as in many others, the way to prevent strikes is not by curtailing the rights of labor, but by protecting those rights so as to maintain the proper equilibrium between management and labor. Instead of curtailing the right to strike, we must give the people of America the right to health. By so doing, we would remove one of the most prolific causes of conflict between capital and labor.

A fifth cause of labor disputes is bad housing.

Let me quote from the article by Mrs. Agnes Meyer which appeared in the Washington Post on May 8, 1946, and described living conditions in the mining areas of Kentucky:

At Fourmile I began my study of the miners' living conditions. The company houses are hovels so abominable that no human being should live in them. The roofs leak, the wind blows through crevices in walls and floors, the destitution and filth of generations are everywhere evident. Two families had lived for 30 years right at the mouth of the mine. These shacks with a local lumber supply had cost less than \$50 to \$75 to build originally. Yet these families, for 30 years, had paid first \$6, then \$9, a month, or some \$3,000 in all, for this abomination of a house and for the privilege of

working from father to son in daily risk of their lives when they entered this mine. There is no running water in such camps. One family uses a dirty trickle of a stream that comes from the hill where pigs run and cattle graze. Others use moldy, polluted old wells. Many walk blocks to the nearest source of water, which may be a clean spring in the higher locations or a dirty one if it is in the valley. The open outdoor toilets are often near the water supply. Refuse lies in the streams and in the all-pervasive mud.

The small children in these families are undernourished and scabby-faced, either with skin diseases or filth. The miserable commissary in this mine has an inadequate variety of foods. Other stores are miles away. From 5 to a top of 22 children are crowded into these houses.

Mr. President, I have heard many distinguished Members of the Senate allege that the coal strike calls for legislative action to curtail the rights of unions. I am still waiting for any such Members of the Senate to propose a plan for doing something about company housing.

True, the other House now has before it the long-range housing bill which only recently was passed by the Senate. Yet, to my knowledge this bill contains no specific provisions for coming to grips with the problem of company-owned housing such as we have come in contact with in the coal industry.

Naturally, it is extremely important, as part of a program for preventing labor disputes, to have expeditious action by the House of Representatives on the housing bill as passed by the Senate. But it would also be helpful, I submit, to have additional housing legislation setting up a program to eliminate and solve the company housing problem about which Mrs. Agnes Meyer has written in the Washington Post.

A sixth cause of labor disputes is the failure of Congress to extend the social security laws.

I refer to the proposals that have been made again and again to improve unemployment insurance, to improve old-age and survivors' insurance, and to establish disability benefits to compensate for the loss of wages while people are out of work because they are ill.

It was early in the course of the war that Congress set up its insurance fund for corporations through the carry-back and carry-forward provisions of the tax laws. There was no delay on that measure.

Mr. PEPPER. Mr. President, will the Senator from Montana yield to me for a question?

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Florida?

Mr. MURRAY. I yield for a question.

Mr. PEPPER. I will ask the able Senator if it is not correct that proposed amendments to the social-security law contemplate insurance benefits or payments to individuals who might sustain disability through some permanent injury, but that such proposals have not by the Congress been enacted into law?

Mr. MURRAY. That is exactly true.

Mr. PEPPER. And if we did have legislation of that character in existence today, would that not have eliminated the necessity of John L. Lewis demand-

ing that there be provided out of the coal industry a fund to take care of the miners who have their backs broken and otherwise have sustained total and permanent disability.

Mr. MURRAY. I think it is obvious that if we had such a law there would be no need for the demand now being made by John L. Lewis.

Mr. President, during 1944, as chairman of a subcommittee of the Military Affairs Committee, I took an active part in mapping out the legislation that expedited the industrial conversion of business. I refer specifically to the Contract Settlement Act of 1944, the Surplus Property Act of 1944, and the War Mobilization and Reconversion Act of 1944.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. CAPEHART. I should like to ask the able Senator from Montana a question. What would he recommend be done in case the railway workers refuse to work and the rail strike continues for one week?

Mr. MURRAY. Mr. President, I will say that I do not like to anticipate what the President is going to propose tonight at 10 o'clock and tomorrow afternoon at 4 o'clock. I am sure that his recommendations to the Congress will have a profound effect upon all of us, and I am anxiously awaiting his recommendations.

Mr. PEPPER. Mr. President, will the Senate grant a unanimous-consent request for me to try to answer the question asked by the Senator from Indiana?

Mr. CAPEHART. Mr. President, I would be very happy to have the able Senator from Florida answer the question, because to my mind it is the most germane thing that we could be discussing tonight, because our Nation is paralyzed as the result of a strike.

Mr. PEPPER. Mr. President, I ask unanimous consent for 5 minutes' time in which to answer the question of the Senator from Indiana.

The ACTING PRESIDENT pro tempore. Does the Senator from Montana, who has the floor, yield for that purpose?

Mr. MURRAY. I yield for that purpose, if I do not lose the floor by doing so.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida?

Mr. WHITE. Mr. President, will the Senator again state his request?

Mr. PEPPER. The able Senator from Indiana made inquiry of the able Senator from Montana as to what he would recommend if the rail workers declined to work for a week, and I said that I should like an opportunity to try to answer the question. Of course, I could not do so without taking the Senator from Montana off his feet, and I made a unanimous consent request for 5 minutes time in which I would endeavor to answer the question.

Mr. WHITE. Mr. President, I have no desire to object. I think it will take the combined efforts of both the Senator from Florida and the Senator from Montana to make a satisfactory reply.

Mr. PEPPER. I should like to proceed, Mr. President. The inquiry is a very pertinent one, and I should like to have

5 minutes' time in which I shall make an effort to make reply.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request? The Chair hears one.

Mr. PEPPER. Mr. President, I was anxious to try to answer the question, because many of us have been very seriously concerned about just that kind of question, and I know how very diligent the Senator from Indiana has been in an effort to find some way out of the present situation.

My suggestion is that the President, in a case where the Government has the operation and the custody of an enterprise or a facility, immediately he takes possession, concentrate his inquiry and effort upon a single question, namely, the maintenance of the service of the industry for the public, leaving aside for the time being the settlement of the permanent controversy. Now to be perfectly frank, one reason I am so anxious to make an observation is that I am afraid—and I say it not in a spirit of criticism in any sense—that so far the effort of the Government has been to bring about a permanent settlement between management and labor rather than a temporary restoration of work by the workers. I am afraid that the Government has not put the same emphasis upon getting the workers back to their jobs as has been put upon the solution of the permanent question.

We, as members of the public, are primarily interested in the railroads running. We want trains to ride on. We are not so much interested, as individual citizens, in the wage scale or the other terms of employment; but we do want the railroads to run. And had the President not been engaged some of us would already have conveyed to him this evening the earnest hope that he would make the statement tonight at 10 o'clock that what he is going to do is to get the workers into his office and say, "Now gentlemen, I am appealing to you as President of the United States to work for me as the representative of your country, and let us come to a sensible agreement about the terms of your employment while you are working for the Government. Meanwhile you go ahead with your negotiations for a permanent settlement."

I have reason to believe—and I say it advisedly—I have reason to believe that such an approach will meet a responsive reception. I believe that if the Government will concentrate its efforts in that way, within a matter of hours work can be resumed on the railroads by the employees, and the trains can be started in operation again. I think the same procedure could be applied with respect to the coal mines.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CAPEHART. Suppose, after the President calls the heads of the unions in, they still refuse to work, as they have done up to this time; then what would the able Senator recommend be done? The reason I am asking the question is this: I am thoroughly convinced that the American people are looking either to the

Congress or to the President to protect them in this hour of emergency. I am thoroughly convinced that tonight the American people are looking to the Senate, in session here tonight, to debate and discuss the immediate problem of again operating the railroads of America. I do not believe that they are interested in our debating the merits or the demerits of whether the railroad owners or the employees are right or wrong. As I stated a little earlier, I think we are here representing all the people, and not any one class. I think we should legislate for the good of all the people. I do not believe that we have any right as Senators to debate the merits or demerits of any labor dispute or any other dispute between private individuals. I think we should immediately decide, if we possibly can, what can be done. I know of no one better qualified to discuss that question than the able Senator from Florida, because he is vitally interested in labor, and I am certain that he is vitally interested in the American people. Let us proceed on the basis that something must be done to settle the strike and get our railroads operating again before there is a real disaster.

How can we do it? To my mind that is the problem. I should like to see the President of the United States and the Congress concentrate on that subject. What can we do to again get our railroads in operation and avoid what might be a calamity?

Mr. PEPPER. I am afraid I am already exceeding my allotted time. The Senator is absolutely correct in concentrating attention upon the immediate problem.

I repeat that if the President lacks authority to deal with the operation of the enterprise while the Government is operating it, then he should tell us so; and no doubt he will tomorrow. If he lacks authority to get the men back to work, and if he lacks authority to offer inducements and fair adjustments to get them back to work, then I think the Congress would be ready to give him that authority almost immediately.

However, let me say that I think the Congress will be reluctant to give authority to use coercion or force until there has been an exhaustion of all reasonable efforts at inducement and adjustment. A few minutes ago I saw in the Evening Star some things that looked a little ominous. The statement was made that General Eisenhower had been instructed to come back immediately from the Pacific, and that various military concentrations have been made at strategic rail points. That is suggestive of a type of coercion and armed force that I shrink from. I hope that is not going to be the spirit in which we are to approach this question, especially if I am right in the information which I have received, that so far the negotiations have been not with respect to whether the men would work for the Government or not, but merely with respect to whether a permanent settlement can be arrived at. I understand that so far the negotiations have not been with the President, but with representatives of the President, management and labor deal-

ing with each other. The President should call in Mr. Whitney and Mr. Johnston and say, "Gentlemen, I am not asking you to work for the railroads, but to work for me, your Government, and your country. I want to make fair adjustments in this dispute while you are working for us, and I will meet you half way. We want the railroads of this country to operate, first, and secondly, we will settle the dispute."

It seems to me that if we support the President in such a policy—and if he lacks authority for such a policy, clearly give it to him—that will accomplish the first objective for which we are striving; namely, getting the railroads in operation again. Then we can reach the permanent problem when the more immediate problems are disposed of.

Mr. CAPEHART. Mr. President—

Mr. MURRAY. Mr. President, this is a vitally important discussion which is going on, and I am perfectly willing that it should continue for a few minutes, if I am not taken from the floor.

Mr. CAPEHART. I certainly have no idea of taking the Senator from the floor. Will the Senator yield for just a moment?

Mr. MURRAY. I yield.

Mr. CAPEHART. I was under the impression—perhaps I am wrong, and if I am wrong the able Senator from Florida can correct me—that when the President of the United States, in the name of our Government, took over the railroads, that in itself was all the notice that was necessary to the employees that the President of the United States desired that they work for our Government. What more can he do?

Mr. PEPPER. Mr. President, I should be glad to try to respond if I may be recognized.

The ACTING PRESIDENT pro tempore. The Senator from Florida is privileged to do so, because the question has been asked of him.

Mr. PEPPER. I think the Senator is correct in that the technical and legal custody of the railroads has been taken over by the Government. But I am informed by a reliable source that there have been no negotiations with the workers with respect to their working for the Government. I obtained the information, as I have said, from a person who has been close to the negotiations. I do not know whether the President feels any lack of authority, or feels that he would not be supported by the Congress. He may feel that the question of a permanent wage should be settled now. But, I believe that in the Congress, and assuredly in the country, the chief concern is to get the railroads in operation again. I believe that it is the sense of the Congress that the first negotiations should be with the employees with respect to working for the Government.

Mr. CAPEHART. Mr. President, will the Senator from Montana yield to me for a moment more?

Mr. MURRAY. I yield.

Mr. CAPEHART. Does not the Senator from Florida believe that the workers should be willing to work for the President at the old rates, and if not at the old rates, at the rates which the President recommended that they accept in a new contract with the railroads?

Mr. PEPPER. The able Senator has asked two questions. Let me answer the second question first.

The recommendation as to wage changes made by the President was not for the time they were working for the Government, but as a permanent base. That recommendation related to the permanent contract. In that case I am sure the able Senator would no more blame the workers in this case for not following the President's recommendation than he would blame General Motors, in the General Motors case, for not following the recommendations of a Presidential fact-finding board, and the recommendation of the President.

To answer the first question, of course we expect that the workers should work for the Government. I do not favor a work stoppage. But, as I stated earlier in the day in a discussion with the able Senator from Minnesota [Mr. BALL], I do not believe that we ought to ask employees, in case they feel so aggrieved that they will resort to a work stoppage, to continue of necessity to work for an indefinite time without any improvement in the controversy which caused the dispute in this case, namely, wages. I would not expect the President, during the temporary operation, to solve all the questions; but I think it would be perfectly proper for the President to say, "I am the trustee, and it is my job as trustee to keep this enterprise in operation. I want you to make a contract with the Federal Government as trustee. I am willing to make reasonable adjustments in the wage scale during the limited time that you are working for the Government."

Mr. BALL. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. BALL. I wonder if the informant of the Senator from Florida has indicated to him whether the approach which he recommends, namely, the Congress authorizing the President to offer inducements to the employees to work after the Government takes over the properties, is probably the one which the President will recommend to us tomorrow.

Mr. PEPPER. I have no information on that point. I hope the President will recommend that course if he believes he lacks authority. All I wish to emphasize is that I desire to see to it that the President has authority, and feels that he will have congressional support to negotiate with the workers to work for the Government. That is all I am asking.

I will say to the able Senator from Indiana that if after reasonable trial that method fails, and the President learns by experience the kind of request he should make of the Congress, he can be assured that he will receive most sympathetic and cooperative consideration from Members of Congress when he makes such a request. But we do not want coercion first; and we do not want the Army first.

Mr. CAPEHART. Mr. President, I have yet to hear a single Senator, or anyone in authority, say that he feels that he knows how to get our railroad workers back to work. I believe it has been stated time and again on the floor of the Senate that there is no existing law under which

we can force the operation of our railroads. If that be true—and I do not know whether it is or not, because I am not a lawyer—

Mr. PEPPER. I have not the law before me, but there are able lawyers in the Chamber who, perhaps, can confirm my statement. It is my impression that the law under which President Wilson took over the railroads in World War I is still on the statute books. I recall that the Railroad Administrator, Mr. McAdoo, exercised the authority of the Government in the administration of the railroads and made new wage agreements on behalf of the railroads while the Government was operating them. I understand that that statute is still the law of the land, and within reach of the Government.

Mr. CAPEHART. Then, am I to understand that it is the opinion of the able Senator from Florida that the President does have the authority? If he has the authority, then why would it not be proper for the Congress, by joint resolution, to direct or request the President of the United States to use that authority and again operate the railroads of America?

Mr. PEPPER. I should be glad to join in such a request.

Mr. CAPEHART. If he does not have that authority, and there is no law under which he can prevent our Nation from being paralyzed, then does not the Senator believe that we should give him such authority? I am directing this question to the able Senator from Florida and the able Senator from Montana, who have done a great job representing their point of view. They have been tireless in their efforts. If there is no such law, then does not the Senator think the time has arrived—or, at least, the time will have arrived tomorrow—when all of us should join together, should admit there is no law, and should pass a law which will permit the operation of the railroads?

Mr. PEPPER. Mr. President, if the Senator from Montana, who no doubt will wish to make a longer answer, will permit me to speak first—

Mr. MURRAY. Yes.

Mr. PEPPER. Let me say I am sure that is what all of us are interested in, and I am sure all of us will await with great interest the President's address tonight and his address tomorrow to the joint session. If he lacks legal authority to make a proper approach, I am sure the Congress will be willing to give it to him.

But I hope the President is not going to ask the Congress, first, for authority to use coercive measures or to make it a penal and a criminal offense for citizens to exercise their rights, until every effort of persuasion and reasonable inducement has been exhausted.

Mr. MURRAY. Mr. President, I am sure all of us agree regarding the seriousness of the situation confronting the Nation tonight.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. TYDINGS. In the event the Government takes over the railroads—which it has done—and in the event the President and his advisers make a proposal

which they deem fair and equitable not only to the railroad workers but for holding the line and for all the other wage scales in the whole country, if the representatives of the employees reject it, with the result that the strike continues for a week, then what should we do? I should like to have an answer to that question: That is, what should we do if the employees reject the offer of an increase as made by the President of the United States?

Mr. MURRAY. I am sure that the railroad workers of the United States who are involved in this strike are patriotic Americans, and I have great confidence that they will exercise sound judgment in responding to the President's request.

Mr. TYDINGS. Let me say to the Senator from Montana, if he will yield, that this afternoon the United States Employment Commissioner for Maryland happened to be in my office, and he told me that an estimate showed that, because of the rail and coal strikes, combined, 57,000 people in Baltimore City, alone, had been thrown out of employment, today. If this strike lasts a week, I am wondering how many will be out of employment in just that one city, if there are 57,000 already out of employment there.

Mr. FERGUSON. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Michigan?

Mr. MURRAY. I shall yield in a moment.

First, Mr. President, let me say that the situation confronting us is, of course, extremely serious. I think we have made a mistake in our failure to foresee the problems which are upon us at this moment. My understanding is that this controversy between the railroad workers and the railroads has been up for consideration for a long time. Every effort has been made by these workers to have their conditions of work adjusted, but they have failed in that effort. It seemed to them that it was absolutely necessary for them to exercise the right to strike in order to bring the matter to a focus and to obtain some results.

Mr. TYDINGS. Mr. President, will the able Senator from Montana yield for one more observation?

Mr. MURRAY. I yield.

Mr. TYDINGS. It seems to me that the best solution of the matter would be this: If the President—and I understand he has already done so, either directly or impliedly—offers to these workers an increase, and if that be an interim offer, only, and not binding finally on them, they might come back and operate the railroads on the basis of an 1½ cents an hour increase, which I understand already has been offered, and work for the Government and carry on the other negotiations at the same time. In that way we could get commerce going again. What I cannot understand is why, when the employees can get that much temporarily, they will not return to work.

Mr. MURRAY. That sounds like an extremely reasonable proposal. I am

sure that if that proposal is made to the strikers who are involved in this strike, they will, as good citizens, accept it.

Mr. TYDINGS. I am glad to hear the Senator say that, because I am sure he is in a better position to give an opinion on whether it is a worth-while suggestion than most of us are.

But it seems to me that the President already has his board; and he himself, as I understand, has recommended an 18½ cents an hour increase. The board recommended an increase of 16 or 16½ cents an hour, and the President raised it to 18½ cents an hour, so that it would be on all fours with the settlement of the other strikes.

Mr. MURRAY. Yes.

Mr. TYDINGS. As I see the picture—and it may not be an accurate picture—the employees not only want that increase but they want more than that increase in money, and they also want some of the rules changed.

Mr. MURRAY. Yes.

Mr. TYDINGS. It seems to me we might get out of this emergency by this process, which would not do anyone irreparable harm—to wit, that the employees would accept the 18½ cents an hour increase for, say, the next 3 weeks, and go to work under the Government at an increase of 18½ cents an hour, without any change in the rules, but that the negotiations for the additional amount and for the changes in the rules would be carried on at the same time—in which event we would have immediate relief from the rail strike, and negotiations could continue, and the country could be relieved from a tremendous emergency.

I do not know whether that proposal has been presented to the men. But if the men themselves knew that that was the proposal—namely, that they would receive what the President has offered, and that the whole matter would continue to be negotiated—it is a little difficult for me to believe that the railroad men themselves would refuse to go back to work.

But I wonder whether they have had that proposition put up to them.

Mr. MURRAY. That is the point.

Mr. TYDINGS. I do not mean that I wonder whether that proposal has been put up to them by the President, but I wonder whether it has been put up to the employees by those who are speaking for them.

Mr. MURRAY. I understand that that proposal has not been made, and that there has been no opportunity on the part of the employees to consider it. If it is made to them, if they are given an opportunity to consider it, I have confidence that they will give it very careful consideration; and if I were a spokesman for them I would wish to accept it.

Mr. TYDINGS. I would, too; and I think perhaps that would be the solution. But what I cannot understand is this: Assuming that the Senator from Montana and I were the two people to the controversy, it would be settled here in the floor of the Senate.

Mr. MURRAY. I am sure that is correct.

Mr. TYDINGS. Assuming that the President and the employees were the

parties to the controversy, I believe it would be settled instantly.

Mr. MURRAY. I think so.

Mr. TYDINGS. But I am wondering why the employees do not have a chance to accept or reject that proposition. As I see the picture, the negotiators for the employees have not put that particular proposition, which the President recommended, up to the employees.

Mr. MURRAY. It has not been put up to the representatives of the employees, as I understand the matter. If it had been I am sure they would consider it.

Mr. TYDINGS. I may be misinformed; but my information is that the original fact-finding board recommended a 16 or 16½ cents an hour increase—as I recall it was 16 cents—and I understand that the President said, "No; I think these men ought to have the same increase that those who are in the automobile and the steel industries have heretofore obtained," and therefore he made the offer of an 18½ cents an hour increase, instead of 16½ cents an hour which was recommended by the fact-finding board.

Mr. MURRAY. My understanding is that the fact-finding board was limited in making its findings, and that was the reason why it did not go up to 18½ cents an hour.

Mr. TYDINGS. Be that as it may, eventually they were offered 18½ cents an hour.

Mr. MURRAY. Yes.

Mr. TYDINGS. And as I see the picture—largely from the press—the money seems to be somewhat incidental to a change in some 40 rules, against many of which the employees are protesting, and in which they wish to have substantial changes made.

The point is this: The President has taken over the railroads. In my opinion there is no doubt in the world that the Government and the railroad companies together will be willing to pay the additional 18½ cents an hour.

Therefore, why not have the railroads reopened, have traffic resumed, and have these negotiations carried on at the 18½ cents an hour level, without any change being made in the rules, and have the entire question finally settled within 2 or 3 weeks?

Mr. MURRAY. In the judgment of the workers the question of rules is an important element in the negotiations.

Mr. TYDINGS. May I ask the Senator a final question?

The ACTING PRESIDENT pro tempore. Does the Senator from Montana yield further to the Senator from Maryland?

Mr. MURRAY. I yield provided that I do not lose the floor.

Mr. TYDINGS. Would the Senator from Montana, speaking for himself and the Senator from Florida, they being the two Senators who are the chief contenders in the controversy here, although I say that with no reflection on them, be willing to recommend to the workers the adoption of the course which I have suggested as a temporary solution of the present problem?

Mr. MURRAY. So far as I am concerned, I would be willing to recommend it.

Mr. TYDINGS. I thank the Senator.

Mr. MURRAY. With the understanding, however, that the adjustment as to wages would be retroactive.

Mr. TYDINGS. I think that is a fair statement. Of course, the question of rules is an important element which would be considered before a final adjustment had been reached. But as the Senator pointed out, that is something which would be deferred and would be a subject of subsequent negotiation.

Mr. MURRAY. I thank the Senator.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. BARKLEY. I think there should be no misconception or misapprehension from what has been said in this discussion with reference to what the President has or has not done.

Mr. MURRAY. That is what I said at the opening of the discussion.

Mr. BARKLEY. I am quite sure that no Member of the Senate has any authority to state that the President has made any statement such as the one to which reference has been made. He took over the railroads under the authority conferred upon him. Negotiations have been carried on continuously, including practically all of today, at which no conclusion or decision was reached. Because of the failure to arrive at a decision the President has asked the Senate and the House of Representatives to meet in joint session tomorrow at 4 o'clock in the afternoon, at which time he will address the Congress. He is to speak to the country tonight over the radio. I suppose that in that address, as well as in the address which he will make tomorrow to the Congress, he will outline what has been attempted in the way of a solution of the present problem, and will advise the Congress and the country, as well, with regard to the situation. I have no doubt that the President will make definite recommendation in his address to the Congress tomorrow with reference to legislation which will enable him to cope with the situation. I am not authorized to suggest, and I would not do so even if I knew at this juncture what he will specifically and definitely recommend. But I hope the Senate will keep itself in position to consider immediately whatever the President recommends to it in his address tomorrow. I do not believe that we should draw any conclusions as to what has taken place behind closed doors with reference to the various phases of the negotiations which have been carried on in an endeavor to solve the problem, but which, up to now, have failed.

Mr. MURRAY. Mr. President, that is exactly what impressed me at the time the colloquy began. I did not wish to anticipate what the President might recommend. In fact I do not know what he will recommend. I have not been in contact with any person who has anything to do with the controversy, and so I am unable to express any views with regard to the matter. Therefore, I did not wish to engage in a discussion concerning a matter of such seriousness. However, I must say that I greatly impressed by the arguments which have been made by the distinguished Senator

from Maryland. They appealed to me as being absolutely fair and reasonable. I am confident that if the proposal which he has suggested were made to the workers, some solution might be reached.

Mr. BARKLEY. I merely rose to express the hope that the Senate would not attempt to speculate in advance on what the President will recommend tomorrow. I feel sure that he will make a definite and specific recommendation, based on all the efforts which have been made to reach a solution. I also hope very fervently that both the Senate and the House of Representatives will be in a position tomorrow promptly to consider his recommendation after he has made it. In the meantime, I believe that we must await that recommendation without believing that we have the slightest advanced knowledge of what it will be.

Mr. MURRAY. I agree with the majority leader.

The ACTING PRESIDENT pro tempore. Does the Senator from Montana wish to continue his address?

Mr. MURRAY. If the discussion which is now taking place is permissible under the rule, and I do not lose the floor, I am willing that it shall continue. I have nearly concluded my remarks, and if it is satisfactory I am willing to yield for questions.

Mr. AIKEN. Mr. President, I should like to ask a question, but I think that I can propound it to the Chair.

If the Senate votes for cloture tomorrow, would it then be in order to offer amendments which would conform with the President's recommendations, provided his recommendations were not already embodied in some of the amendments now before us?

Mr. BARKLEY. Mr. President, all Senators, who are familiar with the rule concerning cloture, know that no amendment may be offered, after the hour which under the rule the Senate is required to vote on the cloture motion, if the motion is adopted, unless the amendment has already been offered, printed and complies with the rule before the vote on cloture is taken.

The ACTING PRESIDENT pro tempore. No amendment would be in order after the motion for cloture has been adopted by a two-thirds vote which had not been presented prior to the time of the vote, except by unanimous consent.

Mr. AIKEN. Then if the Senate desired to pass a measure conforming with the President's request, and it had not already been embodied in any amendment which was printed, it would have to be by way of new legislation.

The ACTING PRESIDENT pro tempore. Yes, or by unanimous consent.

Mr. AIKEN. Or by unanimous consent.

The ACTING PRESIDENT pro tempore. Yes.

Mr. WHEELER. Mr. President, I wish to correct a statement which has been made. The fact of the matter is that the President has appointed a mediation board for the purpose of mediating not only the question of wages, but also the question of rules. He appointed two boards, one for 18 unions, and one for

2 unions, the trainmen and the engineers. Both boards made a recommendation of an increase of 16 cents an hour. Subsequently, and after the strike was threatened, the President made a suggestion of 18½ cents an hour. The trainmen and the engineers wanted 18½ percent, and some changes in the rules. Those are really what the issues now are. The President appointed persons on the board who have been known to be friendly to the railroad employees. After the fact-finding board made its findings of 16 cents an hour, the President went over the board and recommended 2½ cents an hour more. As I have said, the members of the boards were appointed by the President. Some of those members were known to be friendly to the railroad men when they were appointed. My understanding is that they were appointed at the suggestion of the trainmen and the engineers.

Mr. CAPEHART. Mr. President, will the Senator yield for a question?

Mr. MURRAY. I yield.

Mr. CAPEHART. When the President recommended 18½ cents an hour, did the railroads accept the recommendation and agree to pay 18½ cents to their employees?

Mr. MURRAY. I did not understand the Senator.

Mr. CAPEHART. The President recommended an increase of 18½ cents an hour.

Mr. MURRAY. Yes.

Mr. CAPEHART. Did management accept the recommendation?

Mr. MURRAY. I do not understand that management accepted the recommendation, because it was merely a part of the entire problem.

Mr. WHEELER. I understand that the railroads themselves were willing to accept the recommendation of an increase of 18½ cents an hour.

Mr. MURRAY. They could not accept it because it was tied up with the other problem concerning the rules.

Mr. WHEELER. The railroads could have accepted the recommendation, but the employees wanted not 18½ cents an hour, but an increase of 18½ percent. They also wanted a change to be made in the rules. There are many rules in dispute. For example, the railroads want certain rules changed, and the brotherhoods want certain other rules changed.

Mr. MURRAY. A change in the rules would entail a heavy expense on the part of the railroads.

Mr. WHEELER. That is correct.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MURRAY. The Senator from Michigan has been on his feet for some time, and I yield to him.

Mr. FERGUSON. My reason for asking the Senator from Montana to yield is that we have been discussing the 1916 act. I thought it would be well to read one paragraph of the act which applies to the discussion.

It provides:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part

thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

That is the section of the 1916 act. It will be noted that it says "in time of war," and they shall be taken over through the Secretary of War.

Mr. President, the act of March 21, 1918, was an act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The original act of 1916 made no provision whatever for compensation, and the 1918 act undertook to provide for compensation, and if the Senator from Montana will yield long enough I shall read the first paragraph, which will indicate what I have in mind and what the statute provided for.

Mr. MURRAY. I only hope that it is not lengthy, because I wish to listen to the President's address.

Mr. FERGUSON. It is not lengthy. It provides:

The President having, in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission, that during the period of such Federal control it shall receive as just compensation an annual sum, payable from time to time in reasonable installments, for each year and pro rata for any fractional year of such Federal control, not exceeding a sum equivalent as nearly as may be to its average annual railway operation income for the 3 years ending June 30, 1917.

Mr. President, in 1920 an act was passed for the termination of the Federal control, and it provided that the Federal Control Act relating to the last I read—this Transportation Act—was terminated. But we find one provision in the act which says that the 1916 law is still in effect, but it is very doubtful, and I should say from a reading of these statutes that the 1918 law has been repealed and is not in effect, because the law provides, in section (c):

Nothing in this act shall be construed as affecting or limiting the power of the President in time of war under section 1 of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes.

Mr. President, that is the act I first read.

If I might, I should like to have printed in the RECORD Executive Order No. 9727, issued on May 17, 1946, which is the order under which the President has taken over the railroads at the present time. I ask that it be inserted in the RECORD at this point, instead of reading it. It is the order taking over the railroads.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

## EXECUTIVE ORDER 9727

## POSSESSION, CONTROL, AND OPERATION OF CERTAIN RAILROADS

Whereas after investigation I find and proclaim that as a result of labor disturbances there or interruptions, or threatened interruptions, of the operations of the transportation systems, plants, and facilities owned or operated by carriers by railroad named in the list attached hereto and made a part hereof; that the war effort will be unduly impeded and delayed by such interruptions; that it has become necessary to take possession and assume control of the said transportation systems, plants, and facilities for purposes that are needful or desirable in connection with the present wartime emergency; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure in the national interest the operation of the said transportation systems, plants, and facilities:

Now, therefore, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940, as amended by section 3 of the War Labor Disputes Act (57 Stat. 164), the act of August 29, 1916 (39 Stat. 619, 645), and the First War Powers Act, 1941 (55 Stat. 838), as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. Possession and control of the transportation systems, plants, and facilities owned or operated by the carriers by railroad named in the list attached hereto and made a part hereof are hereby taken and assumed, through the Director of the Office of Defense Transportation (hereinafter referred to as the Director), as of 4 o'clock p. m., May 17, 1946, but such possession and control shall be limited to real and personal property and other assets used or useful in connection with the operation of the transportation systems of the said carriers. If and when the Director finds it necessary or appropriate to carry out the purposes of this order, he may, by appropriate order, take possession and assume control of all or any part of any transportation system of any other carrier by railroad located in the continental United States.

2. The Director is directed to operate, or arrange for the operation of, the transportation systems, plants, and facilities taken under or pursuant to this order in such manner as he deems necessary to assure to the fullest possible extent continuous and uninterrupted transportation service.

3. In carrying out the provisions of this order the Director may act through or with the aid of such public or private instrumentalities or persons as he may designate, and may delegate such of his authority as he may deem necessary or desirable, with power of successive redelegation. The Director may issue such general and special orders, rules and regulations as may be necessary or appropriate to carry out the provisions, and to accomplish the purposes, of this order. All Federal agencies shall comply with the directives of the Director issued pursuant to this order and shall cooperate to the fullest extent of their authority with the Director in carrying out the provisions of this order.

4. The Director shall permit the management of carriers whose transportation systems, plants, and facilities have been taken under, or which may be taken pursuant to, the provisions of this order to continue their respective managerial functions to the maximum degree possible consistent with the purposes of this order. Except so far as the Director shall from time to time otherwise provide by appropriate order or regulation, the boards of directors, trustees, receivers, officers, and employees of such carriers shall continue the operation of said transportation systems, plants, and facilities, including the collection and disbursement of funds thereof, in the usual and ordinary course of the

business of the carriers, in the names of their respective companies, and by means of any agencies, associations, or other instrumentalities now utilized by the carriers.

5. Except so far as the Director shall from time to time otherwise determine and provide by appropriate orders or regulations, existing contracts and agreements to which carriers whose transportation systems, plants, and facilities have been taken under, or which may be taken pursuant to, the provisions of this order are parties, shall remain in full force and effect. Nothing in this order shall have the effect of suspending or releasing any obligation owed to any carrier affected hereby, and all payments shall be made by the persons obligated to the carrier to which they are or may become due. Except as the Director may otherwise direct, there may be made, in due course, payments of dividends on stock, and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations; and expenditures may be made for other ordinary corporate purposes.

6. Subject to applicable provisions of existing law, including the orders of the Office of Defense Transportation issued pursuant to Executive Order 8989, as amended, the said transportation systems, plants, and facilities shall be managed and operated under the terms and conditions of employment in effect at the time possession is taken under this order. The Director shall recognize the right of the workers to continue their membership in labor organizations, to bargain collectively through representatives of their own choosing with the representatives of the owners of the carriers, subject to the provisions of applicable statutes and Executive Orders, as to matters pertaining to wages to be paid or conditions to prevail after termination of possession and control under this order; and to engage in concerted activities for the purpose of such collective bargaining or for other mutual aid or protection, provided that, in his opinion, such concerted activities do not interfere with the operation of the transportation systems, plants, and facilities taken hereunder, or which may be taken pursuant hereto.

7. Except as this order otherwise provides and except as the Director may otherwise direct, the operation of the transportation systems, plants, and facilities taken hereunder, or which may be taken pursuant hereto, shall be in conformity with the Interstate Commerce Act, as amended, the Railway Labor Act, as amended, the Safety Appliance Acts, the Employers' Liability Acts, and other applicable Federal and State laws, Executive orders, local ordinances, and rules and regulations issued pursuant to such laws, Executive orders, and ordinances.

8. Except with the prior written consent of the Director, no receivership, reorganization, or similar proceeding affecting any carrier whose transportation system, plants, and facilities are taken hereunder, or which may be taken pursuant hereto, shall be instituted, and no attachment by mesne process, garnishment, execution, or otherwise shall be levied on or against any of the real or personal property or other assets of any such carrier, provided that nothing herein shall prevent or require approval by the Director of any action authorized or required by any interlocutory or final decree of any United States court in reorganization proceedings now pending under the Bankruptcy Act or in any equity receivership cases now pending.

9. For the purposes of paragraphs 1 to 8, inclusive, of this order, there are hereby transferred to the Director the functions, powers, and duties vested in the Secretary of War by that part of section 1 of the said act of August 29, 1916, reading as follows:

"The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the

exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable."

10. The Director may request the Secretary of War to furnish protection for persons employed or seeking employment in the plants, facilities, or transportation systems of which possession is taken hereunder, or which may be taken pursuant hereto, to furnish protection for such plants, facilities, and transportation systems, and to furnish equipment, manpower, and other facilities or services deemed necessary by the Director to carry out the provisions, and to accomplish the purposes, of this order. The Secretary of War is authorized and directed, upon such request, to take such action as he deems necessary to furnish such protection, equipment, manpower, or other facilities or services.

11. From and after 4 o'clock p. m., on the said 17th day of May 1946, all properties taken under this order shall be conclusively deemed to be within the possession and control of the United States without further act or notice.

12. Possession, control, and operation of any plant or facility, or of any transportation system, or any part thereof, or of any real or personal property taken under this order, or which may be taken pursuant hereto, shall be terminated by the Director when he determines that such possession, control, and operation are no longer necessary to carry out the provisions, and to accomplish the purposes, of this order.

HARRY S. TRUMAN.

THE WHITE HOUSE, May 17, 1946.

Mr. FERGUSON. I appreciate the Senator from Montana yielding for this purpose, so that we may make the RECORD clear.

Mr. MURRAY. Mr. President, I was discussing the problems of reconversion and the measures which had been adopted in connection with the reconversion of industry. There was no delay on any of these measures, which were so helpful and beneficial to industry in meeting the problems of reconversion.

But, Mr. President, when the proposal was made to improve unemployment compensation as part of the War Mobilization and Reconversion Act, then—and not until then—did we see the strategy of delay and obstruction used with respect to real reconversion legislation. The Senate voted down the proposals to provide an adequate level of unemployment benefits, and seriously modified the proposals for an adequate duration of benefits. The House of Representatives then removed completely whatever minor improvements in unemployment compensation were provided in the Senate bill.

The effect of this action was to put a few big corporations in a position where their employees would have less financial resources to fall back upon during the period of reconversion—a situation under which these corporations might better be able to hold down wages and force their will on organized labor.

Mr. President, the insecurity of American workers is a most vital factor—both economic and psychological—in the development of labor disputes. It is a factor which, if we fail to recognize it, will continue to be a source of irritation and strife between labor and capital in this country.

Legislation to impair the rights of labor will accentuate rather than alleviate the insecurity that faces the average working man and working woman. The intelligent answer to this phase of the problem is the enactment of legislation to increase the benefits and broaden the coverage of unemployment insurance and old age and survivors' insurance and to establish a system of disability benefits.

A seventh cause of labor disputes—and one of the most important of all—is the apparent effort on foot in recent years to weaken or destroy existing labor laws.

It is a well-known fact that a substantial proportion of the biggest corporations in America have not yet reconciled themselves to the principles of collective bargaining. They still hark back to the good old days of "yellow dog contract," the company spy, and the company union.

During the war such employers looked forward with anticipation to the thought of widespread industrial conflicts after the war. Let me quote from a statement made in August, 1944, by the chief economist of the Chrysler Corporation, Mr. John Scoville:

If you believe in economic freedom and competition, then you will be opposed to collective bargaining . . . as industrial turmoil increases, more and more people will see the evils generated by collective bargaining, and we should look forward to the time when all federal labor laws will be repealed.

If the present drive for anti-labor legislation is successful, I am convinced that it will only encourage and stimulate those who want to see an extension of monopolistic control of our country.

The answer to this situation is less anger, less heat, and less of a desire in Congress to carry out economic policies which encourage corporate monopoly. The answer is a broad and well-conceived program to remedy the causes of labor disputes, restore genuine free enterprise, and promote the peaceful settlement of our domestic problems.

Another basic cause for the failure to settle labor disputes and prevent strikes is the lack of adequate machinery for the mediation and arbitration of labor disputes. While this is last on my list, it is not the least.

In stating that we lack adequate mediation machinery, I do not want to be interpreted as minimizing the splendid results of the present Conciliation Service in the Department of Labor.

The record of the hearings before the Education and Labor Committee shows that nearly 1,200 cases of labor disputes handled by the Conciliation Service during the month of January 1946—a month when labor strife was at a peak. Of these 1,200 cases more than 900 were settled before a work stoppage occurred. Well over half of these cases were amicably adjusted before any threat of a strike had become serious.

Nevertheless, the Conciliation Service has suffered from inadequate funds, insufficient personnel, low salaries, and the lack of sufficient prestige.

The inadequacy of the Conciliation Service as presently constituted, is indicated by the fact that time and time

again the President has had to set up special mediation boards.

In his testimony before the Education and Labor Committee, Dr. William Leiserson, professor of industrial relations at John Hopkins University, and former chairman of the National Mediation Board, pointed out the difficulties in our present procedure. Let me quote from part of Dr. Leiserson's testimony—page 143 of hearings on S. 1661:

You have observed recently, I take it, during the oil dispute, the first effort at mediation. The Board was composed of high-grade persons. I think they were judges, at least, the chairman was a judge from Colorado. That Board was appointed to mediate. It met at Chicago and called the people together, the representatives of both sides, to a hearing.

The purpose of mediation is to bring the parties to agreement, and to do this before the dispute becomes a strike. When you do not have a permanent organization that is thoroughly grounded in the principles and methods, you cannot expect to get these results by mediation.

Dr. Leiserson concluded this line of argument in the following words—from page 146 of hearings on S. 1661:

But every time a real problem comes up, we have to set up a defense mediation board, a war labor board, special panels, and now fact-finding boards. We always have to look for new boards to handle the problems. The great need is for a permanent Federal mediation and conciliation board.

The substitute bill reported by the Education and Labor Committee provides just such a board. This bill provides for a Federal Mediation Board in the Department of Labor for the purpose of making available to both management and labor "full and adequate facilities for conciliation and mediation and voluntary arbitration of disputes."

But there are Members of the Senate who will ask whether we will have more peace through a mediation board having no authority and no compulsion rather than through a law with teeth in it. Let me quote from Dr. Leiserson's reply to that question, which may be found on page 151 of the Senate hearings on S. 1661:

But now . . . am I saying that by a mediation organization having no authority and no compulsion, we are going to have more peace than by a law with teeth in it?

My answer to that is "Yes." The labor relations problem is just a human problem, just like domestic relations. Family disputes arise because people who live and work together have differences and get into quarrels about them. They cannot be made to work together happily by legal compulsions and penalties.

The same thing happens with labor relations. The Labor Relations Act joins labor and management in a vow to bargain collectively. Then it leaves them, as if they are going to live happily thereafter. That is all right. But when they get to the point of fighting, the Government can help better as a friend than as a policeman. We need a labor relations set-up, not to pass judgment on whether one party is right or the other is wrong in its demands or in the position it is taking on wages and working rules. We do not have standards on those things. They are both right and they are both wrong. And that is why we can make more progress and get better results and more peace by exercising less and less authority, but giving more and more organized friendly aid in dealing with the problems.

The majority of the committee agreed on this point with Dr. Leiserson and other witnesses, including the Honorable William H. Davis, former Chairman of the War Labor Board, who testified along the same lines. The majority of the committee felt that the primary responsibility of the Congress in enacting further legislation dealing directly with labor disputes was to establish a Federal Mediation Board under which the Conciliation Service would operate.

Let us recall that back in 1941, only shortly before Pearl Harbor, the distinguished Senator from New York, the author of the National Labor Relations Act, offered a similar bill. He pointed out at that time that the Federal Government's obligation with respect to labor relations could not end with the legislation protecting the right to organize and the right to bargain collectively. He pointed out that the Government also has the responsibility to make available modern, streamlined facilities for mediation and for voluntary arbitration of differences between management and labor.

Unfortunately, the mediation bill of the distinguished Senator from New York was not acted upon at that time. If it had been on the statute books during the last year, I am convinced that our Government's role in handling labor disputes during recent months would have been much more effective. I am not saying that a labor mediation law would have been a panacea, for a mediation law can deal with only one of the many causes of labor disputes and strikes. But a mediation law on the statute books today would be of great help. A mediation law on the statute books during the months to come will be a great aid in the settlement of disputes and prevention of strikes.

Mr. President, why is it that the Congress has not yet enacted a law setting up a Federal mediation board?

Is it because there is any lack of agreement on the need for a Federal mediation board and an improved conciliation service? Not at all. The labor-management conference called by President Truman last year was unanimous in agreeing upon this point. In fact, this was one of the very few matters upon which the representatives at the labor-management conference could agree.

Mr. President, a statesmanlike approach to all these problems would be to have a thorough and objective examination of the causes of the disputes between labor and management, as has already been recommended to the Senate in Senate Resolution 228.

I should like to point out that the study called for in this resolution, which received the unanimous approval of the Education and Labor Committee, includes "union and employer policies and practices." It also includes, "the economic and other factors and governmental policies" affecting disputes between labor and management.

It would have been a great help to us today if such a study and investigation had been authorized by the Senate many months ago. But the fact that it has not yet been initiated is no reason to delay it. It is my hope that favorable and ex-

peditious action will be taken upon Senate Resolution 228.

Mr. President, there are two courses ahead of the American people.

One course is the road to an expanding economy of full employment and full production so eloquently portrayed by the able Senator from Wyoming a few days ago. If we take this course, it means legislation dealing with the many factors that affect disputes between labor and management. It means affirmative action with respect to price control, monopoly, taxation, health, housing, social security, mediation machinery, and related matters.

It means translating into reality the promise which Congress made to the American people in the Employment Act of 1946. This is the road to labor peace and harmony.

But there is another course that lies ahead of us. That is the road of boom and bust, of feast and famine. That is the road that seems to be preferred by those who advocate a floating pool of unemployed in order to keep labor in its place. This is the road down which our country would travel if we followed the lead of the speculators, monopolists, and profiteers.

In time of boom there is always a small minority who can reap fabulous profits. In time of depression there are always a number of large corporations who can take this opportunity to push their smaller competitors to the wall. Monopoly has learned to insulate itself from the ups and downs in business conditions. It has learned to ride the business cycle.

Let me quote in this connection from an article entitled, "We Need Those Depressions," written by Mr. Ralph B. Blodgett, head of an advertising agency in Des Moines, Iowa:

It is to be hoped that depressions are never abolished, for they have many desirable features. Those who learn to ride the business cycle can find as many advantages in depressions as in booms—personal as well as business advantages. Smart folks take advantage of the boom \* \* \* they are then ready for depression-time bargains, bargains in every conceivable thing from a suit of clothes to a railroad.

To those who look forward with glee to the prospect of boom-time profits and depression bargains, legislation to impair or destroy the rights of labor appears both desirable and necessary.

Mr. President, there is no doubt in my mind that the overwhelming majority of the American people prefer the first course—the road to full employment and full production, the road toward the enlargement and expansion of our social-security program.

Unfortunately, the ordinary people of America, as well as Members of Congress, are engulfed in a wave of unscrupulous propaganda. The opponents of full employment and full production use every conceivable psychological trick in their attempt to confuse the public.

I only wish those who talk so volubly about free enterprise, would devote a little more of their own enterprise to helping make our free-enterprise system really free and work more effectively.

Mr. President, if we are to make our free enterprise system operate success-

fully, we must decisively and courageously choose the road to full employment and full production—the road toward the enlargement and expansion of our economy to meet the demands of our country in the period ahead.

We must not only preserve the rights of labor but we must take affirmative action on a comprehensive program dealing with price control, monopoly, taxation, health, housing, social security, and providing protection and encouragement for small business enterprise.

Only a program of this type will give us an economy which, through the peaceful cooperation of labor and capital, will be able to achieve a standard of living and a way of life that will meet the needs of a free people.

Mr. WILSON. Mr. President, will the Senator from Montana yield?

Mr. MURRAY. I yield.

Mr. WILSON. I wish to offer an amendment to the so-called Lucas and Capehart amendments, and ask that it be considered read, printed in the RECORD, and to lie upon the table.

There being no objection, the amendment intended to be proposed by Mr. WILSON, in the nature of a substitute for the Lucas and Capehart amendment to House bill 4908, was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed in the nature of a substitute for the Lucas and Capehart amendment to H. R. 4908 to provide additional facilities for the mediation of labor disputes and for other purposes, viz: At the end of the bill insert the following:

"SEC. —. That with the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health, safety, and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of Government that a means be provided for supplying essential goods and services when such stoppages occur.

"SEC. —. (a) Whenever the President finds that a stoppage of work or threatened stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in or may result in interruptions to the supply of goods or services essential to the public health, safety, or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to continue or resume work and operations in the public interest.

"(b) If the parties to such dispute do not continue or resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has occurred if the President determines that it is necessary. The President shall take possession of and operate such properties in order to provide goods or services essential to the public health, safety, or security: *Provided*, That while such properties are operated by the United States, and the employees refuse to continue or resume work, then and in that event such properties shall be operated as open shops.

*Provided further*, That during the period such properties are operated by the United States no employee shall, as a condition of employment, be required, compelled, or solicited to join any labor organization.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) the rate of production equals the rate of production achieved during the 60 days immediately prior to the work stoppage resulting in the seizure; or (2) such owners and employees have reached an agreement settling the issues in dispute between them; or (3) the President finds that the continued possession and operation of such properties by the United States is not necessary to provide goods or services essential to the public health, safety, or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States: *Provided*, That upon the return of any properties seized by the United States to the owners thereof, the United States or any agency thereunder shall impose no conditions relative to rates of pay, seniority rights, collective bargaining rights, nor shall any increase of pay or benefits be provided for: *Provided further*, That for 6 months after the date when any such seized properties are returned to the owners thereof, the National Labor Relations Board shall conduct no representation election among the employees of such properties for the purpose of determining the majority status of any labor organization.

"(d) Whenever any properties are in the possession of the United States, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers of such labor organization representing them, in good faith to induce such employees to return to work and not to engage in any strike, slow-down, or other refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work or to remain at work or who engages in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, unless he is subsequently reemployed by such owners or operators, and if he is so reemployed shall not be entitled to any seniority rights based on his prior employment. Any provision of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slow-down, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct or direction thereof or for the payment of any strike, unemployment or other benefits to those participating therein or by requiring or compelling any employee to join any labor organization as a condition of employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than \$5,000, or to imprisonment for not more than 1 year, or both.

"(f) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(g) As used in this section, the terms 'employee,' 'representative,' 'labor organization,' 'commerce,' 'affecting commerce,' and 'labor dispute' shall have the same meaning as in section 2 of the National Labor Relations Act, as amended."

Mr. BARKLEY. Mr. President, in view of the situation which exists in the Senate and in the country, it seems to me that we ought to seek to bring about an early termination of the consideration of the pending legislation. Therefore, looking to that end, and in the hope that it may be agreed to, I ask unanimous consent that during the further consideration of the pending legislation no Senators shall speak more than once or longer than 30 minutes on the bill or any amendment thereto.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request of the Senator from Kentucky?

Mr. WHITE. Mr. President, reserving the right to object, I take it the request is subject to the cloture proceeding under rule XXII.

Mr. BARKLEY. It is subject, of course, to that procedure. The cloture petition can be withdrawn only by unanimous consent. But if my request should be agreed to it would afford time equivalent to the length of time each Senator could have if cloture were adopted independently of any agreement.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. REVERCOMB. Am I to understand the request to contemplate 30 minutes on the bill and 30 minutes on each amendment?

Mr. BARKLEY. Yes. As a matter of fact, that would give each Senator more time than he would have under the cloture rule.

Mr. BALL rose.

Mr. BARKLEY. I yield to the Senator from Minnesota.

Mr. BALL. That was the question which I was about to ask. A Senator could also speak more than once.

Mr. BARKLEY. Yes, on different amendments.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. As I understand, the request is that we enter into a unanimous consent agreement for limitation of time to 30 minutes on the bill and 30 minutes on each amendment, and to postpone the cloture vote.

Mr. BARKLEY. That is not incorporated in my request. If this request is agreed to, I shall follow it with a unanimous consent request that the vote on cloture, if it is to be had, be postponed until after the President has delivered his message tomorrow.

Mr. PEPPER. I understood that the two requests were to be connected.

Mr. BARKLEY. They are not connected.

Mr. PEPPER. One is to follow the other?

Mr. BARKLEY. Yes.

Mr. WHERRY. Mr. President, reserving the right to object, I did not hear the last part of the explanation given by the Senator from Kentucky.

Mr. BARKLEY. My request is for a limitation, that no Senator shall speak more than once or longer than 30 minutes on the bill or any amendment. That, of course, means each amendment. That is all the request that I made. I was asked whether there was connected with that the request that the vote on cloture under the petition now on file be postponed. I replied that there was no connection. I had not included that subject in my request.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CORDON. Am I correct in the understanding that if the agreement is had to the unanimous consent request, and thereafter, by unanimous consent, the cloture petition is withdrawn—

Mr. BARKLEY. It is not included. That is an entirely separate matter.

Mr. CORDON. I am assuming that it will be withdrawn afterward.

Mr. BARKLEY. Frankly, I hope that if we enter into this agreement the petition for cloture will be withdrawn, because it would be unnecessary. But I did not couple the two, and I have no right to do so. The authors of the cloture petition, or any one of them, would have the right to ask that the petition be withdrawn, but I myself would not assume that right.

Mr. CORDON. I fully understand the majority leader's position, but I am presenting a hypothetical situation, on the assumption that we shall have the unanimous consent limitation now requested, and that thereafter the cloture petition will be withdrawn.

Mr. BARKLEY. That is something which I cannot predict. I hope that will be true, but I am not connecting the two proposals.

Mr. CORDON. Would the Senator consider my inquiry on the basis of that assumption?

Mr. BARKLEY. If that does happen, it will infinitely simplify matters, in my judgment.

Mr. CORDON. Would not this situation be possible: While we would have a limitation on the right of each Senator to speak for half an hour on the bill and half an hour on each amendment, there would be no limitation on the number of amendments which might thereafter be offered.

Mr. BARKLEY. That is true. There would be no limitation on the number of amendments which might be offered until the final conclusion of the legislation. I may say in that connection that under the rule, prior to a vote on cloture, as many amendments can be offered, printed, and lie on the table as any Senator wishes to offer during the further consideration of the bill.

Mr. CORDON. I understand.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. If amendments were offered purely for dilatory purposes, motions to lay on the table would cut off

debate, in spite of the unanimous-consent agreement.

Mr. BARKLEY. Yes. I think I ought to state that under the rule, even though amendments are offered prior to the vote on cloture, if cloture should be adopted, under the rule all amendments must be germane to the legislation under consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request?

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Montana.

Mr. MORSE. Mr. President—

Mr. BARKLEY. I am yielding to the Senator from Montana. Later I shall be glad to yield to the Senator from Oregon.

Mr. MURRAY. Mr. President, so far as I am concerned, and so far as those on the side of the controversy on which I have been speaking are concerned, we are entirely agreeable to the request. It seems to me that it would allow plenty of time for full and complete debate. I do not anticipate any dilatory amendments from this side.

Mr. BARKLEY. I am sure that the Senator from Montana speaks in the utmost good faith in that regard, and I thank him for his suggestion.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. MORSE. Mr. President, reserving the right to object, although ordinarily I believe that debate in the Senate should be limited only by way of cloture, I feel that in this critical hour we should proceed to close this debate as quickly as possible so that we may be in a position to take whatever steps are necessary to support the hand of the President in meeting the crisis which confronts the Nation. Therefore I shall not object, as would ordinarily be my custom.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I appreciate the willingness of the Senate to enter into this agreement. Of course, the cloture petition is still pending, and I have no purpose at this time to ask that it be withdrawn. I hope it will be withdrawn. But if it is not withdrawn, in order that we may not be compelled to vote upon it until after the President has delivered his speech to the joint session tomorrow at 4 o'clock, and in order that we may in the meantime determine whether it is advisable, feasible, practicable, or wise to attempt to incorporate in the pending legislation whatever recommendation the President may make, or pursue an independent course by the introduction of what his recommendation may be separately and apart, I ask unanimous consent that the vote on the cloture petition be postponed until 5 o'clock p. m. tomorrow.

The ACTING PRESIDENT pro tempore. Let the Chair suggest to the majority leader that it would probably be advisable to ask that the vote on the cloture petition be postponed for a full

legislative day, or until 1 o'clock on Monday, so as to give ample time to determine what course the leadership would like to pursue.

Mr. KNOWLAND. Mr. President, as one who presented the cloture petition on behalf of a group of Senators, I should have no objection to the request of the majority leader that the vote on cloture go over until 5 o'clock tomorrow afternoon. If, at that time, it were deemed advisable, unanimous consent could then be asked to have it go over until Monday. But I would have to object were the request made at this time to have it go over until Monday.

Mr. BARKLEY. I presume that Members of the Senate who have sponsored the cloture petition desire to consider whether, in view of the unanimous consent agreement we have entered into, they will withdraw the petition. They might be in a position to determine that by 5 o'clock tomorrow. If that were done, it would obviate any vote on the cloture petition, and greatly simplify the matter.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request submitted by the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. LUCAS. Mr. President, I ask unanimous consent to submit a modified amendment intended to be proposed by me to House bill H. R. 4908 to provide additional facilities for the mediation of labor disputes, and for other purposes, and request that it lie on the table, be printed, and be printed in the RECORD.

There being no objection, the amendment was received, ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. LUCAS to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"Sec. —. With the development of an industrial civilization, citizens of the United States have become so dependent upon the production of goods for commerce, the distribution of goods in commerce, and the continuous operation of the instrumentalities of commerce that substantial and continued stoppages of such production, distribution, or operation in the case of essential goods or services seriously impair the public health and security. Irrespective of the cause of such stoppages, it is necessary for the protection of commerce and the national economy, for the preservation of life and health, and for the maintenance of the stability of Government that a means be provided for supplying essential goods and services when such stoppages occur.

"Sec. —. (a) Whenever the President finds that a stoppage of work arising out of a labor dispute (including the expiration of a collective labor agreement) affecting commerce has resulted in interruptions to the supply of goods or services essential to the public health or security to such an extent as seriously to impair the public interest, he shall issue a proclamation to that effect, calling upon the parties to such dispute to resume work and operations in the public interest.

"(b) If the parties to such dispute do not resume work and operations after the issuance of such proclamation, the President shall take possession of and operate any properties of any business enterprise where such stoppage of work has resulted in the finding provided for in subsection (a). While

such properties are operated by the United States, they shall be operated under the terms and conditions of employment which prevailed therein when the stoppage of work began, except that if any changes in terms and conditions of employment, which contributed to the dispute, or which are at issue in the dispute, were put into effect prior to the time the work stoppage began, such properties shall be operated as if such changes had not been made.

"(c) Any properties of which possession has been taken under this section shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them or (2) the President finds that the continued possession and operation of such properties by the United States is not necessary to provide goods or services essential to the public health or security. The owners of any properties of which possession is taken under this section shall be entitled to receive just compensation for the use of such properties by the United States. In fixing such just compensation, due consideration shall be given to the fact that the United States took possession of such properties when their operations had been interrupted by a work stoppage, and to the value the use of such properties would have had to their owners during the period they were in the possession of the United States in the light of the labor dispute prevailing. It is hereby declared to be the policy of the Congress that neither employers nor employees profit by the operation of any business enterprise by the United States under this section and, to that end, if any net profit accrues by reason of such operation after all the ordinary and necessary business expenses and payment of just compensation, such net profit shall be covered into the Treasury of the United States as miscellaneous receipts.

"(d) In any case in which the owners of any properties of which possession is taken under this section are dissatisfied with the compensation fixed by the President, or by such agency as he may designate, said owners may file a petition in the Court of Claims of the United States (which court shall have exclusive jurisdiction to hear, determine, and render judgment in all such cases) for just compensation for the use of such properties by the United States. Final judgments in the Court of Claims in cases under this section shall be subject to review by certification or certiorari in the same manner and to the same extent as provided in section 3 (b) of the act entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes," approved February 13, 1925 (43 Stat. 939; U. S. Code, title 28, sec. 288), as amended. In all cases of final judgments by the Court of Claims under this subsection or, on review by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid first out of any net profits accruing by reason of operation of the properties by the United States and second, if the compensation finally awarded hereunder shall exceed such net profits, out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the General Accounting Office of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court.

"(e) Whenever any properties are in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such properties are members, and of the officers and agents of such labor organization, to seek in good faith to induce such employees to

return to work and not to engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States. Any such employee who fails to return to work within a reasonable time after possession of such properties has been taken by the United States or who does engage in any strike, slow-down, or other concerted refusal to work or stoppage of work while such properties are in the possession of the United States, shall be deemed to have voluntarily terminated his employment in the operation of such properties, and shall not be regarded as an employee of the owners or operators of such properties for the purposes of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended: *Provided*, That such loss of employee status for purposes of such acts, as amended, shall terminate if and when he is reemployed by such owner or operator, but if he is so reemployed, such employee shall not be entitled to any seniority rights based on his prior employment. Any provision of any contract inconsistent with the provisions of this subsection is hereby declared to be against public policy and to be null and void.

"(f) Whenever any properties are in the possession of the United States under this section it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person to interfere with or prevent, by lock-out, strike, slow-down, concerted refusal to work, or other interruption, the operation of such properties, or (2) to aid any such lock-out, strike, slow-down, refusal, or other interruption interfering with the operation of such properties by giving direction or guidance in the conduct of such interruption or by providing funds for the conduct or direction thereof or for the payment of any strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this subsection by reason only of his having ceased work or having refused to continue to work or to accept employment. Any individual who willfully violates any provision of this subsection shall be subject to a fine of not more than \$5,000, or to imprisonment for not more than 1 year, or both.

"(g) The powers conferred on the President by this section may be exercised by him through such department or agency of the Government as he may designate.

"(h) Except as to offenses committed prior to July 1, 1948, all provisions of this section and the authority to operate any properties as provided herein shall terminate on such date.

"(i) Any properties which are in the possession of the United States on the date of enactment of this act, and of which possession was taken by the United States on account of a labor dispute or other interruption or threat of interruption in production or services, shall, for the purposes of this section, be deemed to have been taken possession of by the United States under this section on the date of enactment of this act.

"(j) Notwithstanding any other provision of this act or any other law, no matter shall be exempt from the provisions of this section because it is subject to the provisions of the Railway Labor Act, as amended."

Mr. BARKLEY. Mr. President, I ask unanimous consent for the consideration of the order which I send to the desk.

The ACTING PRESIDENT pro tempore. The proposed order will be read for the information of the Senate.

The Chief Clerk read as follows:

I ask unanimous consent that all amendments intended to be proposed to the pending bill, H. R. 4908, which have heretofore been ordered to lie on the table, together with those that may be offered for printing prior to the cloture vote, may be printed in

the RECORD and thereby deemed to be a compliance with the rule as to their reading.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request submitted by the Senator from Kentucky? The Chair hears none, and it is so ordered.

Under the foregoing agreement, the following amendments were ordered to be printed in the RECORD:

Amendment intended to be proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor dispute, and for other purposes, viz: At the end of the bill insert the following:

"REGISTRATION

"Sec. —. (a) Within 6 months after the date of enactment of this act and annually thereafter every labor organization having as members one or more employees of persons engaged in commerce shall register its identity with the Securities and Exchange Commission and shall state under oath the following information and such other information as the Commission may by regulations require: The name of the labor organization; the address at which it has its principal office; the names and titles of the officers and their annual compensation; the company or companies with which the labor organization deals, if a local organization; the industry or industries in which the labor organization operates, if a national organization; initiation fees; annual dues charged to each member; assessments levied during the past 12 months' period; limitations on membership; number of paid-up members; date of the last election of officers; the method of election; the vote for and against each candidate for office; and the date of the last detailed financial statement furnished all members and the method of publication or circulation of such statement. With such information shall be filed under oath, in accordance with such rules and regulations as the Commission may prescribe, detailed and intelligible financial statements and a copy of the articles of incorporation and bylaws of the labor organization.

"(b) Every labor organization incorporated after the date of enactment of this act having as members one or more employees of persons engaged in commerce shall, when incorporated and annually thereafter, register with the Commission and furnish the information required of existing labor organizations under the provisions of this section.

"INCORPORATION

"Sec. —. Every labor organization having as members one or more employees of persons engaged in commerce shall, prior to its initial registration with the Securities and Exchange Commission as provided in this act, take out articles of incorporation under the laws of the District of Columbia, except that, if permitted by the laws of the State in which a labor organization has its principal place of business, such articles of incorporation may be taken out under the laws of such State. Each such labor organization when incorporated shall have the capacity to act possessed by a natural person, shall be liable for the acts of its officers, members, or agents, to the same extent and in the same manner as ordinary business corporations, and shall have the power—

"(a) to continue as a corporation for the time specified in its articles;

"(b) to have a corporate seal and the power to alter it;

"(c) to sue and be sued in its corporate name;

"(d) to make bylaws for the government and regulation of its affairs;

"(e) to acquire, own, hold, sell, lease, pledge, mortgage, or otherwise dispose of any property incident to its purposes and activities;

"(f) to conduct its affairs within or without the District of Columbia;

"(g) to exercise any power granted to ordinary business corporations consistent with its purposes and activities;

"(h) to exercise all powers not inconsistent with this joint resolution which may be necessary, convenient, or expedient for the accomplishment of its lawful purposes and, to that end, the foregoing enumeration of powers shall not be deemed exclusive.

"PENALTIES

"Sec. —. (a) No labor organization having as members one or more employees of persons engaged in commerce and no member thereof shall be entitled to any rights, privileges, or benefits under the National Labor Relations Act unless and until such organization complies with the provisions of this act.

"(b) In the event any such labor organization is held by the final decision of a court of competent jurisdiction to have breached its employment contract with any employer or to have unlawfully damaged or destroyed the property of any employer, such organization shall not be recognized as a labor organization, or a representative of employees, under the National Labor Relations Act insofar as any matter relating to employees of such employer is concerned.

"DEFINITIONS

"Sec. —. When used in this act the terms 'person,' 'employer,' 'employee,' 'representative,' 'labor organization,' and 'commerce' shall have the same meaning as is given to those terms by section 2 of the National Labor Relations Act. In addition, the term 'labor organization' shall include national and international organizations having as members labor organizations as defined in said section 2."

Amendment intended to be proposed by Mr. EASTLAND (for himself and Mr. BYRD) to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 26, beginning with line 19, strike out down to and including line 8, on page 27, and in lieu thereof insert the following:

INTERFERENCE WITH TRADE AND COMMERCE

"Sec. 6. The act entitled 'An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation,' approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 ed., title 18, secs. 420a-420e), is amended to read as follows:

"TITLE I

"Sec. 1. As used in this title—

"(a) The term "commerce" means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term "Territory" means any Territory or possession of the United States.

"(b) The term "robbery" means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"(c) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"Sec. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the

movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"Sec. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"Sec. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"Sec. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"Sec. 6. Whoever violates any section of this title shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than \$10,000, or both.

"TITLE II

"Nothing in this act shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, or an act entitled "An act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes," approved March 23, 1932, or an act entitled "An act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes," approved May 20, 1926, as amended, or an act entitled "An act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes," approved July 5, 1935."

Amendment intended to be proposed by Mr. ELLENDER (for himself, Mr. BYRD, Mr. HATCH, Mr. LUCAS, Mr. BALL, Mr. TAFT, Mr. HAWKES, and Mr. FERGUSON) to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"Sec. —. (a) Section 2 (3) of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: "or any individual employed as a supervisor".

"(b) Section 2 of such act is further amended by inserting at the end thereof the following:

"(12) The term "supervisor" means any individual having authority, in the interest of the employer—

"(a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or to effectively recommend any such action; or

"(b) to determine, or make effective recommendations with respect to, the amount of wages earned by any employees, or to apply, or make effective recommendations with respect to the application of, the factors upon the basis of which the wages of any employees are determined, 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;

but such term shall not include any individual in an occupation of a character which under prevailing custom prior to July 1, 1935, was covered by collective-bargaining agreements."

"(c) Nothing herein shall prohibit a supervisory employee from becoming or remaining a member of a labor organization."

Amendment intended to be proposed by Mr. ELLENDER to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"Sec. —. (a) When a labor dispute in an industry affecting commerce is not settled or adjusted under the foregoing provisions of this act and if a public utility whose rates are fixed by some governmental agency is a party to such dispute, the Board shall determine whether the dispute threatens to result in such a substantial interruption of commerce as to make it necessary or desirable in the public interest to request the President to create an emergency commission. If the Board determines that an emergency commission is necessary or desirable, the Board shall thereupon request the President to create and appoint an emergency commission to investigate and report respecting such dispute. Such commission shall be composed of such number of persons as may seem desirable to the President. No commissioner appointed shall be peculiarly or otherwise privately or prejudicially interested in the employees or employers concerned in the dispute. The compensation of such commissioners shall be fixed by the President at an amount not exceeding \$100 per day. Such emergency commissions shall be created separately for each dispute or group of disputes in the same industry presenting similar issues and pending at the same time. The commission shall investigate promptly the facts as to the dispute and make a report thereon to the President with its recommendations as to the manner in which such dispute should be adjusted. The commission's recommendations shall be confined to wages, hours, and working conditions, but it may describe in its report other issues, not involving wages, hours, and working conditions, which may be in dispute. The commission's report shall be made within 30 days from the date the commission is created, except that with the approval of all parties to a dispute, the time for making its report may be extended by the President for an additional 30 days. The report of the commission shall be made public promptly by the President.

"(b) The Board shall provide for any commission appointed under this section such stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the commission to perform its functions. When a commission appointed under this section has made its report, the commission shall be dissolved and its records shall be transferred to the Board."

Amendment intended to be proposed by Mr. ELLENBER to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: At the proper place in the bill insert the following:

"Sec. —. (a) Section 2 (3) of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: 'or any individual employed as a supervisor.'

"(b) Section 2 of such act is further amended by inserting at the end thereof the following:

"(12) The term 'supervisor' means any individual having authority, in the interest of the employer—

"(a) to hire, transfer, suspend, lay off, recall, promote, demote, discharge, assign, reward, or discipline any employees of the employer, or to adjust their grievances, or effectively to recommend any such action; or

"(b) to determine, or make effective recommendations with respect to, the amount of wages earned by any employees, or to apply, or make effective recommendations with respect to the application of, the factors upon the basis of which the wages of any employees are determined, 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;

but such term shall not include any individual in an occupation of a character which under prevailing custom prior to July 1, 1935, was covered by collective-bargaining agreements."

"Section 9 of the National Labor Relations Act is hereby amended by the addition of the following subsection:

"(e) Notwithstanding the provisions of this section and the two preceding sections (that is, secs. 7 and 8) the Board shall not certify as the representative of any supervisor any labor organization other than (1) one which admits to membership only supervisory employees, and (2) is not affiliated through charter, agreement, understanding, or in any other manner whatsoever with any labor organization which admits to membership nonsupervisors; nor shall the provisions of sections 7 and 8 be deemed to afford protection to any supervisor who may form, assist, or join labor organizations ineligible for certification under this subsection, or to encourage the designation of such an organization by any supervisor as his representative for the purpose of collective bargaining."

Amendment (in the nature of a substitute) intended to be proposed by Mr. KILGORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: Strike out all after the enacting clause and in lieu thereof insert the following:

"That the first section of the act entitled 'An act relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes,' approved May 7, 1941, is amended by adding at the end thereof the following:

"(f) For the purpose of obtaining such information as may be necessary or appropriate for prescribing regulations pursuant to section 13 and for the administration and enforcement of such regulations."

"Sec. 2. Such act of May 7, 1941, is further amended by adding at the end thereof the following:

"Sec. 13. (a) The Secretary of the Interior, acting through the United States Bureau of Mines, is hereby authorized to prescribe reasonable regulations establishing standards and requirements necessary and appropriate for the prevention or amelioration of unhealthy or unsafe conditions, accidents, or occupational diseases in coal mines the products of which regularly enter commerce, or the operations of which substantially affect commerce. Such regulations may provide, among other things, that the operations of any such mine shall be suspended in whole or in part upon the order of a coal mine inspector if he finds in such mine an unsafe or unhealthy condition which is specified in such regulations as a ground for such suspension.

"(b) At least 30 days prior to the issuance of any regulation under this section or any amendment to such a regulation, notice of the proposed regulation or amendment shall be published in the Federal Register and shall include either the terms or a statement of the substance of the proposed regulation or amendment. Not less than 15 days after the publication of such notice, interested persons shall be afforded an opportunity to submit, orally or in writing, data, views, and arguments with respect to such proposed regulation or amendment. All relevant matter so presented shall be given consideration, and such regulation or amendment shall, before issuance, be revised to the extent which the Secretary, acting through the Bureau of Mines, deems necessary and appropriate in the light of such matter.

"(c) Whoever violates the provisions of any regulation prescribed pursuant to this section shall be guilty of a misdemeanor and

upon conviction thereof shall be fined not more than \$5,000 or imprisoned not more than 1 year, or both.

"(d) Whenever in the judgment of the Secretary, acting through the Bureau of Mines, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any regulation prescribed pursuant to this section, the Secretary may make application to such acts or practices, or for an order enjoining compliance with such regulation, and upon a showing that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order may be granted without bond."

"Amend the title so as to read: 'A bill to provide for requiring compliance with safety regulations in coal mines.'"

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section, as follows:

"Sec. —. (a) It is hereby declared unlawful for any person, firm, labor organization, association, or corporation, subject to the National Labor Relations Act, as amended, after the passage and approval of this act, to enter into any contract or agreement of employment, oral or written, with any other person, firm, labor organization, association, or corporation whereby either party to such contract or agreement undertakes or promises (1) to employ or promise to employ any person or continue the employment of any person only if such person shall be, become, or remain a member of a labor union or other organization; (2) to deduct from the wages, salary, or other compensation due any employee any sum to be paid as membership or other dues or assessments to any labor union or other organization, unless such deduction is made pursuant to the separately given consent in writing of each employee affected.

"(b) Every contract or agreement entered into in violation of the provisions of this section is hereby declared to be contrary to public interest, null and void.

"(c) Every person found to have violated any of the provisions of this section shall be fined not more than \$10,000 and imprisoned not more than 5 years."

Renumber succeeding sections.

Amendment intended to be proposed by Mr. MOORE to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section, as follows:

"Sec. —. (a) Every labor organization, any of whose members are engaged in activities affecting commerce or the production of goods for commerce, shall, by a direct vote of its members, elect all its officers and bargaining representatives annually by secret ballot. Candidates for election shall be nominated at open meetings held at least 60 days prior to the date fixed for such election, upon notice to all members.

"(b) Every labor organization, any of whose members are engaged in commerce or the production of goods for commerce, shall, at least once during each calendar year, publish, in itemized form and within 10 days of its completion, a complete report of its financial activities during the preceding year in at least two issues of a newspaper having general circulation within the county wherein the headquarters or main office of such labor organization is located. Such report shall also be filed, within 10 days after its completion, with the Bureau of Labor Statistics of the Department of Labor, and shall be open to public inspection at any time.

"(c) As used in this section—

"(1) 'Goods' means goods, wares, products, commodities, merchandise, or articles or subjects of commerce of any character, or any part or ingredient thereof.

"(2) 'Produced' means produced, manufactured, mined, handled, or in any other manner worked on in any State; and for the purposes of this section an employee shall be deemed to have been engaged in the production of goods if such employee was employed in producing, manufacturing, mining, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof, in any State.

"(d) Any person who willfully violates any of the provisions of this section shall upon conviction thereof be subject to a fine of not more than \$1,000 or to imprisonment for not more than 6 months, or both."

Renumber succeeding sections.

Amendment to be proposed by Mr. Moore to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"Sec. —. (a) Subsection (b) of section 9 of the National Labor Relations Act (49 Stat. 449) is amended to read as follows:

"(b) The Board shall decide in each case whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of 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 unit appropriate for the purposes of collective bargaining shall be the smallest practicable employee unit, as may be determined by the Board, and in no case shall be larger than the employee group of any separate plant or shop."

"(b) The fourth sentence of subsection (e) of section 10 of such act is amended to read as follows: "The findings of the Board as to the facts, if supported by the weight of the evidence, shall be conclusive."

"(c) Section 10 of such act is amended by adding at the end thereof the following new subsection:

"(j) Whenever the Board shall find that any person or persons, or any labor organization, is threatening to violate any contract relating to the wages, hours, or other working conditions of employees, entered into as a result of collective bargaining, or is threatening to engage in a jurisdictional strike, it shall thereupon deny to such person or persons or labor organization, during the period of the continuance of such threat of violation, or threat of jurisdictional strike, any rights, privileges, or benefits which such person or persons or labor organization would otherwise be entitled to under this act. In the case of any actual violation of such a contract, or of any actual jurisdictional strike, such rights, privileges, or benefits shall continue to be denied to any person or persons or labor organization who engaged in such violation or jurisdictional strike for a period of 1 year from the date of cessation of such violation or jurisdictional strike."

"(d) Section 13 of such act is amended to read as follows:

"Sec. 13. Nothing in this act shall be construed so as to prohibit or interfere with the prosecution of any cause of action in any court of competent jurisdiction for the recovery of civil damages by any person, including a corporation, injured as a result of a labor strike or violation of a contract relating to the wages, hours, or other working conditions of employees."

Renumber succeeding sections.

Amendment intended to be proposed by Mr. Moore to the bill (H. R. 4908) to provide

additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"Sec. —. Section 6 of the act entitled 'An act to supplement existing law against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, is amended to read as follows:

"Sec. 6. It shall be unlawful for any labor organization or for the officers, representatives, or members thereof to enter into any contract, combination, in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or foreign nations."

Renumber succeeding sections.

Amendment intended to be proposed by Mr. Moore to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"Sec. —. The act entitled 'An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation,' approved June 18, 1934 (48 Stat. 979; U. S. C., 1940 edition, title 18, secs. 420a-420e) is amended to read as follows:

"Sec. 1. As used in this title—

"(a) The term "commerce" means (1) commerce between any point in a State, Territory, or the District of Columbia and any point outside thereof, or between points within the same State, Territory, or the District of Columbia but through any place outside thereof, and (2) commerce within the District of Columbia or any Territory, and (3) all other commerce over which the United States has jurisdiction; and the term "Territory" means any Territory or possession of the United States.

"(b) The term "robbery" means the unlawful taking or obtaining of personal property, from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

"(c) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

"Sec. 2. Whoever in any way or degree obstructs, delays, or affects commerce, or the movement of any article or commodity in commerce, by robbery or extortion, shall be guilty of a felony.

"Sec. 3. Whoever conspires with another or with others, or acts in concert with another or with others to do anything in violation of section 2 shall be guilty of a felony.

"Sec. 4. Whoever attempts or participates in an attempt to do anything in violation of section 2 shall be guilty of a felony.

"Sec. 5. Whoever commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of section 2 shall be guilty of a felony.

"Sec. 6. Whoever violates any section of this act shall, upon conviction thereof, be punished by imprisonment for not more than 20 years or by a fine of not more than \$10,000, or both."

Renumber succeeding sections.

Amendment intended to be proposed by Mr. Moore to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz: On page 28, between lines 5 and 6, insert a new section as follows:

"Sec. —. Section 313 of the Federal Corrupt Practices Act, 1925, as amended (43 Stat. 1074), is 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 officer, or for any corporation whatever, or any labor organization, or any committee or other organization organized by or affiliated directly or indirectly with 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 for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation, or labor organization, or committee or other organization organized by or affiliated directly or indirectly with any 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, or officer of any committee or other organization organized by or affiliated directly or indirectly with any labor organization, who consents to any contribution or expenditure by the corporation, or labor organization, or committee or other organization organized by or affiliated directly or indirectly with any 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" shall have the same meaning as under the National Labor Relations Act."

Renumber succeeding sections.

Amendments intended to be proposed by Mr. Murray to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On page 28, line 6, after "Sec. 8," insert "(a)."

On page 28, between lines 15 and 16, insert the following new subsection:

"(b) Nothing in this act shall be construed to diminish or interfere with the exercise of the rights of employees, labor organizations, or carriers under titles I and II of the Railway Labor Act of May 20, 1926 (44 Stat. 577), as amended, or to impair the functions of the National Mediation Board and the National Railroad Adjustment Board, system, group, or regional boards of adjustment under said act, as amended."

Amendments intended to be proposed by Mr. Wiley to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On page 19, line 14, strike the period at the end thereof, insert a comma, and add the following: "except as specifically provided."

On page 24, line 22, strike the period after the word "act" and insert in lieu thereof the following: "except as otherwise provided by the provisions of this act relative to compulsory arbitration."

At the proper place in the bill insert the following:

"Sec. —. (a) When the Federal Mediation Board finds and determines that a labor dispute affecting commerce, which is not settled or adjusted under other provisions of this act, or under the Railway Labor Act, as amended, if subject thereto, (1) involves an industry engaged in the production of goods or services which are essential to the public health, safety, or security, or to the normal functioning of the national economy, or which are furnished by a public utility whose rates are fixed by governmental agency, State or Federal, and (2) threatens or has resulted in such interruption of the furnishing of such

goods and services as will endanger the public health, safety, or security in the Nation as a whole or any part thereof, or as will so substantially interrupt commerce as seriously to disrupt the functioning of the national economy, or in the case of public utilities as will substantially interrupt the furnishing of an essential monopolized service, then the Board shall so notify the President. Upon receipt of such notification, the President is authorized to require submittal of the dispute to arbitration by a board of seven persons (or, if the parties so stipulate, three persons).

"(b) Within 20 days after notice from the President to the parties to the dispute or their representatives that the dispute shall be submitted to arbitration, it shall be the duty of the parties and their representatives to enter into an arbitration agreement covering all the questions involved in the unsettled controversy. The parties shall have no power to withdraw questions submitted or to terminate the arbitration except upon written settlement of such questions or of the controversy, respectively, filed with the board of arbitration. Such settlement shall be effective for at least 6 months from the date thereof. In case of failure or refusal of the parties to execute such an arbitration agreement, the Board shall name the arbitrators and shall present to the board of arbitration a submission in behalf of the parties which shall conform as nearly as may be to the requirements for an arbitration agreement. Neither a board of arbitration named pursuant to the arbitration agreement nor a board of arbitration appointed by the Federal Mediation Board shall be limited or restrained in the exercise of its power to make a binding award by the failure or refusal of any party, or of all parties, to participate in the proceedings.

"(c) The provisions of section 7 Second through section 9 of the Railway Labor Act, as amended (U. S. C., title 45, secs. 157 Second through sec. 159), shall govern arbitration conducted under this section to the extent that such provisions are not inconsistent with this section. Where used in the aforesaid sections of the Railway Labor Act, for the purposes of this section the term 'carrier or carriers' shall mean the employer or employers parties to the dispute and/or their representatives; the term 'employees' shall mean the employees parties to the dispute and/or their representatives; the term 'board of arbitration' shall mean such boards established under this section; the term 'Mediation Board' shall mean the Federal Mediation Board, and the term 'chapter' or 'act' shall mean this section.

"(d) Notwithstanding the provisions of the Railway Labor Act, for the purposes of this section—

"(1) a board of arbitration shall have the power to grant or deny in whole or in part the relief sought by any parties on any question submitted;

"(2) the provisions of section 7 (f) of the Railway Labor Act, as amended (U. S. C., title 45, sec. 157 (f)), relating to filing the award with the Interstate Commerce Commission and to the effect of such award on the powers and duties of the Commission, for the purposes of this section shall be applicable only to awards in proceedings under this section to which carriers subject to the jurisdiction of the Commission are parties: *Provided, however,* That in all proceedings under this section involving carriers or public utilities whose rates are fixed by governmental agency, a certified copy of the award shall also be furnished to such agency and no such award shall be construed to diminish the powers and duties of such agency: *Provided further,* That in the case of any award which grants an increase in wages or salaries, a copy of the proposed award, together with copies of the papers and proceedings and a transcript of the evidence taken at the hearings, all

certified under the hands of at least a majority of the arbitrators, shall, before the award is filed for judgment thereon, be furnished to the Stabilization Administrator while such office exists and a certified copy of such proposed award shall also be furnished the parties. The Stabilization Administrator, if in his judgment such action is necessary to prevent wage or salary increases inconsistent with the purposes of the Stabilization Act of 1942, as amended, shall have the authority to require by directive that the board of arbitration reduce its award to such maximum increases as in his judgment are consistent with the purposes of said act. Failure on the part of the Stabilization Administrator to exercise such authority within 15 days after the receipt of the award, papers, proceedings, and transcript and to issue such directive to the board of arbitration shall be deemed approval of such increase for all purposes under the stabilization laws and Executive orders and regulations issued thereunder. As soon as practicable after receipt of the directive from the Stabilization Administrator the board of arbitration shall amend its proposed award accordingly and issue the award so amended as a final award and the same procedural and substantive provisions shall apply thereto as to any award under this section, except that no award shall be held not to comply with the stipulations of the agreement to arbitrate or of the submission in behalf of the parties by the Federal Mediation Board because of the time consumed in conforming to this proviso or because the award grants or denies wage or salary increases in conformity with the directive of the Stabilization Administrator;

"(3) in the case of an arbitration agreement providing for a board of seven arbitrators the parties shall choose four and the arbitrators or the Federal Mediation Board, as the case may be, shall name three all in the manner provided in section 7 Second (b) of the Railway Labor Act aforesaid.

"(e) If an award is set aside in whole or in part and the parties do not agree upon a judgment to dispose of the subject matter of the controversy, the Federal Mediation Board shall reinvestigate the matter. If it makes the findings described in subsection (a) of this section, it shall so notify the President. The President is then authorized to require resubmittal of the matters in dispute to arbitration pursuant to the provisions of this section and further to require that no person who was a member of the previous board of arbitration shall serve on the new board.

"(f) The duties of employers and employees and their representatives involved in the dispute, and the penalties for breach thereof, as set forth in section 3 of this act, shall continue from the date of the requirement of submittal to arbitration until the entry of final judgment upon an award, or until termination of the proceeding by written settlement, as the case may be. Any such settlement as well as settlement of particular questions by agreement of the parties at any stage of the proceedings shall be enforceable under the provisions of this act relating to enforcement of collective-bargaining contracts.

"(g) Unless in the arbitration agreement the parties stipulate for a longer period, an award shall continue in force for 6 months from the entry of final judgment thereon. During such period it shall be the duty of the employers and employees and their representatives involved in the dispute to adhere to the terms of the award and to refrain from strikes, lock-outs, and concerted slow-downs of production. Section 3, subsections (c), (d), and (e) of this act shall exclusively govern any breach of such duties.

"(h) Impeachment of awards under this section, provided for by reference, shall be the exclusive method of judicial review thereof."

Amendments intended to be proposed by Mr. AIKEN (for himself and Mr. MORSE) to the

amendment proposed by Mr. BYRD to the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes, viz:

On the first page, line 5; on page 2, line 20; and on page 3, line 3; after the word "commerce" insert the following: "and every trade, promotional, or other organization or association of employers which has for its purpose the promotion of the welfare of its members through the influencing of public opinion and which uses the mails or other instrumentality of commerce in carrying out such purposes."

On the first page, line 9; on page 2, lines 3, 5, 17, and 23; and on page 3, lines 8 and 10, strike out the word "labor."

On page 4, strike out lines 12 to 25, inclusive, and insert in lieu thereof the following:

"Sec. —. Any organization which violates any provision of this act shall, upon conviction thereof, be punished by a fine not exceeding \$10,000."

Mr. REVERCOMB. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. REVERCOMB. If cloture is invoked and adopted by the Senate, will the Chair advise the Senator from West Virginia whether, after cloture has been voted, amendments may be offered?

The ACTING PRESIDENT pro tempore. They may be offered only by unanimous consent, unless they are first presented and read into the Record under the rule. Under the unanimous consent agreement just entered into, all pending amendments, that is, all amendments printed and lying on the table, are considered as having been read and printed in the Record under the rule, and would be in order if the cloture petition should be adopted.

Mr. REVERCOMB. I thank the Chair.

Mr. PEPPER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PEPPER. I did not quite hear the first part of the question propounded by the Senator from West Virginia. As I understood the unanimous-consent request proposed by the leader, it was that any amendment now lying on the desk, or any which might be presented or offered before the cloture vote, should be considered as being offered in accordance with the rule. Is that correct?

Mr. BARKLEY. That is correct.

The ACTING PRESIDENT pro tempore. The Chair believes that the Senator's hearing was entirely accurate.

Mr. PEPPER. I thank the Chair.

Mr. HATCH. Mr. President, if the Senator from Kentucky is finished with his unanimous-consent requests I desire to make a very brief statement. Has the Senator anything further?

Mr. BARKLEY. No; I have no further unanimous-consent requests, but I have been urged to insist that the Senate vote tonight on the pending amendment. So far as I am concerned, it is entirely agreeable to do it if the Senate wishes to do so, or to have the Senate take a recess until tomorrow and vote on the amendment tomorrow when the Senate reassembles then.

SEVERAL SENATORS. Vote! Vote!

Mr. BARKLEY. I simply wish to obtain the consensus of views of Senators