

# The Constitution and Government of the AFL-CIO

*John Hutchinson\**

On December 5, 1955, the American Federation of Labor and the Congress of Industrial Organizations, the two great wings of the American labor movement, met and merged in New York. So ended, in form at least, the schism which began in 1935, when John L. Lewis founded the Committee on Industrial Organization, defied the discipline of the craft-dominated AFL, and launched the most successful organizing drive in American labor history.

Many changes had taken place in the twenty years between division and unity.<sup>1</sup> The Committee on Industrial Organization—from 1938 the Congress of Industrial Organizations—had grown into a stable, powerful organization of over five million members, exercising great influence in American industrial relations, demonstrating beyond debate the legitimacy of industrial unionism. The AFL, shaken from its lethargy by the spectacular victories of the CIO, had adopted more aggressive organizing habits, and had increased its members from some three million in 1935 to over ten million in 1955. But if the two federations had grown stronger separately, they had come to resemble each other in important ways. Both, for example, had adopted similar methods of union structure. The affiliates of the AFL, accelerating a process begun long before 1935, had largely forsaken the single-craft union for broader forms of organization. Some, like the Machinists, were now organized on both craft and industrial lines. Some, like the Bricklayers, became multi-craft unions enrolling workers in several closely allied trades. Some, like the Chemical Workers, were almost wholly industrial. Nor had the CIO, the vessel of industrial unionism, preserved its title intact. There were at least four bona fide single-craft unions in the younger federation,<sup>2</sup> while many CIO affiliates either failed or did not try to organize all employees in the industries in which they were recognized. Some CIO unions, such as the Oil, Chemical and Atomic Workers,

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<sup>1</sup> On the subject of structural changes in American trade unions see BAMBRICK & HAAS, *HANDBOOK OF UNION GOVERNMENT STRUCTURE AND PROCEDURES* (New York, Nat'l Industrial Conference Board, 1956); Stephansky, *The Structure of the American Labor Movement, INTERPRETING THE LABOR MOVEMENT* (Madison, Industrial Relations Research Ass'n, 1956); Dunlop, *Structural Changes in the American Labor Movement*, 80 *MONTHLY LABOR REVIEW* 146-54 (1957).

<sup>2</sup> The Barbers and Beauty Culturists, the American Radio Association, the Marine Engineers Beneficial Association, and the Transport Service Employees (Redcaps). The Lithographers were, and are, almost wholly a single-craft union.

were multi-industrial in character. There was, finally, a small group of AFL and CIO unions—the AFL Teamsters and the CIO Auto Workers, Steelworkers and Clothing Workers—with more or less unrestricted jurisdictions. With such a multiplicity of forms in both the AFL and the CIO, the old issue of craft versus industrial unionism had lost much of its significance by 1955.

The times had also changed. The depression years of mass unemployment and missionary unionism had given way to the postwar years of full employment and something approaching administrative unionism. The CIO, a hectic crusade in its younger days, had aged belligerently into a hard-working, highly practical, merely reformist way of life. On the other hand the AFL, spurred by the competition of the CIO and the anti-labor movement in the legislatures, had forsaken much of its job-conscious, politically conservative heritage, and had come to resemble the CIO in the range of its interests, the nature of its demands, and the style of its political activities. Further, the cooperation of the AFL and the CIO during World War II and the Korean conflict in defense matters, and after the enactment of the Taft-Hartley Act<sup>3</sup> in 1947 in political action, had tempered some of the inter-federation bitterness of the 1930's. In 1949, the exodus of the CIO from the Communist-dominated World Federation of Trade Unions, its cooperation with the AFL in founding the International Confederation of Free Trade Unions, and its expulsion of a number of Communist-led unions from its own ranks, helped to quiet the uneasiness of the AFL about the CIO's political orientation. The AFL, in turn, showed after 1952 under President George Meany a greater sensitivity to corruption among its affiliates, thus helping to satisfy an old CIO complaint against the more loosely-governed AFL.

With a growing identity of character there came an increased interest in cooperation. Organizing became more difficult with the years, and the conquest of the remaining frontiers—principally in lumber, chemicals, textiles and the white collar occupations—seemed to call for the resources of a united labor movement.<sup>4</sup> In politics, the humiliation of the Taft-Hartley Act, the passage of "right-to-work" laws in 18 states,<sup>5</sup> and the movement—exemplified by the Catlin Act in Wisconsin<sup>6</sup>—to impose new restrictions on the political activities of organized labor, added strength to the sentiment for unity.<sup>7</sup> Public opinion, disturbed about Communists in the CIO

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<sup>3</sup> 61 Stat. 156, 29 U.S.C. §§ 141-97 (1947).

<sup>4</sup> Bell, *No Boom for Unions*, *Fortune*, June 1956, p. 136.

<sup>5</sup> See SULTAN, *RIGHT-TO-WORK LAWS: A STUDY IN CONFLICT* (1958).

<sup>6</sup> Wis. Laws 1955, ch. 135, which amended provisions now in WIS. STAT. ANN. § 12.56 (1957).

<sup>7</sup> Johnson, *Government Regulation of Internal Union Affairs*, 5 *LAB. L.J.* 807 (1954); *Laws Limit Labor's Political, Union Activity*, 13 *Congressional Quarterly Weekly Report* 869; Curtis, *Regulation of Union Political Expenditures*, *American Economic Security*, May-June 1956, p. 16.

and racketeers in the AFL, grew more receptive to the idea of new, restrictive labor legislation. With four times the membership of 1935, American labor seemed threatened by stagnation from within and by political attrition from without. Unity, to many trade union leaders, was no longer a matter of rhetoric or principle, but of necessity.

Some obstacles remained. Both the AFL and CIO, proud of their traditions, had retained a strong institutional patriotism. The practice of inter-federation raiding, undiminished by the years, had created habits of antagonism which were hard to shake off. The hostility in the ranks was reinforced by estrangement at the summit. The abortive unity negotiations of the past two decades had not contributed to fraternal relations between AFL and CIO leaders; in particular, President William Green of the AFL and President Philip Murray of the CIO had developed a suspicion of each other which hampered all attempts at unity after 1940. Even in the 1950's, the emotional legacy of the break was still too strong to permit a signing of the peace.

Then, in 1952, both Green and Murray died. Their successors, George Meany of the AFL and Walter Reuther of the CIO, had played only minor roles in the original schism and had had little occasion since then to develop personal animosities toward each other. Both, for one reason or another, were enthusiasts for merger. Meany, a product of the conservative New York building trades, had in his twelve years as Secretary of the AFL developed into a strong leader of wide interests and broad trade union philosophy. As such, he had little to fear and perhaps much to gain from the support of the "social unionists" of the CIO against some of his more parochial colleagues in the AFL. Reuther's long-standing support of labor unity was proximately strengthened by the open dissention between himself and President David J. McDonald of the million-member Steelworkers, and by the latent threat of that union to secede from the CIO if unity were not quickly achieved. A truncated CIO, apart from suffering in bargaining strength in merger negotiations, can have held little attraction for a person of such ability and imagination as Reuther. The path to unity was smoothed by the reciprocal interests of its chief negotiators.

Progress was rapid. The first unity meetings took place in 1953. An AFL-CIO unity committee was formed and quickly drew up a No-Raiding Agreement as the essential precursor to merger. The agreement, for those signatory to it, went into effect on January 1, 1954. Later in the year both federations reported an appreciable decline in raiding, and merger negotiations moved satisfactorily to a conclusion. The AFL-CIO Merger Agreement was signed in February, 1955, and a new constitution promulgated three months later. Despite something less than total enthusiasm for merger, and with formidable obstacles to real unity still to be overcome, the breach

of twenty years was sealed. The merger convention only ratified, with proper ceremony and little dissent, a union which had already taken place.

## I

### THE FRAMEWORK OF GOVERNMENT

#### *A. The Purposes of the Federation*

The creation of the American Federation of Labor and Congress of Industrial Organization (AFL-CIO) brought together some 15 million trade unionists in 140 unions of craft, industrial, mixed and unlimited jurisdictions, some of them in competition with each other, all of them jealous of their independence. It united two large federations with their own traditions and sensitivities. In particular, it united them in a period quite different from those in which they were founded. It was not surprising, therefore, that the new constitution bore the marks of accommodation to time and circumstance.

The preamble to the constitution is an example. Gone are the class-conscious phrases of the AFL preamble and the evangelistic language of its CIO counterpart.<sup>8</sup> The new one, by comparison, is an exercise in restraint, reflecting the more even temper of modern trade unionism. It also marks, however, the formal acceptance by the united labor movement of the broadest social responsibilities. "At the collective bargaining table, in the community, in the exercise of the rights and responsibilities of citizenship," it says, "we shall responsibly serve the interests of all the American people." It pledges the AFL-CIO to the protection of the liberty, security, living standards, working conditions, leisure time and personal dignity of working men and women; to the fulfillment of its aims through democratic processes and constitutional government; and to resolute combat against the enemies of democracy. The later itemization<sup>9</sup> of the "Objects and Principles" of the AFL-CIO confirms the broad, indeed global, nature of the federation's interests. Not only does the AFL-CIO undertake to promote by legislation the welfare of "workers, farmers and consumers," to help its members to live as full citizens, and "to encourage all workers without regard to race, creed, color, national origin or ancestry to share equally in

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<sup>8</sup> The AFL preamble spoke of a struggle "in all the nations of the civilized world between the oppressors and the oppressed . . . a struggle between the capitalist and the laborer, which grows in intensity from year to year, and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit . . ." The AFL, in 1955, had long outgrown both the rhetoric and the analysis of the preamble to its constitution. The CIO had two preambles. The first, written in the heady days of 1938, was paradoxically a brief, unemotional statement of the CIO's origin and general purpose. The second, replacing the first in 1946, was a somewhat turgid item, describing the goals of the CIO in the grandest of terms. See PROCEEDINGS, CIO Convention, 1946, 301-02.

<sup>9</sup> AFL-CIO Const., art. II.

the full benefits of union organization";<sup>10</sup> it also promises "to give constructive aid in promoting the cause of peace and freedom in the world and to aid, assist, and cooperate with free and democratic labor movements throughout the world."

The same section also lists the more workaday principles of the federation. The AFL-CIO will "aid workers in securing improved wages, hours and working conditions"; promote the organization of the unorganized; encourage the sale of union-made goods; protect the labor movement from "any and all" corrupt influences; and encourage the merger of unions with duplicate jurisdictions. All these activities, however, will be carried out with "due regard for the autonomy, integrity and jurisdiction" of affiliated unions. Moreover, to safeguard the cherished tradition of union autonomy, each affiliated union "shall respect the established collective bargaining relationships" of every other affiliate, and "shall refrain" from raiding such relationships. Finally, the constitution affirms the essence of the merger and states that "both craft and industrial unions are appropriate, equal and necessary as methods of union organization." All three principles—the preservation of autonomy, the sanctity of the established bargaining relationship, and the legitimacy of both craft and industrial unionism—are repeated for good measure several times throughout the constitution.<sup>11</sup>

### *B. Constitutional and Administrative Structure*

The constitutional framework of the AFL-CIO is largely an amalgam of AFL and CIO traditions. The federation is governed by a President, a

<sup>10</sup> The only reference in the AFL constitution to minority groups was article XI, section 6, which permitted the issuance of separate charters to local unions, federal locals and local councils "composed exclusively of colored members, where, in the judgment of the Executive Council, it appears advisable and in the best interest of the Trade Union Movement to do so." The CIO constitution stated in its later preamble that "racial persecution, intolerance, selfishness and greed have no place in the human family," and in article II that one of the objects of the CIO was "to bring about the effective organization of the working men and women of America regardless of race, creed, color or nationality . . ." The AFL-CIO provision incurred some criticism on the ground that it did not recognize the right of all groups to "full membership" in trade unions. See BAMBRICK & HAAS, *HANDBOOK OF UNION GOVERNMENT STRUCTURE AND PROCEDURES* 17 (New York, Nat'l Industrial Conference Board, 1956). Racial discrimination is still practiced in some unions, mainly from the old AFL, although the AFL-CIO leadership has been very outspoken in favor of racial equality. The federation has had two Negro vice presidents, President A. Philip Randolph of the Sleeping Car Porters and the late President Willard Townsend of the Transport Service Employees, the former from the AFL, the latter from the CIO. Neither the AFL Executive Council nor the CIO Executive Committee had Negro members. The AFL-CIO has persuaded at least one international union, the International Brotherhood of Electrical Workers, to take action against a local affiliate guilty of refusing union membership to Negroes. *New York Times*, April 20, 1957, p. 8, col. 7. Two traditionally all-white railroad unions, the Railroad Trainmen and the Locomotive Firemen and Enginemen, were required to undertake to eliminate racial discrimination in their unions as a condition of their post-merger admission into the AFL-CIO. *New York Times*, Aug. 27, 1957, p. 28, col. 3; *AFL-CIO News*, Sept. 28, 1957, p. 3, col. 4.

<sup>11</sup> AFL-CIO Const., art. II, §§ 1, 2, 8, 11; art. III, §§ 4, 7; art. VIII, § 7.

Secretary-Treasurer, an Executive Committee, an Executive Council, a General Board and a biennial convention. The President and Secretary-Treasurer are the executive officers of the federation, and as in the AFL, both positions are full time.<sup>12</sup> The Secretary-Treasurer is the "chief financial officer" of the AFL-CIO, vested only with housekeeping duties,<sup>13</sup> although in practice he shares many of the administrative and ceremonial tasks of the President. The latter is the "chief executive officer," his duties being to exercise supervision of the affairs of the federation, to preside at federation meetings, to sign official documents, and to interpret the constitution subject to the rulings of either the Executive Council or the convention.<sup>14</sup> The presidents and the secretary-treasurers of both the AFL and the CIO had similar formal powers.<sup>15</sup>

The convention is the "supreme governing body" of the AFL-CIO.<sup>16</sup> Unlike the annual AFL and CIO conventions, however, it meets only on alternate years.<sup>17</sup> The two-year interval is presumably a concession to the high cost of conventions and, perhaps, a recognition of the limited role that conventions tend to play in the initiation of federation policy. Most federation conventions engage in lively floor debate on policy matters; but the policies adopted by the conventions are rarely at variance with those conceived and recommended by the executive body concerned. The battles have already been fought; the issue is seldom in doubt. The AFL-CIO, in adopting the biennial convention, is merely following a practice widespread among individual unions. In any event, special AFL-CIO conventions may be called at any time by the Executive Council or upon the request of affiliated unions representing a majority of the total membership of the federation.<sup>18</sup>

The General Board consists of the Executive Council and the "President or other principal officers" of each affiliated union, and was originally supposed to meet at least annually on the call of the President. The Board is an inheritance from the CIO, whose Executive Board was similarly con-

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<sup>12</sup> The President of the CIO was never on full-time duty. Lewis, Murray and Reuther all retained the full-time presidencies of their own unions. James B. Carey was the Secretary-Treasurer of the Congress of Industrial Organizations during its entire life. From 1938 to 1941 he was President of the United Electrical Workers. Unseated by the Communists in 1941, he became a full-time officer of the CIO. In 1949, however, he returned to his part-time status with the CIO when he became the President of the newly chartered International Union of Electrical Workers. From 1949 the principal full-time officer with the CIO was an Executive Vice President.

<sup>13</sup> AFL-CIO Const., art. VII.

<sup>14</sup> AFL-CIO Const., art. VI.

<sup>15</sup> AFL Const., art. VI; CIO Const., art. V.

<sup>16</sup> AFL-CIO Const., art. IV.

<sup>17</sup> AFL-CIO Const., art. IV, § 2.

<sup>18</sup> AFL-CIO Const., art. IV, § 3(a).

stituted.<sup>19</sup> The latter, with formal power to "direct the affairs" of the CIO between conventions, never developed into an effective body, partly because of its size, partly because of the somewhat centralist traditions of the CIO. The General Board seems destined to have even less influence on its parent body, since its functions are limited by the constitution to deciding "policy questions referred to it by the Executive Officers or the Executive Council."<sup>20</sup> It has no original authority, and its functions seem to be residual and largely ceremonial. The only major act of the board to date—the endorsement on the recommendation of the Executive Council of Adlai Stevenson and Estes Kefauver in the 1956 election—was probably influential in organizing support for the two candidates; but it was hardly an exercise of authority. As if to emphasize the marginal importance of the board, the 1957 convention of the AFL-CIO amended the constitution to require that the board should meet only in those years when the full AFL-CIO convention is not held.<sup>21</sup> No changes were made in the official duties of the board. Of all the institutions within the AFL-CIO, the General Board seems the most likely to wither for want of work.

The Executive Committee consists of the President, the Secretary-Treasurer, and six vice-presidents elected by the Executive Council.<sup>22</sup> It, too, is marked by a vagueness of function. It meets every two months, and its duty is to "advise and consult with the President and Secretary-Treasurer on policy matters."<sup>23</sup> Patterned after the CIO's Executive Committee,<sup>24</sup> which was set up to compensate for the unwieldiness of the Executive Board, its influence is not clear. The six vice-presidents now on the committee represent over three million AFL-CIO members, and in concert with the executive officers represent a powerful grouping in the federation.<sup>25</sup> Its limited membership and frequent meetings, if combined with unanimity on policy, could give the committee a tactical advantage over the Executive Council and General Board. A shuffling of its membership

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<sup>19</sup> AFL-CIO Const., art. X; CIO Const., art. VI.

<sup>20</sup> AFL-CIO Const., art. X, § 3.

<sup>21</sup> 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 445-46.

<sup>22</sup> AFL-CIO Const., art. IX.

<sup>23</sup> *Ibid.*

<sup>24</sup> CIO Const., art. V, § 8.

<sup>25</sup> The members of the Executive Committee, not including Meany and Secretary-Treasurer Schnitzler, are George Harrison (President, ex-AFL Railway Clerks: 267,300 affiliated members); Harry Bates (President, ex-AFL Bricklayers: 120,500 affiliated members); David Dubinsky (President, ex-AFL Ladies' Garment Workers: 373,120 affiliated members); Walter P. Reuther (President, ex-CIO United Auto Workers: 1,216,000 affiliated members); David J. McDonald (President, ex-CIO Steelworkers: 1,011,440 affiliated members); and James B. Carey (President, International Union of Electrical Workers: 314,340 affiliated members). Total affiliated membership: 3,302,700. Figures taken from 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 562-84. Not all unions affiliate for their full membership. A few, for political reasons, may from time to time affiliate for more than their real membership.

to include the chief officers of some larger unions might, under the proper conditions, make it the controlling power in the AFL-CIO. For the moment, however, its importance is uncertain. Its deliberations, if weighty, are largely unreported; and there is no public record of any major decisions in which, as a committee, it has exercised a decisive influence. Given the composition of the committee, it can safely be assumed that it is not reluctant about offering advice to the executive officers. Quite apart from the tested independence of the President of the AFL-CIO, however, it is certain that the members of the committee hold varying views on trade union and other problems, and probable that the counsel of the committee has been divided on a number of issues. Nor would the representation of larger unions on the committee necessarily contribute to the unanimity of its opinions and hence its influence. Without formal authority, the Executive Committee seems less executive than advisory in nature, with no change of role in prospect.

The Executive Council is a different matter. It is composed of the executive officers and 27 vice-presidents elected at the regular conventions of the federation. The council, the constitution states,

shall be the governing body of this Federation between conventions. It is authorized and empowered to take such action and render such decisions as may be necessary to carry out fully and adequately the decisions and instructions of the conventions and to enforce the provisions contained in this constitution. Between conventions it shall have the power to direct the affairs of the Federation and to take such actions and render such decisions as are necessary and appropriate to safeguard and promote the best interests of the Federation and its affiliated unions, including the organization of unorganized industries by means most appropriate for that purpose.

The council is also directed by the constitution to maintain a watch on all legislative developments "directly affecting the interests of working people," to initiate appropriate legislative action, to discipline its officers and members, and "to make rules to govern matters consistent with this constitution."<sup>26</sup>

These are powers similar to those invested in the AFL Executive Council and the CIO Executive Board.<sup>27</sup> What is new and of particular interest is the authority given to the AFL-CIO Executive Council in relation to unions "dominated, controlled or substantially influenced" by totalitarian or corrupt forces. "It is a basic principle of this Federation," the constitution states, "that it must be and remain free from any and all corrupt influences and from the undermining efforts of communist, fascist or other totalitarian agencies who are opposed to the basic principles of our democracy

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<sup>26</sup> AFL-CIO Const., art. VIII, §§ 2, 4.

<sup>27</sup> AFL Const., art. IX; CIO Const., art. VI.



and of free and democratic trade unionism." The council is authorized, where "there is reason to believe" that a union is so affected, to conduct an investigation. Upon completion of the inquiry the council may, if the evidence warrants, "make recommendations or give directions" to the union concerned. If the union's condition remains unremedied, the council may then, by a two-thirds vote, suspend the union concerned. Suspension by the council may be appealed to convention, but remains in force pending a successful appeal.<sup>28</sup> A simple majority vote in convention on the matter is decisive.<sup>29</sup> The suspension may also be revoked by a two-thirds vote of the Executive Council.<sup>30</sup>

Both the AFL and the CIO had formal and *de facto* powers to discipline their affiliates. In the AFL the only offense for which the Executive Council might suspend an affiliated union, subject to convention approval, was dual unionism; in all other cases suspension was the prerogative of the convention.<sup>31</sup> Even before the enactment of the provision on dual unionism, however, the AFL Executive Council suspended the rebel CIO unions in 1936 under the then Article IX, Section 8 of the constitution, which gave the council power "to make rules to govern matters not in conflict with this constitution."<sup>32</sup> Presumably this authority could have been used to suspend the racket-ridden International Longshoremen's Association in 1953, had suspension been the desired action; the ILA, however, was expelled by a two-thirds vote of the convention—the only means of expulsion from the AFL for whatever cause<sup>33</sup>—upon the recommendation of the Executive Council.<sup>34</sup> No constitutional provision was cited by the Executive Council in support of its recommendation; nor did the AFL constitution mention corruption or communism as a cause for suspension or expulsion, except that communist-led unions were not allowed to affiliate with state or local AFL organizations.<sup>35</sup>

Until 1949, the CIO constitution provided only that no affiliate could be expelled or suspended except by a two-thirds convention vote. In 1949, with the CIO's communist-dominated unions in mind, constitutional changes were made which permitted the Executive Board to expel or otherwise discipline any totalitarian-led union by a two-thirds majority; the

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<sup>28</sup> AFL-CIO Const., art. VIII, § 7.

<sup>29</sup> AFL-CIO Const., art. IV, § 1.

<sup>30</sup> AFL-CIO Const., art. VIII, § 13.

<sup>31</sup> AFL Const., art. IX, § 13.

<sup>32</sup> PROCEEDINGS, AFL CONVENTION, 1936, 65-86. Article IX, § 8, became Article IX, § 5, of the 1955 AFL Constitution.

<sup>33</sup> AFL Const., art. IX, § 13.

<sup>34</sup> PROCEEDINGS, AFL CONVENTION, 1953, 53-82, 486-93.

<sup>35</sup> AFL Const., art. IV, § 5.

decision could be reversed by the convention on appeal.<sup>36</sup> Like the AFL, and despite its greater sensitivity to corrupt practices, the CIO constitution bore no reference at any time to corruption as a cause for disciplinary action.

The powers granted to the AFL-CIO Executive Council in the matter of corruption are thus notable for their novelty and precision. They seemed in 1955—and subsequent events have justified the impression—an augury of the federation's determination to deal firmly with its most urgent problem. In any event the Executive Council has shown itself to be, with the possible exception of the President of the federation, the primary source of decision in the AFL-CIO. It has more formal authority than any group or individual in the federation. It meets with sufficient regularity—at least three times a year—to keep a close watch on the affairs of the federation and the activities of its executive officers. Three of the AFL-CIO's most vital committees—Political Education, Civil Rights and Ethical Practices—are responsible directly to it. It is, finally, composed of union leaders representing a large majority of the members, and most of the economic strength, of the AFL-CIO. Its actions since the merger—to be discussed below—have greatly affected the course of American trade union history. The political alignments within the Executive Council will exercise a decisive influence on the life of the federation in the years to come.

The administrative structure of the AFL-CIO, also, is largely the product of amalgamation. It is composed of a series of standing committees, staff departments, trade departments, state and local bodies all of which have antecedents in the AFL or the CIO. There are, however, some innovations of note involved.

The President is ordered by the constitution to appoint 14 special-subject committees of the federation.<sup>37</sup> Neither the AFL nor the CIO constitution gave sanction to the network of committees and staff departments that grew up in both organizations; here, however, the committees are itemized and given specific functions, while the President is authorized to set up staff departments where necessary to carry out, under his "general direction," the work of the committees. The 14 committees have been created to help in the development and execution of policy in legislation, civil rights, political education, ethical practices, international affairs, education, social security, economic policy, community services, housing, research, public relations, safety and occupational health, and veterans' affairs. These represent almost all of the committee activities of the AFL and CIO, although AFL committees on the union label, adjustment, industrial relations, the shorter workday, and trade and regional labor bodies have been dropped or

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<sup>36</sup> CIO Const., art. VI, § 10.

<sup>37</sup> AFL-CIO Const., art. XIII.

absorbed, as have CIO committees on the guaranteed annual wage, fair labor standards, and resources development. Staff departments have been set up by President Meany, some to assist the committees, some to carry out the general administrative work of the federation. Such departments now exist in accounting, education, international affairs, legislation, library affairs, organization,<sup>38</sup> publications, public relations, purchasing, research, and social security. In addition, the President is served by a number of administrative assistants without permanent assignments.

The composition of these committees and staff departments presented one of the most sensitive problems of the merger. Three main problems arose: the claims of AFL and CIO staff members to jobs in the new federation; the leading appointments to committees and departments; and the danger of policy and personal differences between AFL and CIO representatives in the committees and departments. The first was resolved by retaining all AFL and CIO staff who wished to stay. The second was met by distributing committee chairmanships and principal staff appointments among AFL and CIO people, with somewhat more appointments going to the numerically superior AFL. An administrative solution to the third was not available; but the particular sensitivity of certain areas was recognized by the device of dual appointments. Two co-directors of the new Committee on Political Education were appointed, one each from the AFL and CIO.<sup>39</sup> Similar appointments were made to the Department of Legislation.<sup>40</sup> In international affairs, where public disagreement between the AFL and CIO had been sharper than on any other issue in recent times, two co-chairmen of the committee on International Affairs were appointed, while an AFL staff member without previous experience in the field was made director of the department with a relatively uncontroversial CIO man as his assistant.<sup>41</sup> Since 1955, however, all joint appointments have been terminated by resignation, retirement or death.<sup>42</sup> These changes, and the oper-

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<sup>38</sup> The Department of Organization is noteworthy in that it is entirely new and the only department dignified by a separate article of the constitution (AFL-CIO Const., art. XI). The article provides for an appointive director, responsible for the organizing work of the federation under the "general supervision" of the President. Neither the AFL nor the CIO gave such constitutional recognition to organizing, although the AFL had a Director of Organization, and the Executive Vice President of the CIO was responsible for CIO organizing activities.

<sup>39</sup> James McDevitt, Director of the AFL Labor's League for Political Education, and Jack Kroll, Director of the CIO Political Action Committee.

<sup>40</sup> William Cushing, a legislative representative of the AFL, and Robert Oliver, a legislative representative of the CIO.

<sup>41</sup> The two original co-chairmen were Vice President Matthew Woll of the ex-AFL Photo-engravers and President Jacob Potofsky of the ex-CIO Amalgamated Clothing Workers. The Director was George Brown, previously an administrative assistant to Meany; the assistant was Michael Ross, formerly of the CIO Department of International Affairs.

<sup>42</sup> Kroll has retired from COPE, leaving McDevitt in sole charge. Oliver has resigned and Cushing has retired from the Department of Legislation; Andrew J. Biemiller, formerly chief legislative representative of the AFL and now of the AFL-CIO, became the sole director. In

ation of the committee system as a whole, have been accompanied by little public evidence of friction.

### *C. The Departments*

There are six "trade departments" in the AFL-CIO.<sup>43</sup> Four of them—the Building and Construction Trades Department, the Metal Trades Department, the Maritime Employees Department and the Railway Employees Department—are inherited from the AFL and are associations of predominantly craft unions with jurisdiction in the industries or trades concerned. These departments and their state and local subdivisions render aid to their affiliates in collective bargaining, organizing, legislative activities and—particularly in the building trades—in the settlement of jurisdictional disputes. Each is served by one or two full-time elected officers with small staffs; their duties and powers remain little changed with merger, as do their constituents. A fifth trade department—the Union Label Trades Department—is also an inheritance from the AFL, and is an association for the promotion of union-made goods. It has no other functions.

The sixth department, the Industrial Union Department (IUD) is a new institution, the departmental successor to the CIO. The merger agreement provided for the establishment of a Council of Industrial Organizations, with the status of existing departments, to be open to all industrial unions within the federation.<sup>44</sup> The IUD constitution states that membership in the IUD is open to all AFL-CIO affiliates organized "in whole or in part" on an industrial union basis.<sup>45</sup> All former CIO unions affiliated with the IUD, together with some 40 former AFL unions. Today the department has 71 affiliates representing over seven million members, with former CIO unions representing some two-thirds of the total individual membership. In structure the IUD is similar to the CIO. It has a President, a Secretary-Treasurer, a Director, an Executive Committee, an Executive Board and a biennial convention. Of the three principal officers, only the Director—corresponding to the Executive Vice-President of the CIO—is a full-time officer with the department. Apart from the fact that the IUD is a department of the federation and accordingly subject to its discipline, the principal formal difference between the CIO and the IUD seems to be the biennial convention of the latter.

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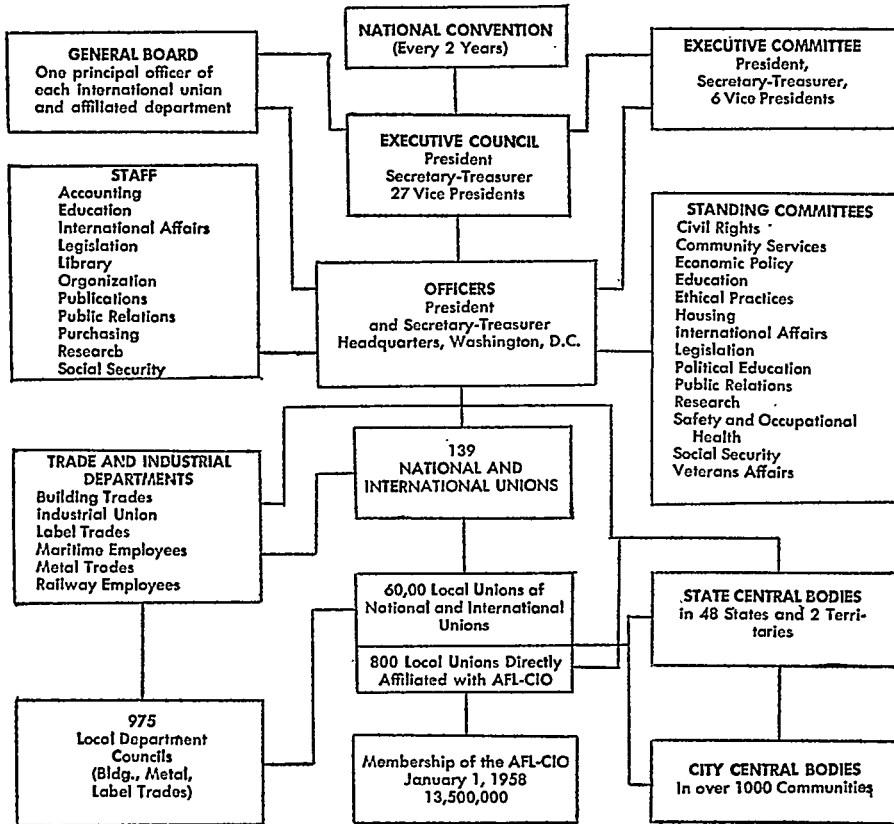
international affairs, the death of Woll and the resignation of Jacob Potofsky led to the assumption of the chairmanship of the committee, for a time, by Meany alone. Brown has resigned the directorship, being succeeded by Ross. More recently, President George Harrison of the Railway Clerks has succeeded Meany as chairman.

<sup>43</sup> AFL-CIO Const., art. XII.

<sup>44</sup> AFL-CIO Merger Agreement, 1955, Section 3a, BAMBRICK & HAAS, HANDBOOK OF UNION GOVERNMENT STRUCTURE AND PROCEDURES 108 (New York, Nat'l Industrial Conference Board, 1956).

<sup>45</sup> IUD Const., art. III (1956).

STRUCTURAL ORGANIZATION OF THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS



Source: AFL-CIO

There remains the question of the role of the IUD in federation affairs. The AFL-CIO constitution assigns the new department no distinctive functions; nor did the merger agreement. The IUD constitution, however, states that the purpose of the IUD is to "promote the interests of industrial unions," to help IUD affiliates in their collective bargaining activities, to administer the CIO Organizational Disputes Agreement, to encourage the unionization of all workers irrespective of race or creed, and to engage in legislative, research, educational and public relations activities of value to industrial unions.<sup>46</sup> The official program of the IUD, adopted by its Executive Board in March, 1956,<sup>47</sup> states that the IUD will undertake to represent "the industrial union interests" of its affiliates. The implication is that, in contrast to the older craft departments, which exist mainly to pro-

<sup>46</sup> IUD Const., art. II (1956).

<sup>47</sup> IUD Bulletin, April 1956, p. 1, col. 2.

tect the interests of their affiliates in specific industries, the basic purpose of the IUD is to serve the interests of industrial unions *per se*. The argument has been raised that no such generic interests exist, that the IUD was created essentially to satisfy the pride of the CIO and the ambitions of its leaders, and that any attempt to create or simulate distinct interests on the part of industrial unions as such can result only in friction or futility.<sup>48</sup>

The IUD, of course, advances a different view.<sup>49</sup> There is, it says, a "large common donominator" running through the basic economic and collective bargaining problems of many industrial unions; the IUD can perform a useful function for industrial unions in acting as a clearing house for information of common interest. In legislative matters, the IUD claims, such laws as the Fair Labor Standards Act,<sup>50</sup> the Walsh-Healey Act<sup>51</sup> and the Taft-Hartley Act<sup>52</sup> have particular importance for industrial unions. It argues that the problems raised by automation, industry location and labor migration are "particularly relevant" to industrial unions; the soft goods group of unions—those in textiles, apparel, clothing accessories and shoes—is cited as having a special interest in minimum wages, public contract provisions, industry migration and substandard working conditions. In more general terms, the IUD states that industrial unions have a "definite stake" in such matters as farm legislation, school and road programs, housing, social security, civil rights, civil liberties, taxes and "other legislative matters affecting the nation and organized labor."

The IUD has acted with predictable energy to prove its case. Its primary activity seems to have been the development of a "collective bargaining clearing house" for use by its affiliates. Twelve industry group committees, representing "broad industrial caegories,"<sup>53</sup> have been created to assist and coordinate the activities of unions interested in those categories; all IUD unions have affiliated with one or more committees, no committee having less than eight affiliations. In addition, a number of "joint union committees" have been established at the request of affiliated unions, each

<sup>48</sup> See, for example, Maurice Neufeld, *Structure and Government of the AFL-CIO*, 9 *IND. & LAB. REL. REV.* 382-83 (1956).

<sup>49</sup> The Industrial Union Department *passim* (Washington, IUD, 1956). Also IUD Bulletin, April 1956, *passim*.

<sup>50</sup> 52 Stat. 1060 (1938), 29 U.S.C. §§ 201-19 (1952), as amended.

<sup>51</sup> 49 Stat. 2036 (1936), 41 U.S.C. §§ 35-45 (1952), as amended.

<sup>52</sup> 61 Stat. 156 (1947), 29 U.S.C. §§ 141-97 (1952), as amended.

<sup>53</sup> Director Albert Whitehouse, Report on Industry Committees and Related Activities (Washington, IUD, 1956); 2 *PROCEEDINGS, AFL-CIO CONVENTION, 1957*, 347-60. The Committees are: Atomic, Chemical, Oil and Petroleum; Materials (brick, cement, glass, and stone); Communications and Communications Equipment; Food and Beverages; Metal Working and Machining; Paper, Printing and Publishing; Public Employment and Public Utilities; Consumer Goods (clothing, apparel, etc.); Transportation; White Collar Employment; Wholesale, Retail and Other Service Industries; and Wood, Furniture and Related Products. The average affiliation per committee is thirteen. The average affiliation per union is two.

committee being designed to bring together and assist groups of unions with a common employer; at least ten such committees have been formed.<sup>54</sup> Further, a series of "technicians' committees" composed of research personnel from affiliated unions has been formed to work in the special fields of guaranteed annual wages and supplementary unemployment benefits, health and welfare, pensions, industrial engineering, automation, staff training and attitude surveys; the purpose of the committees is not only to serve as a means of communication between specialists, but to assist the IUD in launching action or research projects of its own. Other activities of the IUD include the convening of special-subject conferences for its affiliates; the launching of research projects in a number of fields; the provision of legal assistance and collective bargaining information to affiliates; and the representation of IUD interests in the federal capital. The department publishes a monthly guide to collective bargaining materials, a general monthly bulletin, a quarterly digest, a roster of technicians available for consultation by affiliates, a roster of arbitrators with experience in "special" collective bargaining problems, and various specialized materials from time to time. It is safe to say that the activities of the IUD easily outstrip in pace and range those of any other department of the federation.

What seems to have been created, indeed, is not so much a department of industrial unions as a department of departments. One of the primary facts about the IUD, of course, is that most of its affiliates are not "pure" industrial unions at all but, as in the parent federation, organizations of varied composition. Some are organized quasi-industrially in more than one industry; some are organized almost wholly on an industrial basis in one industry but only fragmentally in another; some of them are multi-craft, and a few of them single-craft, unions. Moreover, the essence of the IUD's function seems to rest in the industry group and joint union committees, where the emphasis is on the nature of the industry rather than of the union. The participation of IUD affiliates in the work of the committees is thus based on their interests in a particular industry—in which they are typically organized on something less than an industrial basis—rather than on their concern with a problem arising peculiarly out of the structure of the union. Thus the Hod Carriers, a craft union, are affiliated with the committee on transportation; and the Hotel and Restaurant Employees, a multi-craft union, are affiliated with every industry group committee of the department. The point appears to be confirmed in the case of the joint union committees dealing with a single employer. The argument, of course, can be carried too far. There are many unions in the IUD which are largely industrial in character, a fact which—as the IUD argues—affects the intensity of their interest in particular problems; the concern of the Textile

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<sup>54</sup> 2 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 349.

Workers, for example, with industry location, minimum wage legislation and industry-wide bargaining is presumably greater than that of the Bricklayers. Here, no doubt, the IUD has a special function to perform. The department, however, is mainly composed of unions of limited jurisdiction, acting together on matters pertaining to particular industries. But this is precisely what the older trade departments do. The principal difference between the IUD and those departments thus seems to be the wide reach of the former. While the others deal with single or small groups of industries, the IUD embraces almost every major industrial activity in the United States.

There seems to be nothing particularly wrong with this arrangement. The IUD is clearly filling a gap in the services of the united labor movement. Except in the older departments, the machinery for inter-union cooperation in particular industries is almost non-existent outside of the IUD. Judging, also, from the continued affiliation of AFL-CIO unions<sup>55</sup> and their participation in IUD affairs, the department's services seem to be appreciated. Furthermore, with the exception of the dispute on jurisdictional matters between the Building Trades Department and the IUD, no important conflicts have arisen between the latter and other departments. Not that the IUD is everywhere beloved, or that all dangers of real conflict have passed. The huge department is regarded with some trepidation by some of the older departments, who fear the encroachment of the IUD on their traditional jurisdictions. If the IUD ever chooses to exercise its right to create state and local industrial union bodies, the danger of conflict with existing organizations might be great. Finally, the expressed and active interest of the IUD in "legislative matters affecting the nation" might, in future years, give rise to disagreement with the AFL-CIO itself. The IUD, of course, is well aware of these problems, and has taken great care to emphasize the consensual and supplementary nature of its functions. But the dangers remain, and may be exacerbated by those fearful of the power of this vast new organization. It will take considerable diplomacy to avoid them.

#### *D. State and Local Bodies*

The AFL-CIO constitution provides for the establishment of state and local subsidiaries of the federation, to be composed of local unions, union councils and other trade union bodies affiliated with the AFL-CIO. The merger of all existing AFL and CIO state and local central bodies was to have been completed by the second biennial convention of the federation.<sup>56</sup>

Like their predecessors, the new bodies are creatures of the parent fed-

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<sup>55</sup> *Id.* at 347. There are now 71 IUD affiliates, compared with 69 in 1955.

<sup>56</sup> AFL-CIO Const., art. XIV.



eration, and rules have been issued by the Executive Council making detailed provision for their conduct and supervision.<sup>57</sup> Some of the old AFL and CIO provisions are retained. The new rules incorporate the AFL requirement that central bodies must not become involved in collective bargaining, boycotts or strikes without the agreement of the unions involved, adding the requirement that the express consent of the AFL-CIO Executive Council must be obtained before conducting boycotts or adding to unfair lists. The AFL proscription against the affiliation of organizations or individuals of totalitarian persuasion is included. All central bodies are instructed to stay clear of unethical practices and organizations in the advertising field—a CIO bequest. On the other hand, the power which AFL councils had to take strike votes and to call strikes in cooperation with affiliated unions is abolished. The new rules do not include the AFL provision which permitted the issuance of separate charters to central bodies “composed exclusively of colored members.”<sup>58</sup>

However, while some of the old restrictions have been retained, the new rules accord a more specific function to central bodies than either the AFL or the CIO rules. In fact, the only positive, unconditional task allowed to both AFL and CIO bodies was organizing.<sup>59</sup> All other activities permitted to AFL central bodies—assisting affiliated local unions in strikes, boycotts and collective bargaining—were conditional upon some kind of request or approval;<sup>60</sup> there was no mention of political or community activities at all. The CIO rules discussed no activities whatsoever except organizing.<sup>61</sup> The provisions of the old rules, in any event, did not prevent most central bodies from engaging in a wide range of economic, political and community activities. The new rules give formal sanction to the usages of the past. State and local bodies are to “assist in furthering the appropriate objects and policies” of the AFL-CIO and its affiliates, to act as “a means of exchanging information among affiliated bodies on matters of common interest,” to assist affiliated unions “in their common and individual endeavors,” to promote the interests of labor by legislative means, to engage in “other activities” consistent with the objects and principles of the AFL-CIO and, in the case of state central bodies, to encourage the formation of local central organizations. This general mandate to state and local bodies seems to have allayed

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<sup>57</sup> Rules Governing State Central Bodies (Washington, AFL-CIO, 1956); Rules Governing Local Central Bodies (Washington, AFL-CIO, 1956). The AFL rules were incorporated in the AFL Constitution (articles XI, XIII, and unnumbered penultimate section). For the CIO provisions on central bodies (industrial union councils), see CIO Const., art. III, § 4, and CIO Rules for Industrial Union Councils (Washington, CIO, 1955).

<sup>58</sup> AFL Const., art. XI, § 6.

<sup>59</sup> AFL Const., art. XI; CIO Const., art. III.

<sup>60</sup> AFL Const., art. XI, §§ 1-9.

<sup>61</sup> CIO Const., art. III.

the fears of some officials that one of the by-products of the merger would be a shift of power from central bodies to international unions and the AFL-CIO. A long-term shift of authority from central bodies to international unions does seem to have taken place with the growing centralization of international union administration, but the AFL-CIO merger has had nothing to do with that;<sup>62</sup> and if the AFL-CIO has liberally construed its powers, it has not been at the expense of the customary functions of state and local organizations. If, indeed, the current firmness of national AFL-CIO leadership becomes a permanent feature of federation government, and particularly if political and community activities assume an increasing importance in trade union affairs, it may be that the influence of central bodies will increase with the passage of time. In any event, the unification of resources through merger at the state and local level should mean a general increment in the strength of state and local organizations.

State and local mergers have not been completed. The Executive Council reported to the 1957 convention that only 34 state and 169 local mergers had taken place.<sup>63</sup> The factors causing delay have in general been those which held back the original merger—habitual rivalry and suspicion, differing traditions and methods of operation, jurisdiction, and the problem of jobs in merged organizations. These were particularly strong factors in the large industrial states where the AFL and the CIO tended to be more evenly matched, in none of which had mergers taken place by the end of 1957. The delay in local mergers was largely a matter of waiting for unity at the state level. The 1957 convention denied representation to all unmerged state and local organizations, and authorized the President to take whatever action was necessary—including the revocation of existing charters—to hasten the process of unification. Meany expressed the hope that compulsory merger would not be necessary in any instance, and announced the decision of the Executive Council to appoint teams of two Council members to visit unmerged areas and assist in unity negotiations.<sup>64</sup>

One compulsory merger, however, soon took place. In no state has the rivalry between old AFL and CIO organizations been so sharp as in Michigan. The traditional rivalry was reflected in the merger negotiations, which became stalled at the end of 1957, largely over the insistence of the AFL delegation that all jurisdictional problems be solved before merger and that the members of the AFL delegation from the expelled Teamsters union be allowed to remain. On December 31, 1957, Meany appointed two members of the Executive Council as hearing officers to conduct an investigation of

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<sup>62</sup> ULMAN, *THE RISE OF THE NATIONAL UNION* 378-87 (1955).

<sup>63</sup> 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 394-98. There are over 1,000 local central bodies of the AFL-CIO.

<sup>64</sup> *Ibid.*

the Michigan impasse. The hearing officers reported that there was no likelihood of a merger under existing conditions, and recommended immediate action to set up a unified labor body at the state level. Meany revoked both statewide charters and ordered a merger convention for February 28, 1958. Despite an official AFL boycott of the proceedings, a large number of AFL affiliates attended the convention. The Michigan State AFL-CIO now represents some 750,000 of the 900,000 union members in the state.<sup>65</sup>

Perhaps moved by events in Michigan, state and local mergers increased considerably during the spring and summer of 1958. By September, 1958, 40 states and 479 local central bodies had merged.<sup>66</sup> Most, if not all, the outstanding mergers will probably be completed by the end of 1958.

## II

### THE CONSTITUTION IN ACTION

The constitution of the AFL-CIO, as already suggested, is a reflection of the times. The paramount tradition of union autonomy ensured its essentially confederal nature. The institutional pride of both the AFL and CIO no doubt influenced the adoption of constitutional features from both organizations. The temper of the times, the absence of serious economic distress and, not least, the success of American trade unionism itself, made certain the adoption of a document notable largely for its restraint. If the constitution of the AFL-CIO marked the formal acceptance by the federation of the broadest social responsibilities, it also showed the clearest intent to meet those responsibilities within the conventional limits of the American political and economic systems.

But if the external ambitions of the AFL-CIO were predictable, the character of its internal life was not. The new federation was a marriage of two separate and lately hostile organizations. Whatever the logic of unity, the previous two decades had left a residue of suspicion and divergent attitudes which was bound to affect the cohesion of the AFL-CIO. In particular, there was in 1955 little of the sense of habitual, confident association which adds cement to the always uncertain foundations of authority in trade union federations. This was a crucial matter, since the AFL-CIO had assumed major responsibilities in the two thorniest areas of modern American trade unionism: jurisdiction and corruption. The short and turbulent history of the AFL-CIO is largely the evolution of these two commitments.

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<sup>65</sup> On the Michigan merger, see *AFL-CIO News*, Jan. 18, p. 1, col. 4; Feb. 8, p. 2, col. 3; Mar. 1, 1958, p. 1, col. 1; 81 *MONTHLY LABOR REVIEW* 421 (1958). Former CIO unions account for some 600,000 of the new organization's membership.

<sup>66</sup> *AFL-CIO News*, Sept. 6, 1958, p. 1, col. 3.

### A. Jurisdiction

Jurisdiction—the claim of unions over men, work or territory—has long been a problem of a severity unique to the American labor movement.<sup>67</sup> A traditional labor shortage, continuous technological change, and a philosophy of economic rather than political unionism, have made American unions far more jealous than European unions of their formal sovereignty. The AFL was plagued by jurisdictional disputes from its earliest days, the easy dispensation of charters to almost all comers resulting in a number of affiliated unions with overlapping jurisdictions.<sup>68</sup> Later, the special conditions of American trade unionism were reflected in the urge of AFL affiliates to consolidate, expand and rule in their chartered jurisdictions; the weakest of them disappeared, dissolved or absorbed, to reduce the number of conflicting claims; jurisdiction became a theory of property, with exclusive jurisdiction its cornerstone, and dual or rival unionism the great trade union crime. But jurisdictional disputes, particularly over the assignment of work between the closely-associated craft unions in the building trades, were never wholly eliminated from the AFL, and continued throughout the life of the federation to strain the bonds of fraternity. Then the rise of the mass production industries presented to the craft-oriented AFL the challenge of large-scale industrial unionism. It was never properly met. Jurisdiction became the *casus belli* of 1935, when the AFL craft unions, reluctant to yield jurisdiction over skilled workers in industrial plants, obstructed the organization of the unskilled, and industrial unionism took the field. In the twenty years between division and unity, jurisdiction was a constant source of conflict between the AFL and the CIO. The affiliates of the two federations clashed continuously in competitive organizing campaigns and in raids against each other, their hostile activities increasing with the passage of time.<sup>69</sup>

Beginning in 1952, steps were taken by both federations, both separately and jointly, to deal with jurisdictional disputes. The CIO, at its 1951 convention, adopted the "CIO Agreement Governing Organizational Disputes."<sup>70</sup> The purpose of the agreement was to eliminate the relatively few jurisdictional disagreements arising between CIO affiliates in organizing new members. The agreement prescribed a procedure for the voluntary

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<sup>67</sup> See John Hutchinson & Richard J. Patterson, *Bibliography of Labor Union Jurisdiction in the United States* (mimeographed, Univ. of Calif., Berkeley, Institute of Industrial Relations, 1957).

<sup>68</sup> LORWIN, *THE AMERICAN FEDERATION OF LABOR; HISTORY, POLICIES, AND PROSPECTS* 67 (Washington, The Brookings Institution, 1933); P. TAFT, *THE AFL IN THE TIME OF GOMPERS* 185-210 (1957).

<sup>69</sup> Krislov, *The Extent and Trends of Raiding Among American Unions*, 69 Q.J. ECON. 145 (1955).

<sup>70</sup> PROCEEDINGS, CIO CONVENTION, 1951, 518-19.

settlement of disputes, with final and binding arbitration in the event of deadlock. Out of 30 affiliates, only the Lithographers and the Brewery Workers failed to sign the agreement. In 1954, the AFL adopted an "Internal Disputes Plan." The plan was wider in scope than the CIO agreement, being intended to eliminate the raiding of established jurisdictions, and disputes over both the assignment of work and the organizing of new members. The plan provided for voluntary conciliation, with terminal arbitration where necessary. Sixty-four AFL affiliates, about sixty per cent of them all, eventually adhered to the plan.<sup>71</sup> Meanwhile, in 1953, the No-Raiding Agreement between the AFL and the CIO was signed and promulgated. Its basic principle was that no union should attempt to organize or represent employees already affected by an "established collective bargaining relationship" between an employer and a union in the other federation. As in the other two plans, there was provision for voluntary settlement leading, where necessary, to final and binding arbitration. About 105 unions—76 old AFL, 28 old CIO, and one new union formed by merger between an AFL and a CIO union—became signatory to the agreement by the end of 1957.<sup>72</sup>

The AFL-CIO constitution marked a turning point in the trade union law of jurisdiction. The idea of exclusive jurisdiction was abandoned.<sup>73</sup> As already noted, the constitution recognized the legitimacy of both craft and industrial unionism and set up, in the place of exclusive jurisdiction, the law of the "established collective bargaining relationship." "The integrity of each . . . affiliate of this Federation shall be maintained and preserved. Each . . . affiliate shall respect the established collective bargaining relationship of every other affiliate and no affiliate shall raid the established collective bargaining relationship of any other affiliate."<sup>74</sup> Property was divisible, and possession the law.

The constitution also made additional provisions for the settlement of jurisdictional disputes. "In cases of conflicting and duplicating jurisdictions," it said, ". . . the President and the Executive Council of this Federation shall seek to eliminate such conflicts and duplications through the process of voluntary agreement or voluntary merger between the affiliates

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<sup>71</sup> PROCEEDINGS, AFL CONVENTION, 1955, 54-56.

<sup>72</sup> 2 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 47.

<sup>73</sup> It could hardly have been retained. AFL and CIO unions with conflicting or overlapping jurisdictions existed in at least 16 industries: automobile, electrical appliances and machinery, insurance, retail sales, barbering and beauty culture, chemicals and oil, clothing, glass, maritime, meat packing, paper, shipbuilding, footwear, stone and stone products, textiles and urban transportation. BAMBRICK & HAAS, *HANDBOOK OF UNION GOVERNMENT STRUCTURE AND PROCEDURES* 25 (New York, Nat'l Industrial Conference Board, 1956).

<sup>74</sup> AFL-CIO Const., art. III, § 4.

involved.”<sup>75</sup> The existing three agreements were to remain in force for those signatory to them until a combined agreement available and applicable to all AFL-CIO affiliates could be developed. Complaints about raiding not settled under the No-Raiding Agreement were to be referred to the President; if he failed to obtain a voluntary settlement he was to refer the matter to the Executive Council with such recommendations as he thought appropriate. The Executive Council was authorized to make, after suitable hearings, whatever decision it thought necessary to uphold the requirements of the constitution. In the event of non-compliance with the Executive Council's decision, the matter was to be referred by the council to the biennial convention for action.<sup>76</sup>

On February 6, 1958, the Executive Council announced a new combined procedure for the settlement of raiding cases.<sup>77</sup> Disputes between signatories of the No-Raiding Agreement are to be settled as before, except that in the event of non-compliance with an arbitration award the procedures of Article III(4) will apply. Where a dispute is brought up under Article III(4) for action, the procedures of the No-Raiding Agreement are first to be followed, except that the arbitrator is to submit a “recommendation for settlement” rather than a decision or award. Non-compliance with the recommendation will be dealt with under the procedures of Article III(4). Thus a further sanction is added to the No-Raiding Agreement, and non-signers made subject to all its provisions except terminal arbitration.

Considerable success has been claimed for the various jurisdictional arrangements. The AFL, at its 1955 convention, credited the Internal Disputes Plan with effecting a one-third reduction in intra-AFL raids ending in NLRB elections.<sup>78</sup> The CIO, also at its final convention in 1955, stated that the agreement had resulted in fewer disputes being referred year by year to the CIO for settlement and had thus “met the goal of solving jurisdictional disputes . . . through arbitration.”<sup>79</sup> The AFL-CIO Executive

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<sup>75</sup> AFL-CIO Const., art. III, § 3. Only four union mergers had taken place by the end of 1957. The Metal Engravers (400 members) have merged with the Machinists (900,000 members). The CIO Barbers (3,000 members) have “reaffiliated” with the AFL Barbers (65,000 members). The AFL State, County and Municipal Workers (100,000 members) and the CIO Government and Civic Employees Organizing Committee (membership not published), have merged. The AFL Paper Makers (60,000 members) and the CIO Paperworkers (40,000 members) have united. Unity negotiations are in various stages of incompleteness between the AFL Meat Cutters (311,000 members) and the CIO Packinghouse Workers (100,000 members), the AFL Chemical Workers (72,000 members) and the CIO Oil Workers (200,000 members), the AFL Pulp and Sulphite Workers (154,000 members) and the CIO Woodworkers (90,000 members).

<sup>76</sup> AFL-CIO Const., art. III, § 4.

<sup>77</sup> AFL-CIO News, Feb. 15, 1958, p. 4, col. 4. The new procedure also applies to boycott activities conducted by unions in furtherance of a jurisdictional claim.

<sup>78</sup> PROCEEDINGS, AFL CONVENTION, 1955, 53-56.

<sup>79</sup> PROCEEDINGS, CIO CONVENTION, 1955, 170-71. See also Lehrer, *Some Jurisdictional Problems Confronting the AFL-CIO*, ILR Research (N.Y. School of Industrial & Labor Relations, Cornell University, Summer 1957).

Council reported to the 1957 convention that the No-Raiding Agreement had worked in a "highly satisfactory" manner, with 135 cases being processed during the life of the agreement, only 35 of them reaching the arbitrator. The council also informed the convention that, since the merger, some 300 cases had been processed under Article III(3) and III(4). Of these, ninety per cent were settled in meetings between the President's staff and the unions involved. Others were settled by special subcommittees of the Executive Council. Only one dispute was taken before the Executive Council as a whole.<sup>80</sup> "The record," the council stated, "testifies to the cooperative spirit of our affiliates in seeking to work out constructive solutions to their problems through reasonable and honorable methods."<sup>81</sup>

DISPUTED COLLECTIVE BARGAINING ELECTIONS AS A PERCENTAGE  
OF ALL ELECTIONS UNDER N.L.R.B. AUSPICES: 1949-1957\*

Year	All Elections	All Disputed Elections	Percentages: (3) of (2)
(1)	(2)	(3)	(4)
1949	5514	500	9.1
1950	5619	579	10.3
1951	6432	449	7.0
1952	6765	971	14.4
1953	6050	1050	17.4
1954	4663	559	12.0
1955	4215	595	14.1
1956	4946	462	9.3
1957	4729	360	7.6
1958	4338	254	5.8

\*SOURCE: NLRB. The table takes into account only elections involving two or more AFL, CIO or AFL-CIO unions. Elections involving one affiliated union and one or more unaffiliated unions are not counted. Fiscal years are used.

Other evidence available tends to confirm the optimism of the various verdicts. The general effect of the agreements might be tested, with at least some validity, by consultation with the election records of the National Labor Relations Board (NLRB). The table above shows the number of disputes among unions affiliated with one federation or another between 1949 and 1958 which reached the point of an NLRB-supervised election. It shows that in 1954, the first complete year after the launching of unity negotiations, there was a sharp drop in election activities of all kinds; this

<sup>80</sup> 2 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 46-47. The No-Raiding Agreement had received earlier praise from the arbitrator, David L. Cole, who said that the agreement "has been very effective . . . We have accomplished at least as much as we ever hoped." AFL-CIO News, June 15, 1957, p. 1, col. 4.

<sup>81</sup> 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 164.

decline, however, was more than matched by that in the total of disputed elections among affiliated unions. This is important in terms of intra-federation relations, since raid elections—the prime indicator of inter-union conflict—account for more than 90 per cent of all disputed elections.<sup>82</sup> On the assumption, also, that organizational disputes between affiliated and non-affiliated unions have not declined proportionally, the figures also signify a decline in intra-federation organizational disputes. The decline in the proportion of disputed elections to all elections has continued to the present day. This favorable reading of the returns can, of course, be qualified in some respects. One item—elections where two or more affiliated unions join in a single electoral unit—is not separated from the statistics used above; but it is not substantial enough to affect the general conclusions drawn from the table. An important point is that the 1953 figures probably represent an untypical, twelfth-hour spurt in organizing and raiding activities to gain disputed ground before the advent of the No-Raiding Agreement;<sup>83</sup> if so, the 1954 decrease is less impressive than it seems. Nor do the NLRB returns tell the full story. Many disputes between unions never invoke the electoral processes of the NLRB, or even—where available—the machinery of the agreements, and are either decided privately or drag on through the years, unrecorded and unsolved. Further, the state of inter-union relations can be affected by a number of factors largely beyond federation control, such as the restiveness of craft groups in industrial unions, the changing of NLRB policies on electoral units, and the state of the economy. It is even conceivable that the existence of federation jurisdictional machinery produces a tendency, however slight, to proceed further with jurisdictional disputes than before; the neglect of insoluble differences may have given way, to some extent, to the pursuit of soluble ones; the AFL-CIO statistics may be even more impressive than they seem. There is no proof available. What is clear, however, is that there has been a substantial decline since 1953 in disputed elections between affiliated unions, and that the long-run increase in disputed elections has been reversed. It is fair to assume that the agreements have had something to do with the progress made.

The reduction of disputed elections, however, has not eliminated the

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<sup>82</sup> Spielmans, *Measuring the Results of Organizational Union Representation Elections*, 9 *IND. & LAB. REL. REV.*, 283n (1956).

<sup>83</sup> The No-Raiding Agreement was signed on December 16, 1953, and was intended to become operative on January 1, 1954. Owing to the delay in obtaining formal adherence by individual unions, the agreement did not go into effect until June 9, 1954. The initiation of unity discussions may have been as important a factor in decreasing inter-union conflict as the No-Raiding Agreement itself. The agreement did not prevent an increase in dispute elections in 1954-55. These, like those in 1952-53, probably represent last-minute exertions before a formal peace, in this case the merger itself.



problem of major jurisdictional rivalry. The principal evidence of continuing friction in jurisdictional matters has been the running battle, since the merger, between the Building Trades and Industrial Union departments.<sup>84</sup> The dispute centers mainly on jurisdictional rights in a "gray" area between new construction work and maintenance work in plants organized by industrial unions. There is general agreement that "running maintenance" should be performed by industrial union members, and wide agreement that new construction work should be done by building tradesmen. The disputed work includes alterations, major repairs, relocation of existing facilities and various types of maintenance work. In some plants the disputed work is performed by members of industrial unions, in others by building tradesmen working under a separate union contract or brought in especially for the job at hand. There are also plants where new construction is performed by industrial union members, and running maintenance by building tradesmen. The elasticity of jurisdictional boundaries, and the infinite variety of past practices, provide ample ground for battle.

A major dispute broke out during the first AFL-CIO convention. The Detroit building trades unions, supported by the Teamsters, claimed jurisdiction over work being performed by members of the United Automobile Workers (UAW) in the conversion of the Detroit Studebaker-Packard plant from automobile to jet aircraft production. The dispute was settled later through the offices of the Executive Council,<sup>85</sup> but prompted the establishment, during the convention, of a joint BTU-IUD committee to develop procedures for the settlement of jurisdictional disputes. The committee's discussions ended in deadlock in April, 1956, the IUD—according to the Building Trades Department—refusing to agree that all new construction should be performed by building tradesmen, the Building Trades Department—according to the IUD—refusing to accept terminal arbitration in jurisdictional disputes. A special committee of the Executive Council then assumed responsibility for negotiations. There followed a series of proposals and counter-proposals from various quarters, none of them producing agreement, until the next biennial convention of the AFL-CIO in December 1957.<sup>86</sup>

The unsuccessful negotiations were accompanied, from time to time, by signs of rebellion on the part of the building trades unions. The deadlock of April 1956 was followed by a letter from President Richard Gray of the Building Trades Department to all its affiliates asking them to

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<sup>84</sup> Barbash, *The Jurisdictional Dispute*, Industrial Bulletin, N.Y., Nov. 1957, p. 3.

<sup>85</sup> AFL-CIO News, Feb. 18, 1956, p. 5, col. 6.

<sup>86</sup> For accounts by the Building Trades and Industrial Union Departments of the negotiations, see 2 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 343-46, 352-53.

block all merger negotiations at the state and local level until a general agreement on jurisdiction was reached; the letter was withdrawn only after Meany stated that the AFL-CIO would offer no assistance in the settlement of the BTU-IUD dispute until it was withdrawn. Later in the year the Building Trades Department announced plans for the administrative reform of the department "to strengthen and enlarge the building and construction trades to protect their rightful jurisdiction and to *regain work*<sup>87</sup> now performed by other organizations"; the announcement stated that the reorganization of the department would be based on principles followed in the Teamsters to facilitate a single policy between the two organizations in asserting their rightful jurisdictions.<sup>88</sup> Then, in August 1957, after the rejection by the department of a proposal by Meany for the settlement of disputes,<sup>89</sup> a special convention of the department was called to consider action. The calling of the convention gave rise to speculation that the building trades unions might secede from the federation if an early solution to the problem were not reached.<sup>90</sup> The rumors seemed to gain substance from the conspicuous presence at the convention of the then Vice President James R. Hoffa of the Teamsters. Hoffa, it was said, wanted to unite the Teamsters and the building trades unions on the jurisdictional issue against the industrial unions and was prepared, if necessary, to lead such an alliance out of the federation.<sup>91</sup> No rebellion took place, but the rumors of secession persisted until the department's regular convention just prior to the second biennial convention of the AFL-CIO.

Then they died a quick death. The department's convention was

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<sup>87</sup> Emphasis added.

<sup>88</sup> 39 LAB. REL. REP. 219 (1957). The reorganization seems to have been confined mainly to the appointment of regional organizers with investigative and reporting functions only. The department does not appear to have created anything comparable to the regional conferences or trade divisions of the Teamsters.

<sup>89</sup> In an identical letter to Gray and Whitehouse on July 1, 1957, Meany proposed on behalf of a special committee of the Executive Council that new construction should be performed by building tradesmen, running maintenance by industrial union members, and that disputes about work in the "gray" area be decided on the basis of past practice in the plant, area or industry involved. He also suggested that a team of six men—three selected by each department—be placed on the staff of the AFL-CIO. The six men would work in three teams—one man from each department per team—attempting to adjust jurisdictional disputes. Unsettled disputes would be referred to Meany, Gray and Whitehouse in committee, thence to the special committee of the Executive Council. No mention was made of terminal arbitration. The proposal was accepted by the IUD but rejected by the Building Trades Department, which continued to maintain that all maintenance and repair work should be performed by building tradesmen.

<sup>90</sup> New York Times, Aug. 5, 1957, p. 15, col. 3.

<sup>91</sup> New York Times, Aug. 3, 1957, p. 1, col. 4. Hoffa had previously been reported as offering \$500,000 to the building trades unions for an all-out jurisdictional attack on the industrial unions. (Business Week, Feb. 2, 1957, p. 110).

addressed by Meany who, in a blunt speech, made clear his opinion that both sides were to blame for the delay, and that compromise was essential to the solution of the problem.<sup>92</sup> No action in the direction of secession was taken by the convention, which confined itself to recommending that, in the absence of an early solution, the presidents of all building trades unions meet to decide on future policy.<sup>93</sup> The following week the Teamsters were expelled from the AFL-CIO; despite a unanimous resolution of the Building Trades department convention opposing the expulsion, many building trades unions voted for it. Discussions between the Building Trades and Industrial Union departments were resumed, and on February 5, 1958, Meany sent a second letter to Gray and Whitehouse announcing the terms of a second proposal by the special committee of the Executive Council. The letter was identical with that of July 1, 1957, except for one deletion, viz.:<sup>94</sup>

There are two areas in which the jurisdictional lines between the building trades craft unions and the industrial unions are clear. New building construction, on the one hand, should be the work of the workers represented by the building trades craft unions; production and running maintenance work, on the other hand, should be the work of the workers represented by industrial unions. Between the two clear areas set forth above there is a doubtful area *involving such work as alterations, major repairs and relocation of existing facilities, changeovers, and other types of maintenance work*. In this doubtful area, decision should be made on the basis of established past practice on a plant, area or industry basis.

Agreement, and no doubt an added maneuverability on both sides, was gained at the cost of a few definitions. The price seemed small, and the terms of the letter were immediately endorsed by both departments.<sup>95</sup>

There the matter rested, in unwonted peace, for a brief pause. The formula was a notable advance at least in principle, the first of its kind in American labor history. The agreement on the polar issues of new construction and running maintenance, and on a procedure for the conciliation of intermediate differences, was a hopeful sign. Then the Steelworkers announced, on April 5, 1958, that they would refuse to surrender the new construction work on steel company premises traditionally performed by members of their union, and withdrew from the agreement. The Building Trades Department immediately declared that the plan was unworkable without the Steelworkers, stating that some 36 per cent of all BTD-IUD disputes involve that union. Further negotiations are now in progress.

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<sup>92</sup> PROCEEDINGS, BUILDING TRADES DEPARTMENT CONVENTION, 1957, 181-90.

<sup>93</sup> *Id.* at 231.

<sup>94</sup> Phrase in italics deleted from second letter.

<sup>95</sup> AFL-CIO News, Feb. 8, 1958, p. 1, col. 4.

The agreement is still in force, but with presumably greatly limited effectiveness.<sup>96</sup>

### *B. Corruption*

Corruption has provided an equally stringent test of the federation's authority. The problem is neither new nor simple.<sup>97</sup> It has old roots in American trade unionism, dating back to at least the 1880's. It was, around the turn of the century, a characteristic of building trades unions in some of the major urban centers. With the advent of prohibition, and the systematic invasion of unions in the service trades by racketeers, it became a major problem for both trade unionism and civil government. Since World War II the investigations of various legislative committees have laid bare the existence of practices in a number of unions which, by any standards, are intolerable. While comparatively few union officials are involved, the operations of the guilty have been of such a scale and depravity as to make corruption American labor's most serious and embarrassing problem.

But if the evil is obvious, the remedy is not. Corruption in trade unions involves the violation of two sets of standards: those of the law, and those of the labor movement itself. On the former, it appears to be widely agreed that criminal law enforcement in the United States is something less than perfect, and in clear need of reform.<sup>98</sup> This is a reprehensible condition of which organized labor is the most publicized victim, but not one for which it bears a special responsibility. The AFL-CIO is not an agency of the law; and where trade union corruption extends into criminal practices, as it sometimes does, the remedy must lie principally with the civil authorities. One of the lessons of recent labor history is surely that the abolition of corrupt practices in the American labor movement must wait upon the reform, or at least the enforcement, of the law.

The weakness of criminal law enforcement, however, does not absolve the AFL-CIO from responsibility in dealing with corruption. Purely as a matter of self-defense, it cannot leave the elimination of criminals from the labor movement to the police and the courts. Nor are criminal practices alone involved. Many of the unsavory practices uncovered by legislative committees are not criminal; they offend, not the law, but ideas of good trade union behavior. The effect is broadly the same. Whether the offenses are criminal or simply undesirable, they invite the retaliation of the legislatures. The AFL-CIO has thus been faced with the task of enforcing its

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<sup>96</sup> AFL-CIO News, Aug. 30, 1958, p. 3, col. 2.

<sup>97</sup> See Hutchinson, *Corruption in American Trade Unions*, 28 THE POLITICAL QUARTERLY 214 (1957).

<sup>98</sup> AMERICAN BAR ASS'N, 1 ORGANIZED CRIME AND LAW ENFORCEMENT 23 (1952); RECKLESS, THE CRIME PROBLEM 189 (1955); King, *The Control of Organized Crime in America*, 4 STAN. L. REV. 51 (1951).

own standards, lest the repair of the law injure the victim as well as the culprit.

The general attitude of the federation toward corruption, as already stated, was embodied in the constitution. This has been elaborated by the publication of six codes of ethical practices drafted by the Committee on Ethical Practices on the instructions of the Executive Council.<sup>99</sup> Code I condemns the issuance of local union charters—a prize eagerly sought by racketeers—to improper persons or for improper reasons, and states that the AFL-CIO and all affiliated unions “shall take prompt action” to revoke charters being abused and to prevent the issuance of new ones. Code II prescribes rules, such as the avoidance of conflicts of interest and the adoption of proper accounting procedures, for the operation of union welfare and pension funds. Code III states that no person should hold union office “who has been convicted of any crime involving moral turpitude offensive to trade union morality,” who is “commonly known” to be a racketeer or crook, or who actively supports a totalitarian political organization.<sup>100</sup> Code IV deals with the business interests of union officials, sanctioning private investment by trade unionists in “the American free enterprise system,” but condemning various compromising financial relationships between union officials and the employers with whom they bargain. Code V is concerned with the financial and proprietary activities of unions, offering a series of recommendations intended to ensure the honest administration and prudent disposition of union funds. Code VI prescribes the standards which should be observed to maintain the highest possible degree of internal union democracy; the recommendations include the right to free speech and honest criticism, free elections, conventions at least every four years, and the sparing use of trusteeships and other disciplinary measures. All the codes have been formally adopted by the Executive Council and by the AFL-CIO in convention.<sup>101</sup>

<sup>99</sup> AFL-CIO Codes of Ethical Practices (Washington, AFL-CIO, 1957).

<sup>100</sup> The policy of the AFL-CIO on the 5th amendment has occasioned some adverse comment. In January 1957, the Executive Council adopted a statement which said, in part, that if a union official invokes the 5th amendment “for personal protection and to avoid scrutiny . . . into alleged corruption on his part, he has no right to continue to hold office in his union.” This was construed by many observers to mean that the invoking of the 5th amendment was *ipso facto* a cause for dismissal from union office. As a result, the Executive Council reported to the 1957 convention that the purpose of the statement was not to deny the legitimate protection of the 5th amendment to any union official, but merely to make it clear that the invoking of the 5th amendment did not render any union official immune from subsequent *trade union* investigation for the purpose of determining his fitness to continue in office. 2 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 57-58.

<sup>101</sup> 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 475. In February, 1957, Meany directed all affiliated unions to take steps, including the amendment of union constitutions where necessary, to bring the law and practice of affiliates into conformity with the codes. Meany later reported that while full compliance would necessarily take some time, at least 55 affiliates had

The formulation of the codes on ethical practices by the AFL-CIO has been accompanied by a series of investigations and disciplinary acts. A resolution of the founding convention of the federation called upon all affiliated unions to take whatever steps necessary to implement the "ethical standards" of the AFL-CIO, and promised the "full support" of the Committee on Ethical Practices for any union taking such action.<sup>102</sup> A resolution of the Executive Council in June, 1956, vested "the authority of the Council" in the Committee on Ethical Practices to conduct investigations and make appropriate recommendations to the council.<sup>103</sup> In all, six unions have been investigated and disciplined since that time.

One of these was the Distillery Workers Union, an organization of some 25,000 members. In 1956, the Senate Committee on Labor and Public Welfare issued a report which dealt, in part, with the Distillery Workers.<sup>104</sup> The committee found that the secretary-treasurer of the union and other officials had cooperated with the broker of the union's welfare fund in diverting welfare fund monies to their private use. Meany appointed a staff committee to examine the Senate report. The adverse opinion of the staff committee led, after the merger, to a formal investigation of the union by the Committee on Ethical Practices. The committee confirmed the previous adverse findings, and the union was directed by the Executive Council to show cause why it should not be suspended. On February 5, 1957, after the Committee on Ethical Practices had concluded in further hearings that the union had "no real understanding" of ethical trade union practices and no proposals for the elimination of its own internal corruption, the Executive Council ordered the union to clean house within 90 days or stand suspended and face expulsion from the AFL-CIO. After three months the council found that the union had only partially satisfied the requirements of the

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taken executive or convention action to comply with his directive. AFL-CIO News, Aug. 30, 1958, p. 1, col. 3. An interesting variation on the codal theme has been the adoption by the Executive Committee of the Industrial Union Department of a "Code Dealing with Certain Organizational Practices." The code is intended to reduce the violence of language which tends to accompany inter-union organizational competitions. It states that no IUD affiliate shall "impugn or attack the motives or character of any competing affiliate, its officers or its subordinate organizations," nor imply in any way that another affiliate is guilty of "communism, racketeering, company unionism, backdoor dealing, racial prejudice, unnecessary strikes, excessive initiation fees, dues or assessments, or any other improper activity against trade union morality." Complaints not adjusted by the director are to be referred to the IUD Literature Review Committee and thence, if necessary, to the Executive Committee for appropriate enforcement action. AFL-CIO News, Aug. 2, 1958, p. 3, col. 1. The adoption of the code raises an interesting question in terms of trade union responsibility to current or prospective members: what if the charges are true?

<sup>102</sup> PROCEEDINGS, AFL-CIO CONVENTION, 1955, 98.

<sup>103</sup> AFL-CIO News, June 16, 1956, p. 1, col. 1.

<sup>104</sup> Senate Comm. on Labor and Public Welfare, *Welfare and Pension Plans Investigation*, S. REP. NO. 1734, 84th Cong., 2d Sess., 283-86 (1956).

federation, and offered it a choice between suspension or probation. The Distillery Workers chose probation, and a "special representative" was appointed by Meany to monitor the affairs of the union. Meany announced at the 1957 AFL-CIO convention that the union had made some progress and had agreed to hold a special convention to comply formally with the demands of the federation. The convention has been held under AFL-CIO auspices and new officers now lead the union, but probation is still in force.<sup>105</sup>

The Senate report also dealt with the Allied Industrial Workers (AIW), formerly the UAW-AFL, a union of 73,000 members and mixed jurisdiction.<sup>106</sup> The report alleged a number of dubious financial and administrative practices by the union's Secretary-Treasurer, a number of New York locals, and a large local in Chicago. A staff committee appointed by Meany confirmed the findings. The Committee on Ethical Practices subsequently reported to the Executive Council that the AIW did not meet the ethical standards of the AFL-CIO. On February 5, 1957 the Executive Council delivered a 90-day ultimatum but found, after three months, that the union had complied only partially with the Council's requirements. The AIW also was offered the choice between suspension and probation, and chose the latter. A monitor was appointed for one year. Progress was evidently satisfactory, since probation was lifted on October 24, 1957.

A third union, the 75,000 member Laundry Workers International Union (LWIU), was also condemned by the Senate report.<sup>107</sup> The report charged that the union's broker had engaged in wholesale embezzlement of the union's welfare fund in collaboration with one or more of the LWIU's officials. The LWIU had requested, at an earlier date, the assistance of the AFL in bringing the operation of the welfare fund into conformity with the federation's standards. Several recommendations were made by the AFL's Department of Social Security, but while some reforms were instituted, a staff committee of the AFL-CIO later found itself unable to pass favorably on the adequacy of the reforms. The Committee on Ethical Practices then confirmed the existence of serious malpractices in the administration of the union and its welfare fund, and stated that the union had "no serious intention" of reforming itself. The Executive Council ultimatum was delivered on February 5, 1957. The order was ignored, and the union suspended on May 23, 1957. The LWIU lost its appeal at the 1957 convention of the AFL-CIO and was expelled from the federation.<sup>108</sup> A new

<sup>105</sup> AFL-CIO News, Aug. 30, 1958, p. 1, col. 2.

<sup>106</sup> *Id.* at 193-218. This union is not to be confused with the ex-CIO UAW, led by Walter Reuther.

<sup>107</sup> *Hearings Before the Subcommittee on Welfare Pension Plans Investigation of the Senate Committee on Labor and Public Welfare*, 84th Cong., 1st Sess., pt. 2, 279-746 (1955).

<sup>108</sup> 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 518-43.

organizing committee for the industry was set up by the AFL-CIO the following month and was transformed in May 1958 into a new union, the Laundry and Dry Cleaners International Union, AFL-CIO. The new organization has claimed one-third of the LWIU's former membership.<sup>109</sup>

On March 3, 1957, Secretary-Treasurer Curtis R. Sims of the Bakery and Confectionery Workers International Union filed charges against President James G. Cross and Vice-President George Stuart of the union, alleging that both had used union funds for private purposes.<sup>110</sup> The Executive Board of the union found Cross and Stuart not guilty, and suspended Sims. Meany then asked the Committee on Ethical Practices to conduct an investigation of the union. The committee reported on September 16, 1957, that Cross and other international officers had been guilty of misusing funds and of improper financial relations with employers. On September 25, 1957, the Executive Council directed the Bakers to eliminate all corrupt practices and to remove the officers involved within a month. The union did not comply with the directive and was ordered, the following month, to reinstate Sims and to hold within 90 days a special election at which all international union officers were to stand for re-election, with the exception of those condemned by the Committee on Ethical Practices; these were to be declared ineligible and barred from office. The union rejected the demand, was suspended by the Executive Council, and later expelled by the AFL-CIO convention. A new union, the American Bakery and Confectionery Workers International Union, was chartered and currently claims 70,000 of the expelled union's former 132,000 members.<sup>111</sup>

Following closely on hearings conducted by the McClellan Committee,<sup>112</sup> on August 13, 1957 Meany asked the Committee on Ethical Practices to investigate the affairs of the United Textile Workers of America (UTWA), an ex-AFL affiliate of some 50,000 members.<sup>113</sup> The union had previously been under scrutiny by the AFL, and Meany had once refused a loan to it because of its dubious financial procedures. The Committee on Ethical Practices found that President Anthony Valente and Secretary-Treasurer Lloyd Klenert had used large sums of union money for private purposes and had permitted a number of other dishonest practices in the union. The Executive Council ordered the union to eliminate all corrupt practices and to report progress before a special meeting of the council on October 24, 1957. At that time the council ruled that the union had not

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<sup>109</sup> AFL-CIO News, Aug. 30, 1958, p. 1, col. 2.

<sup>110</sup> 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 206-53; 2 *Id.* at 506-54.

<sup>111</sup> AFL-CIO News, Aug. 30, 1958, p. 1, col. 2.

<sup>112</sup> *Hearings Before the Senate Select Committee on Improper Activities in the Labor or Management Field*, 85th Cong., 1st Sess., pt. 9 (1957).

<sup>113</sup> 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 456-61, 485-87, 2 *Id.* at 544-59. This union is not to be confused with the ex-CIO Textile Workers Union of America.



complied with the directive and ordered it to stand suspended from the AFL-CIO on November 15, 1957, unless it barred from office all UTWA officers condemned by the council and agreed to accept a monitor over its affairs. The union formally accepted the conditions, failed to carry them out, and was suspended on December 4, the eve of the 1957 AFL-CIO convention. However, the Appeals Committee of the convention declared itself satisfied that the UTWA intended to comply with the council's directives, which now included the barring from office of Valente and Klenert, the holding of a special convention supervised by the AFL-CIO, the election of new officers by secret ballot, the adoption of the codes of ethical practices and the rendering of periodic reports to the AFL-CIO on the condition of the union. The UTWA was restored to good standing by the convention and held the required special election in May 1957. The Executive Council subsequently reported its satisfaction with the progress made until that time, but probation has not yet been lifted.<sup>114</sup>

The most spectacular of the findings of the McClellan Committee, however, related to the massive Teamsters union.<sup>115</sup> This was the most serious of all matters for the AFL-CIO. None of the other unions charged with corruption was particularly large in numbers, or great in economic strength outside its own industry. The loss of their per capita payments to the federation, or their opposition to the economic activities of other unions, were not matters of overwhelming concern to the vast majority of their censors in the AFL-CIO. But the Teamsters, with over 1,400,000 members, accounted for nearly 10 per cent of the federation's income.<sup>116</sup> More serious, they represent the greatest concentration of economic power in the labor movement as a whole. Their control over road transport puts them at the nerve center of trade unionism; their support or opposition in the organizing, bargaining and striking activities of other unions is almost always of first importance, and frequently the decisive factor; their continuing cooperation in union affairs can be quite literally a matter of life and death for the labor organizations involved. Thus the AFL-CIO was faced with the most melancholy of decisions.

The federation seems not to have faltered. In March, 1957, shortly after

<sup>114</sup> AFL-CIO News, Aug. 30, 1958, p. 1, col. 2.

<sup>115</sup> *Hearings Before the Senate Select Committee on Improper Activities in the Labor or Management Field*, 85th Cong., 1st Sess., pts. 1-7 (1957). 1 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 55-105; 2 *Id.* at 469-505.

<sup>116</sup> The AFL-CIO has experienced financial difficulties since its founding. The merger agreement provided for a per capita tax on affiliated unions of 4¢ per member per month. During the first six months of 1956 the federation operated at a deficit. Effective July 1, 1956, the Executive Council raised the tax to 5¢ for the following fifteen months. The increase was made permanent as of January 1, 1958. The loss of income due to expulsion—about one million dollars a year—brought about the dismissal for economy reasons of 56 organizers on the staff of the federation. 2 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 3-27.

his first appearance before the McClellan Committee,<sup>117</sup> President Dave Beck of the Teamsters was suspended from the Executive Council; he was later expelled. Simultaneously with Beck's suspension, the council ordered an investigation of the union. The Committee on Ethical Practices reported in August, 1957, after an exhaustive inquiry, that the Teamsters did not meet the ethical standards of the AFL-CIO. The following month the Executive Council ordered the Teamsters to correct the abuses described by the committee and to report to the council on progress made. No report was offered and no steps taken to reform the union. The union, indeed, at its convention in September 1957 proceeded to elect James R. Hoffa, the principal target of the Executive Council, as its President, and to expunge from the official convention record—after reading them *verbatim* to the delegates—the findings of the Committee on Ethical Practices and the decisions of the AFL-CIO Executive Council. The Executive Council suspended the Teamsters on October 24, 1957, stating that suspension would be lifted if the officers named in the committee's report were dismissed, and if the Teamsters agreed to the supervision of reform activities within the union by a special committee of the Executive Council. The conditions were not accepted, and the Teamsters were expelled from the AFL-CIO.

### III

#### THE PROSPECT

How fares the AFL-CIO? It survives, after more than two years of strain and upheaval such as few federations have had to endure. More important, it has demonstrated in adversity an authority over its affiliates as unprecedented as it was unpredicted. The responsibilities assumed by the AFL-CIO in the areas of jurisdiction and corruption required, for their fulfillment, a power of discipline hardly characteristic of American labor federations. The tradition of autonomy is the strongest of all in American trade unionism. Samuel Gompers made it a cardinal principle of the AFL, rarely attempting to wield a special authority, as a matter of constitutional right, over affiliated unions.<sup>118</sup> When he intervened in the internal affairs of unions—nearly always in jurisdictional disputes—it was usually to persuade rather than to command; and on the rare occasions when he did issue orders in the name of the federation, the severity of the command usually bore some relationship to the size and power of the recipient. During the quarter-century reign of William Green, the federation was governed loosely and amiably, with Green the anxious mediator, always seeking to avoid offense and the use of authority. The one great disciplinary event of Green's

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<sup>117</sup> *Hearings Before the Senate Select Committee on Improper Activities in the Labor or Management Field*, 85th Cong., 1st Sess., pt. 5 (1957).

<sup>118</sup> P. TAFT, *THE AFL IN THE TIME OF GOMPERS* 163-210 (1957).

presidency—the expulsion of the Committee on Industrial Organization—was not so much an exercise of authority as an act of recognition. The Committee was already in business on its own, and cared little about its expulsion.

The government of the CIO, in its early days, was a more centralized affair. The great emotional impact of the CIO, the enormous ability and prestige of Lewis, and the dependence of many fledgling CIO unions on the human and monetary resources of the United Mine Workers, gave the first president of the CIO a considerable personal influence in the internal affairs of many of its affiliates. But with the passing of Lewis from power, with the growth into self-sufficiency of most CIO unions, and under the more permissive presidencies of Murray and Reuther, the CIO—while it always was a more firmly governed institution than the AFL—lost most of its centralized character. The expulsion of the Communist-led unions in 1949, of course, was a remarkable example of self-discipline; but it was plainly made easier, if not essential, by the state of public opinion and world affairs.

Thus the AFL-CIO, dominated numerically by former AFL unions, and with none of the special circumstances of the CIO attending its birth, raised few expectations that it would be distinguished by the use of authority. Its standards were high, but they were not universally accepted. Its affiliates were a varied lot, some of them dubious of the merger, all of them jealous of their independence. The imperatives of the AFL-CIO constitution were specific, but the traditional obstacles to their enforcement were strong enough to justify the most permissive of administrative philosophies.

This was not to be the case. The intervention of the federation in jurisdictional affairs has been open, frequent and emphatic, if only partially effective, and bears comparison with that of any other period in American labor history.<sup>119</sup> In the matter of corruption, the scale and character of the AFL-CIO's actions are really without precedent. Standards of good trade union behavior were developed by both the AFL and the CIO, but not so exhaustively as by the new federation. Both the AFL and the CIO intervened in the internal affairs of their affiliates, but there was never anything to compare with the monitoring system and administrative demands of the AFL-CIO. Expulsions were not unknown in previous years, but only one had ever involved corruption,<sup>120</sup> and none had ever affected such a seminal organization as the Teamsters. In the clarity and scope of its standards,

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<sup>119</sup> For a proposal to increase the authority of the parent federation in the determination of jurisdictional rights through the adjudication of jurisdictional claims prior to elections or to the launching of organizing campaigns, see Aaron, *Union Procedures for Settling Jurisdictional Disputes*, 5 LAB. L.J. 258 (1954).

<sup>120</sup> See text at note 34 *supra*.

and in the energy it has shown in upholding them, the AFL-CIO has no predecessor in American labor history.

Why has this been so? There are three obvious factors to be considered: the political composition of the AFL-CIO; the nature of its leadership; and the prompting of external circumstance.

The discipline of the AFL-CIO has been made possible by a new aggregation, similar in outlook and dominant in numbers. The affairs of the AFL and CIO tended to be dominated by a few large unions—the Teamsters and Carpenters in the AFL, the UAW and the Steelworkers in the CIO. The conservative traditions of the Teamsters and Carpenters greatly influenced the jurisdictional, disciplinary and political policies of the AFL; the UAW and the Steelworkers accounted for half of the membership of the CIO, and the later tension between the two unions cast its shadow over the whole federation. The merger reduced the strength of the giants by increasing the electorate; the veto power of the largest unions was eliminated, and the importance of the numerical majority increased. Moreover, the creation of the AFL-CIO brought into a voting association a large number of unions which, long separate in allegiance, were close enough in outlook to act together on issues of mortal consequence to the federation. The problem of corruption invoked a wide consensus, and the power to expel even the most formidable of affiliates was available.

But coalitions require leadership, most of all in those decisions which strain the alliance to the limit. Any reading of the history of the AFL-CIO testifies to the remarkable personal influence of its President. Meany rules with a weighty hand. This seems to be a natural habit, dating at least from the day he became President of the AFL. On that day his nominee for the post of Secretary-Treasurer he had just vacated, President William F. Schnitzler of the Bakers, was opposed by President Daniel J. Tobin of the Teamsters, the largest union in the AFL. This, according to all custom, should have been decisive. Green had never opposed Tobin, who only recently had boasted that he controlled six of the 13 votes on the AFL Executive Council. Meany stuck to his choice, and to Tobin's amazement carried the matter to a vote. Schnitzler was elected.<sup>121</sup>

The precedent became a practice. Meany was the prime mover within the AFL on the unprecedented expulsion of the ILA in 1953. Also in 1953, President Emeritus William Hutcheson of the Carpenters threatened in Executive Council to secede from the AFL in disagreement with the federation's jurisdictional policies. The Carpenters were the second largest union in the AFL, and the largest union in the highly influential building trades group. Hutcheson, like Tobin, had never suffered the restraining hand of

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<sup>121</sup> Raskin, *New Task for the Blunt Meany*, *New York Times*, February 20, 1955, § 6 (Magazine), p. 21.

Green. On this occasion, Hutcheson uttered his threat and waited for the traditional act of conciliation. Instead, Meany offered the startling observation that "when a vacancy occurs, all vice presidents move up one seat. Do I hear a resolution to that effect?" In a brief moment Hutcheson was minus a vice presidency and the Carpenters were out of the AFL. The federation's jurisdictional policies remained unchanged, and three weeks later the Carpenters made a sheepish re-entry into the AFL. Hutcheson, the elder, never returned to the Executive Council.<sup>122</sup>

Meany has shown the same characteristics as President of the AFL-CIO.<sup>123</sup> During the early days of the federation he opposed an alliance between the Teamsters and the outlawed ILA, forcing the Teamsters first to postpone action on their "mutual assistance" agreement with the ILA, then to cancel a \$400,000 loan to the longshore union, and finally to drop the joint organizing plan which was the heart of the agreement; the alliance was not openly revived until after the expulsion of the Teamsters from the AFL-CIO. In state merger negotiations Meany has accepted protracted delays in the most difficult states, but has not hesitated to intervene personally in state merger negotiations,<sup>124</sup> or to impose unity in the bitterest situation of all. In jurisdictional matters he has uttered heresy to the traditionalists, and used the authority of the federation against the violators of the AFL-CIO constitution. His bluntness in public leaves him little room for compromise or change of opinion in consultation with his associates on the Executive Council, toward whom, in the privacy of the council, he is said to show little in the way of deference. His personal influence has been evident, most of all, in dealing with corruption. No doubt the presidency of the AFL-CIO invests him with a special authority, moral as well as constitutional; no doubt, since the incidence of corruption has been confined almost exclusively to old AFL unions, the chief disciplinarian had to come from the AFL; and no doubt Meany has had the support, and often the urging, of powerful men.<sup>125</sup> Nevertheless, the particular policies adopted by the AFL-CIO toward corruption were not specified by circumstance; a number of alternatives have always been available; in particular, the policy

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<sup>122</sup> Hutcheson died shortly afterwards. He had already been succeeded in the presidency of the Carpenters, in the labor movement's most famous case of primogeniture, by his son Maurice, who was later elected to the Executive Council of the AFL.

<sup>123</sup> See *Fortune*, July 1956, p. 179.

<sup>124</sup> Most notably in New York, New Jersey and California, in efforts to hasten agreement or, as in the case of New York, to offer his own plan for merger. *New York Times*, July 10, 1957, p. 15, col. 3.

<sup>125</sup> It is widely assumed that Walter Reuther is the most influential figure in the AFL-CIO next to Meany. Given his personal record and public following, this may well be true. The degree of influence he exercises in the federation, however, is not amenable to the same kind of documentation as that of Meany, since Reuther has consistently supported Meany's leadership of the AFL-CIO and refrained from any disagreement with the latter, at least in public.

of expulsion has clearly commanded something less than the enthusiasm of some of its ultimate supporters. It is difficult to avoid the impression that, whatever the pattern of influences at work, the firmness of federation policy, and the remarkable absence of organized opposition to it, owe much to the inflexibility of Meany and to the respect he commands in all quarters of the federation. Indeed it is questionable whether, in the absence of such manifest personal influence, the federation could have survived the adoption of its own draconian measures.

External circumstances, of course, have had a strong impact on the life and character of the AFL-CIO. In general, the prevalence of factors unfavorable to trade unionism—the dim memories of depression, the changes in the work force brought about by technological advance, the relative indifference of white collar workers to unionization, the occupational mobility of the population, and the improvement of personnel practices in industry—have maintained the interest of most unions in a unified, relatively respectable labor movement. The increasing tendency of courts and administrative agencies to render decisions adversely affecting unions<sup>120</sup> has kept most unions aware of the need for long-term political influence. Most of all, the internal politics of the AFL-CIO have been affected by the revelations of the McClellan Committee and the accompanying drive for new and more restrictive labor legislation at the state and federal levels. The early support by the AFL-CIO of the McClellan Committee, and the arraigning by the federation of the unions the committee had condemned, were most easily justifiable by the need to avoid legislative reprisals against the labor movement as a whole. Just as the AFL and CIO were moved to disciplinary heights by public opinion, so has the AFL-CIO been molded, to some extent, by factors beyond its control.

What are the prospects? As in the past, the ability of the federation to govern itself effectively will hinge upon developments in the volatile fields of jurisdiction and corruption. In jurisdiction, the disagreement between the Steelworkers and the building trades unions over new construction in industrial plants is a serious matter, likely to embitter relations between the industrial and building trades unions for some time to come; nor, in any case, is the federation ever likely to be free from the frictions of a problem so native to American trade unionism as jurisdiction. Yet a number of factors offer some cause for optimism. The constitutional demise of exclusive jurisdiction, the adoption by so many unions of jurisdictional practices incompatible with the advocacy of pure craft or pure industrial unionism, the marginal earnings of most jurisdictional offensives, and the pacific counsel recently offered by leaders from both sides of the BTU-

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<sup>120</sup> See *Journal of Commerce*, May 27, 1958, p. 1, col. 5; June 17, 1958, p. 1, col. 8; *Fortune*, July 1958, p. 221-22.

IUD dispute, suggest that a *modus vivendi* of some sort may be reached in time. Further, the constitutional and administrative processes of the AFL-CIO remain available for the settlement of jurisdictional disputes, and are being used.<sup>127</sup> In general, the issue seems to generate less heat than once it did; there has been no recent talk of secession, and little of the barricades. In the absence of some extraordinary catalyst, the problem might remain a manageable one, unlikely to inflict serious wounds on the federation.

Much will depend upon events in corruption. The McClellan Committee has not yet finished its burrowing, and the AFL-CIO still confronts the problem of disciplining wayward affiliates.<sup>128</sup> The impulse to tolerate, to seek remedial action short of expulsion, to turn upon the accusers rather than the accused, is bound to grow. The predatory excursions of the McClellan Committee into such border areas as the Kohler strike,<sup>129</sup> and the relative indifference of the Committee to corruption in management, have turned the earlier AFL-CIO endorsement of its activities into open hostility. The failure in recent months of the Congress to enact restrictive labor legislation, no doubt, will reduce the importance of that hazard in the federations disciplinary calculations. Further, the more recent findings of the McClellan Committee have indicated an incidence of corruption much more widespread than most trade union leaders had appreciated; with such a distribution of wrong-doing, the practice of expelling entire unions for the sins of a few of their leaders could easily become, for the AFL-CIO, an exercise in self-emasculatation. The disutility of expulsion as a remedy for corruption, moreover, is strongly suggested by experience. All four expelled unions—the ILA, the Bakers, the Laundry Workers and the Teamsters—have shown some improvement as trade unions under the pressure of adverse public and trade union opinion, and both the Bakers and the Laundry Workers have lost large numbers of their members to new unions chartered

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<sup>127</sup> The Executive Council has already handed down one important decision in a jurisdictional dispute, in which it directed the Sheet Metal Workers to desist from boycotting the products of the Burt Manufacturing Company, organized by the Steelworkers, whom the Sheet Metal Workers wanted to dislodge as the bargaining agent. Construction Labor Report, Apr. 24, 1957. Two special committees of the Executive Council have recently been appointed to investigate jurisdictional disputes between the Airline Pilots and the Flight Engineers, and between the Denver Metal Trades Council and the UAW. AFL-CIO News, Feb. 8, 1958, p. 1, col. 4.

<sup>128</sup> The Committee on Ethical Practices is currently investigating the Jewelry Workers, suspected of corrupt practices. The Operating Engineers, investigated early in 1958 by the McClellan Committee, have been given a series of directives by the Executive Council, specifying the reforms to be undertaken by the union. Maurice Hutcheson, the President of the Carpenters, is being investigated by the Council for having invoked the 5th amendment when asked by the McClellan Committee about the finances of his union. AFL-CIO News, Aug. 23, 1958, p. 1, col. 4.

<sup>129</sup> *Hearings Before the Senate Select Committee on Improper Activities in the Labor or Management Field*, 85th Cong., 2d Sess., pts. 22-25 (1958).

by the AFL-CIO. But the latter unions remain in important sections of their industries; the ILA, despite the unwelcome attentions of the law<sup>130</sup> and three attempts by the AFL-CIO International Brotherhood of Longshoremens to unseat it as the bargaining representative of the dock workers, is probably stronger than ever, and the strength of the Teamsters is virtually unimpaired. In all four unions the corrupt remain, presumably capable of new delinquencies in easier times.

The AFL-CIO has a difficult choice. It has stated its standards clearly and applied them boldly; any retreat from them—and the refusal to expel corrupted but still recalcitrant affiliates might well be interpreted as a retreat—will be damaging to the federation's prestige and authority. And if the price of courageous action has been high, it is probable, as already suggested, that the forthright actions of the AFL-CIO have saved the labor movement as a whole from worse deserts in the hands of the legislatures. Not only that, but the disciplinary alternative to expulsion and the chartering of a new union—the encouragement of irridentist elements in unions reluctant to accept the federation's demands for reform—violates the sacred principle of autonomy and is suspect to the honest and the corrupt alike; the right of the federation to interfere in the internal affairs of its affiliates, once granted, might not always be used for laudatory purposes.

Nevertheless, the principle of revolutionary intervention has been both stated and practiced. "The autonomous rights of international unions," the Committee on Ethical Practices has said, "do not include the right of a union to be dominated or influenced by corrupt influences."<sup>131</sup> The reform of the Allied Industrial Workers, the United Textile Workers and the Distillery Workers has been, in each case, simply a matter of removing leaders and redrafting constitutions by rebel groups under the leadership and supervision of the AFL-CIO. The erosion of autonomy, albeit under special circumstances, can go little further. The trend will probably continue, however slight or circumspect its application may be. Such a course will be hazardous, but hardly more disastrous than the alternative.

The Teamsters are a special case. Unwilling to accept the supervision of the federation, they were expelled; but the real sanction of expulsion—the isolation of the expelled union from the mainstream of the labor movement, and the chartering of a new international union—has not been ap-

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<sup>130</sup> Conviction of Joseph P. Ryan under 29 U.S.C. § 186(b) (1952), see *United States v. Ryan*, 350 U.S. 299 (1956). A bi-state waterfront commission was created in 1953 to supervise longshoring in the New York harbor area. N.Y. Sess. Laws 1953, ch. 882, § 10, N.Y. UNCONSOL. LAWS §§ 6700aa-zz; N.J. Laws 1953, ch. 202, § 1, N.J. STAT. ANN. § 32:33 (1957); approved by Congress, Act of Aug. 12, 1953, ch. 407, 67 Stat. 541 (1953). For further discussion of legal difficulties of the union, see N.Y. Times, Mar. 21, 1954, § 4, p. 4, col. 5.

<sup>131</sup> 2 PROCEEDINGS, AFL-CIO CONVENTION, 1957, 499.



plied in their case.<sup>132</sup> Since December 1957, indeed, the union has not only been at some pains to avoid conflict with the AFL-CIO, but has actually added to the series of joint organizing and bargaining agreements it has with various affiliates of the federation.<sup>133</sup> These agreements are usually of great practical importance to the signatories, and are not lightly abandoned. While, also, there has been a general departure of Teamster officials from elective positions in state and local AFL-CIO bodies,<sup>134</sup> there remains at those levels a wide pattern of association in economic and political matters, sanctioned by long usage and difficult to disrupt by national directives. The natural interest of many unions in cooperation with the Teamsters has recently been affirmed by the response to a call by Hoffa for the formation of a nation-wide Conference on Transportation Unity;<sup>135</sup> the ILA and the National Maritime Union (NMU)—the latter led by Joseph Curran, a member of the Committee on Ethical Practices—have already approved the idea; the International Longshoremen's and Warehousemen's Union (ILWU), led by Harry Bridges and expelled from the CIO in 1949 for being Communist-dominated, has also welcomed the proposal; even the Seafarer's International Union, traditionally a fierce opponent of both the ILWU and the NMU, has shown some interest. Such a Conference, if welded into a continuing organizing and bargaining alliance, as is presumably the intent, would be a trade union weapon of tremendous strength. Its economic leverage on many unions outside the Conference would be great, and might persuade some of the smaller unions to seek the direct economic aid of the Conference rather than the largely political aid of the AFL-CIO. It would be a natural refuge for unions expelled from the federation. It could exacerbate the rivalry between the industrial and building trades unions, perhaps attracting the latter into its ranks with the promise of all-out assistance in jurisdictional disputes. It could, in short, be the nucleus of a new federation, reviving, in even harsher terms, the civil war of 1935.

The issue has only recently been joined. In August, 1958, inveighing against "token" disaffiliation and the maintenance of relationships with corrupt leaders, the Executive Council of the AFL-CIO instructed all affili-

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<sup>132</sup> The AFL-CIO Constitution, art. IV, § 6, states that no union suspended or expelled from the AFL-CIO shall be allowed "representation or recognition" in the federation, in any of its subordinate bodies or in any affiliated union.

<sup>133</sup> Wall Street Journal, Feb. 11, 1958, p. 4, col. 2; International Teamster, June 1958, p. 3. AFL-CIO unions with which the Teamsters have formal or informal cooperative arrangements include the Machinists, the Upholsterers, the Flight Engineers, the Carpenters, the Laborers, the Operating Engineers, the Meat Cutters, the Retail Clerks and the Office Employees.

<sup>134</sup> The Executive Council has ordered the barring of all full-time officials of expelled unions from posts in state and local bodies. This will affect many Teamster officials who, by taking out membership in other unions, have retained their offices in state and local bodies after the expulsion of the Teamsters from the federation. AFL-CIO News, Aug. 23, 1958, p. 1, col. 4.

<sup>135</sup> Business Week, July 12, 1958, p. 79.

ates to cancel "any alliance or agreement, formal or informal," with the Teamsters. The purpose of the ruling, Meany said, was to encourage the "decent elements" in the Teamsters to take action against their corrupt leadership.<sup>136</sup> The Council's order stated, however, that there was no intention to interfere with the day-to-day relations between the Teamsters and AFL-CIO affiliates at the local level on matters which call for "understanding and cooperation based on elementary trade union principles."<sup>137</sup>

The order is ambiguous. The Council has made it clear that it approves the observance by AFL-CIO affiliates of Teamster picket lines, save those of the "shake-down" variety. But traditional inter-union cooperation involves much more than picketing. The order of the Council is aimed primarily at the formal organizing and bargaining agreements negotiated between the national leaders of the Teamsters and various AFL-CIO affiliates; but most of the now banned agreements, while reached at the national level, are implemented at the regional and local levels, and are inherently based on "elementary trade union principles." Cooperation between the Teamsters and affiliated unions at the local level also embraces a multiplicity of political and community activities, many of which—such as those involving local ordinances—bear directly on the ability of unions to function effectively. Unless, therefore, the order of the Executive Council is meant to limit cooperative activity to picketing alone, it is difficult to imagine where the line will be drawn. In the absence of clear directives from the federation, indeed, it can safely be assumed that in many cases the line will not be drawn; and that whatever formal acts of renunciation take place, the traditional relations will tend to continue. It follows that the council order is unlikely to be regarded by the great majority of Teamster officials as a call to revolt. At best, it will be interpreted as an intermediate policy intended to keep alive a scorn for the corrupt until the federation or the law make rebellion easier. At worst, it will be regarded as a face-saving equivocation intended to conceal the unwelcome fact that the Teamsters, given the present nature of their punishment, are perfectly capable of standing alone.

The solution to the problem must await new measures. The latest policy of the AFL-CIO is unlikely by itself to produce a change of leadership in the Teamsters; it is more likely to consolidate in self-defense the Hoffa administration of the union. A stricter interpretation of the Executive Council's order, however, might combine with other circumstances to effect the revolt desired. Hoffa, the main quarry of the McClellan Committee, is now under what is probably the most sustained combined pressure ever exerted upon an American trade union leader. The Senate, the federal gov-

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<sup>136</sup> AFL-CIO News, Aug. 23, 1958, p. 2, col. 3.

<sup>137</sup> AFL-CIO News, Aug. 23, 1958.

ernment, the press, a large section of the labor movement, and no doubt elements within the Teamsters, are all engineering for his downfall. They may succeed, in which case the political situation in the Teamsters could change overnight and the union return to the AFL-CIO. But they may fail, in which case the sole alternative to the *status quo*, to the acceptance of the invincibility of the Teamsters even under the most roundly condemned trade union leadership of the generation, is the chartering of a new road transport union by the AFL-CIO.

That would be a momentous event. The Teamsters, as one observer has recently pointed out, appear to be the only trade unionists in America who refer to their own individual union as a "movement."<sup>138</sup> This strong sense of uniqueness, coupled with the extremely able leadership of Hoffa and the great natural strength of the union itself, will make any attempt to organize a new union a highly speculative and probably gory adventure. Yet the leadership of the union remains in defiance of the AFL-CIO, a constant challenge to the ability of the federation to carry out the imperatives of its own constitution. Under present circumstances there can be no complete purging of corrupt elements from the labor movement, no reliable settlement of the problem of jurisdiction, only an impaired effectiveness in organizing and collective bargaining, and perhaps a continued vulnerability to legislative reprisal. In the face of critical developments in all these areas,<sup>139</sup> this is a serious matter.

The uncertainty remains. The future actions taken by the AFL-CIO, one way or the other, will depend upon a complex of influences working on the collective mind of the Executive Council. There is no evidence available which would justify a confident prediction about the result. The matter, in any event, may be decided by no more than chance. The accident of personality is as potent a factor in trade union government as in that of other institutions. A swift transition from peace to war is a possibility, depending on no more than the exhausted patience of a president. Hoffa and Meany are the leading players, each of them bearing a great deal of personal authority. Hoffa is a man of aggression, as happy in the streets as in the conference room. Meany, the chief custodian of the federation, is a man of courage and obduracy, disinclined to compromise with either the timid or the bold. The pressure of events may move either of them to an abrupt, crucial decision. The future condition of the house of labor may well be determined by the personal dispositions of these two men.

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<sup>138</sup> Irving Bernstein, *The Politics of the West Coast Teamsters and Truckers*, PROCEEDINGS, TENTH ANNUAL MEETING, INDUSTRIAL RELATIONS RESEARCH ASS'N, 1958, 8.

<sup>139</sup> Edwin E. Witte, "The Crisis in American Unionism," address before the National Academy of Arbitrators, St. Louis, January 31, 1958 (mimeographed).