A LABOR UNION
"BILL OF RIGHTS"

DEMOCRACY IN
LABOR UNIONS

THE KENNEDY-IVES BILL

Statements

by the

AMERICAN CIVIL LIBERTIES UNION

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170 Fifth Avenue  New York 10, N. Y.

September, 1958  Price 35¢; quantity prices on request
The American Civil Liberties Union, as one of its concerns, is interested in the rights of individuals within trade unions and the protection of those rights against abuse by labor unions and their officials. Although the large majority of unions in the United States respect democratic procedures, it is evident that many violations have occurred, and that some code of democratic conduct should be embodied in union constitutions. The AFL-CIO, recognizing the scope of the problem, has established a Committee on Ethical Practices, and has expelled various unions which have failed to meet the requirements of the organization. The United States Congress has gone further, and, in the Senate, passed a bill to regulate union affairs. Whether one believes that the problems can be handled completely by voluntary measures or whether one believes that legislation is necessary, the need for some code has been finally recognized.

The ACLU does not take a stand in favor of or against any specific legislation. Its interest is in seeing that any code, voluntary or legislative, meets the requirements of safeguarding civil liberties in a free society. The interest of the ACLU goes back to 1942, when a first inquiry into the problem was made. In June 1952, the ACLU published a widely discussed report, Democracy in Labor Unions, which, we think, has helped shape present-day thinking. That report has been out of print, and because its evidence and conclusions are still valid it is reprinted here. But in the six years since that report was issued, a number of new problems have arisen, and the new thinking of the ACLU is embodied in the ACLU "Bill of Rights" which was adopted on March 21, 1958.

The Kennedy-Ives bill, which was passed on June 17, 1958 by the Senate, is the first major legislation affecting unions since the passage of the Taft-Hartley law in 1947. Since the provisions of the Kennedy-Ives bill may well be the guide lines for future legislation, we feel that an analysis of its provisions, from the viewpoint solely of civil liberties, is an added contribution.
A LABOR UNION "BILL OF RIGHTS"

THE AMERICAN CIVIL LIBERTIES UNION, from its beginning in 1920, has wholeheartedly supported the civil liberties of workers and labor unions, as it has those of all other citizens and organizations. Those civil liberties—freedom of speech and association, fair procedures, and equality before the law—are even today, in many local areas over the country conspicuously denied to labor unions.

Support of a labor union's—or management's—specific economic objectives is outside of the American Civil Liberties Union's special field. But the ACLU recognizes that the three civil liberties, which are its concern, can—in our modern industrial era—flourish only if the workers' right to organize and bargain collectively is effectively safeguarded.

The success of labor unions in organizing millions of American workers has been marked by wide recognition of the unions' special status in our society. The right to bargain collectively is supported by government. Congress has accepted as a legitimate extension of collective bargaining a provision in a contract between a labor union and an employer that all of his employees must join the union if the majority of them so decide. An organization with far-reaching control over the power of its members to earn a living must guarantee to them in internal democracy the equivalent of what the Constitution requires our government to guarantee to its citizens—free speech and fair procedures and non-discrimination. A free society needs the practice of civil liberties, not only by the government, but by all of its other great institutions.

Toward this end, the American Civil Liberties Union has for fifteen years been urging the organized labor movement to adopt improved internal practice of civil liberties. The public attention which has recently been given to labor union administration provides an opportunity to propose the following Labor Union "Bill of Rights"—with the double purpose of advancing both the civil liberties of members within their unions and the civil liberties of unions within the community.

SECTION I  Freedom of Speech, Press and Assembly

1. Every member of a trade union shall have the right to speak freely on matters affecting the union, and every trade union shall respect this right of freedom of speech. Any member of a trade union shall have the right to reach other members in order to present his point of view. In respect to this right, no labor organization shall deny a member the right to:
(a) Fair and reasonable access to the official union publication for the presentation of a point of view,

(b) Circulate petitions on union policy,

(c) Publish and distribute leaflets, newspapers and all other written material, or to present his opinions through other media,

(d) Have access to the names and addresses of officers of locals, or other sub-units in the union, where the local is officially recognized as the bargaining agent for its members.

2. Every member of a union shall have the right to assemble freely with other members for the purpose of exchanging views on union welfare.

SECTION II  Freedom of Elections and Balloting

1. In a membership organization, the freedom of election and balloting is the ultimate and most important freedom in the democratic conduct and control of the group. Therefore:

   (a) Every member shall have the right to vote, on an equal basis with all other members, without fear of reprisal.

   (b) Other than voting in a representative body (e.g. a convention, or a shop stewards' council, or a city labor council) where the individuals represented have the right to know how their delegates voted, the secrecy of ballot shall prevail, and an honest count, free from intimidation, shall be guaranteed through the presence at the count of opposing candidates, or their representatives, and, if necessary, through the supervision of an impartial, outside agency. This supervision should be required if a petition containing the signature of at least ten per cent of the union membership is presented.

   (c) Any member of the union shall have the right to stand for and hold office, subject to fair qualifications uniformly imposed. No elected officer shall be removed from office except after reasonable notice and a fair hearing on the charges.

2. To insure proper discussion and review of union policies, there shall be regular meetings at reasonable intervals and elections with reasonable and uniform notice to union members. At the local union level, notice should be given through individual letter or in such forms as bulletin board notices or union publications.

   (a) Every national labor organization shall meet in open, national convention within a reasonable period of time (such as at least once every four years) for the purpose of a full and open discussion of union policy. The election of officers shall take place at this convention or through a referendum.
(b) Delegates to conventions shall be elected by the membership they represent and their election shall be held in a manner clearly prescribed in the union constitution, and adequate notice of such an election must be given to each member.

SECTION III  Trusteeships and Local Union Rights

No international labor union shall deprive a local of its right to conduct its own affairs through trusteeship or other devices without reasonable cause and a fair hearing within the union. If a reasonable number (such as 20 per cent) of the membership of the local affected requests it, there should be a prompt review of the international union’s action by an outside review board. In no event should trusteeships or similar control devices be employed for more than a year without the settlement of charges.

SECTION IV  Accounting of Union Funds

All labor organizations—certified local unions and their parent bodies—shall maintain a full and complete record of accounts, with adequate annual auditing protections. They shall compile a full and comprehensive, itemized financial report. Such reports shall be available, on demand, to any member of the union, and adequate annual summaries of such reports shall be published in the union publication, or where no such publication exists, by mail to each member.

SECTION V  Equal Treatment by the Union

No labor organization shall discriminate unfairly in its representation of all employees in the negotiation and administration of collective bargaining agreements, or refuse membership, segregate or expel any person on the grounds of race, religion, color, sex, national origin, opinion or lack of United States citizenship. No labor organization shall deny to a member equal rights within the union and the protection of the union’s law.

SECTION VI  Due Process Within the Union

1. No labor organization shall fine, suspend, expel, penalize or otherwise discipline any person or local without reasonable cause.

2. No labor organization shall fine, suspend, expel, penalize or otherwise discipline any member for any wrongful act without a fair hearing at which these due process protections are guaranteed: (a) a presumption of innocence until proved otherwise; (b) adequate notice in writing of specific charges with ample time to prepare a defense; (c) the presentation of evidence to support the charges; (d) the right of
representation for the accused and an opportunity to rebut testimony, including cross-examination of adverse witnesses and the presentation of witnesses by the accused; (e) hearings, wherever possible, shall be open to all members of the union; (f) the trial committee shall be composed of impartial persons who are not, by virtue of office, responsible to the individual or individuals making the charges, or selected, if agreement cannot otherwise be achieved, from an agency or group completely outside the union; (g) a written decision by the trial committee, based on the evidence, with a copy sent to the accused prior to any public release thereof; (h) a prompt and orderly appeal procedure not requiring more than one year for exhaustion, and where possible, staying of the penalty recommended until the final appeal is decided; (i) a final review by an outside board. Such review shall be conducted by an impartial person or persons (1) selected by the membership of the union on a regular or term basis in advance of the filing of charges, or (2) agreed to by the labor organization and the accused, or (3) if no such person or persons have been selected or agreed to, designated, upon request therefore, by any impartial association or group such as the American Arbitration Association, state mediation bodies, or the like.

3. Charges under the procedure described in 2 may be brought by union officials against members or by members against union officials.
DEMOCRACY IN LABOR UNIONS

A Report and Statement of Policy

This report was written by Professor Clyde W. Summers (then of the University of Buffalo Law School, and now of the Yale Law School). It was adopted by the Civil Rights in Labor Relations Committee of the American Civil Liberties Union on March 28, 1952 and unanimously approved by the Board of Directors of the American Civil Liberties Union on April 28, 1952.

The American Civil Liberties Union, from its very beginning, has actively supported labor in fully securing its rights to organize, strike and picket for purposes of collective bargaining. The ACLU has held the conviction that no industrial society can exist on a democratic basis without trade unions sufficiently strong to protect the rights of workers. Out of this conviction the ACLU vigorously advocated legislation such as the Norris-LaGuardia Act and the Wagner Act which give trade unions legal recognition and protection.

At the same time, the ACLU has sought to protect the democratic rights of workers within trade unions. This has been motivated in part by the ACLU's concern lest occasional abuses be used as wedges by the enemies of labor to weaken or destroy public confidence in the labor movement. It has been motivated principally by a keen awareness that democratic government is a weak reed unless it is rooted in democratic institutions. Individual rights must be protected from all oppression whether by government or by private groups. Because unions have millions of members and vitally affect the economic well-being of millions of workers, the ACLU believes that democratic unions are essential to a democratic society.

It is not the function of the ACLU to evaluate union policies concerning economic matters such as wage increases, pensions, speed-ups, or featherbedding. The function of the ACLU is to protect the rights of the individual worker within the union which acts as his representative in collective bargaining. Nor does the ACLU feel qualified to prescribe the ideal governmental structure and procedure for unions. But it is within the special competence of the ACLU—and it is the purpose of this statement—to define the minimum essentials of a democratic union structure.

Nearly ten years ago the ACLU made an elaborate study on Democracy in Trade Unions. It found that although the majority of unions were devoted to democratic principles and procedures, a substantial minority engaged in abusive practices of a wide variety which
deprived their members of basic democratic rights. The findings of that study were widely published and provided the starting point for more detailed investigation of particular aspects of union democracy by a number of interested persons. These later studies indicate that neither the scope nor forms of abuses have greatly changed over the last ten years, so a new survey would be of little value. There is, however, a real need for restatement of the basic democratic rights of union members, and for a new attempt to secure these rights for every union member.¹

WHY SHOULD UNIONS BE DEMOCRATIC

The widespread demand that unions should be "more democratic" has not always been accompanied by an explicit statement of why they should bear any heavier obligation than other organizations such as churches, lodges, or other private groups. For the American Civil Liberties Union there are at least three compelling reasons why unions should have a special responsibility to maintain democratic standards.

First, a union in collective bargaining acts as the representative of every worker within the bargaining unit. It speaks for him, makes choices of policies which vitally affect him, and negotiates a contract which binds him. His wages, his seniority, his holidays, and even his retirement are all governed by this contract which becomes the basic law of his working life. The union in bargaining, helps make laws; in processing grievances acts to enforce those laws; and in settling grievances helps interpret and apply those laws. It is the worker's economic legislature, policeman, and judge. The union, in short, is the worker's industrial government. The union's power is the power to govern the working lives of those for whom it bargains, and like all governing power should be exercised democratically.

Second, unions should be democratic because the power which they hold over the individual worker is largely derived from government. Labor relations acts such as the Wagner Act affirmatively protect the right to organize and place the government's stamp of approval on unionization. Even more, these statutes provide that government shall certify unions as the officially designated representatives and compel employers to recognize these unions as the exclusive representatives of all workers within the bargaining units. Unions, in the exercise of these powers derived from government, should maintain the same democratic standards required of government itself.

¹ This Report is based upon the factual studies of internal union affairs, which have been made since the 1943 report. Some of these studies which describe general union practices and set forth in detail specific union abuses are listed in the appendix.
Third, unions should be democratic because their principal moral justification is that they introduce an element of democracy into the government of industry. They permit workers to have a voice in determining the conditions under which they shall work. This high objective of industrial democracy can be fulfilled only if unions which sit at the bargaining table are themselves democratic. Only to the extent that workers are allowed to participate in determining union policies do they become self-governing.

THE OBSTACLES OF UNION DEMOCRACY

Any demands for union democracy must be tempered with a clear recognition of the serious obstacles which face unions in maintaining democratic standards. Historically, many unions have had to struggle for survival against deadly attacks by employers who did not hesitate to use spies, bribery, intimidation, or even physical violence. Although large segments of management have fully accepted collective bargaining, anti-union practices are not dead and the old fears remain. Employers are not the only enemy, for rival unions may constantly threaten the union's very existence by raiding its membership or seeking to supplant it as bargaining representative. Even though employers accept unions and no rival union threatens, much of collective bargaining is carried on with the prospect of an ultimate deadlock and resort to economic force. The state of seige, the cold war, and the strike do not provide a healthy climate for the growth of democratic processes.

It must also be recognized that in bargaining, unions deal with management representatives and participate in the making of business decisions. But few management representatives are chosen by free democratic procedures, and business decisions are seldom based upon majority vote. Management seeks discipline, efficiency, and productivity, and so frequently prefers a union which maintains a rigid control over its members to one which suffers from the instability and turbulence of democratic policy-making. Union leaders must base their bargaining demands on a careful analysis of complex factors, and thus may honestly distrust the judgment of the rank and file. In a number of instances, management has actively cooperated with union leaders to strip the members of their democratic rights.

The most serious obstacle to union democracy is the apathy of the members themselves. Many consider the union only a device to get them more money and less work, and are unconcerned with how the union is governed so long as the leaders can show results at the bargaining table. Dictatorial control and corruption are quietly tolerated. Even under the best conditions, less than 10% regularly
attend union meetings and many refuse to serve as stewards or committee members. When officers are elected, a strike vote is taken, or a contract ratified, the turn-out is large; but few make any serious effort to understand the issues involved. Democracy dies from indifference, and the union is taken over by strong-willed men with a purpose.

Although union members in their apathy may have little desire to exercise their democratic rights, this does not mean that unions should abolish these rights as meaningless rituals. So long as democratic procedures are preserved, the channels of protest are kept open and are available for use whenever members are stirred to action. These procedures provide an orderly method of revolt. Their very presence is a constant warning to union leaders and curbs the arbitrariness of action.

THE ESSENTIALS OF UNION DEMOCRACY

Democracy is best defined in terms of the rights guaranteed to individuals as members of the group. Union democracy is best measured by the rights guaranteed individual workers within the union. The purpose of this report is to state explicitly the basic rights which must be given full protection before a union can be termed democratic.

The American Civil Liberties Union recognizes that some forms of union organization and some union practices are more conducive than others to a high level of democracy. However, it holds that the recognition of three basic rights of individual workers is the minimum essential to union democracy.

First, every worker is entitled to participate in the making of decisions which affect him. The union, recognized and protected by law, acts as the worker's industrial government in helping determine the rules which govern his working life. Its avowed purpose is to provide him a voice in the decisions which so vitally affect him. He is a citizen within the union and should be provided the full rights of citizenship to participate freely in the processes of self-government.

Second, he is entitled to equal treatment with all others governed by the union. The majority must not be allowed to use its power to discriminate against him or arbitrarily deprive him of his livelihood simply because he is a member of a racial or other minority group which is too weak to protect itself.

Third, he is entitled to a fair trial on all charges brought against him. He should not be subject to penalties or deprived of any of his rights of membership without a full and open hearing before an unbiased tribunal.
Full protection of these three basic rights does not guarantee an ideal union government, nor does it insure that all union decisions will be economically wise. It will, however, insure the members that they can have as good a government as they wish and that they will have achieved a substantial measure of industrial democracy.

THE RIGHT TO PARTICIPATE

The right of an individual to full and free participation in determining the policies of the union is by far the most important of all rights. For if this right is protected, then corrupt leaders can be overthrown, oppressive policies reversed, and the government of the union reformed. The union will be what the workers want it to be. However, this right to a voice in union policy making is not a single right but is a complex of rights, for it involves the whole process by which majority decisions are made. Within this process at least four elementary rights are critical—the right to vote; the right of political action; the right of free elections; and the right to demand an accounting of union affairs.

The Right to Vote

A union may bar individuals from participation at the very threshold by denying them admission to the union. Although a great majority of unions freely admit any worker who desires to join, a substantial minority have denied workers full membership rights because of race, or political beliefs. Negroes are barred from about one-sixth of organized labor, including almost all railroad unions and most of the building and printing trades. One-fourth of the international unions bar members of undesired political groups such as Communists, Fascists or Klansmen. Exclusions because of citizenship, sex or creed are relatively infrequent. Although the post-war years have shown a marked decline in exclusion because of race, creed, or sex, there has been a marked increase in exclusion because of political beliefs. A wholly different form of exclusion is the closing of the membership or refusal to admit any except a chosen few, such as sons of present members.

Refusal to admit is not always open and direct. Initiation fees may be set so high as to bar entry; apprenticeship training may be required and then the number of apprentices limited; or competency tests may be required and then made impossible to pass.

Exclusion from membership has a double effect on the individual worker. It may bar him from a job if the union has a closed or union shop—this aspect will be dealt with later in this report. Even though it
does not affect his job rights, it bars him from any voice or vote in the union which bargains on his behalf. Until recently the railroad brotherhoods did not have a union shop, but the refusal to admit Negroes denied them the rights of franchise in their industrial government.

Denial of the right to vote becomes clear-cut where the union admits workers to second-class membership. A few unions have admitted new operators as "junior members" who are not allowed to attend union meetings. Most of the building trades unions allow individuals to work in a closed shop as "permit men" without belonging to the union. A substantial number of unions have admitted Negroes to auxiliary locals which have no power of self-government but are completely controlled by white locals. Although these devices vary in details, they are all forms of taxation without representation. They permit an individual to work under the jurisdiction of the union but completely deprive him of any voice or vote in union affairs. Such second-class citizenship is a flagrant denial of the basic right of franchise.

The individual's right to vote may likewise be infringed when he is disciplined by the union. Expulsion from the union may bar him from his job, but it also bars him from his ballot. This right to participate is a distinct right entitled to separate recognition. Separation of the two rights becomes acutely important when the penalty is less than expulsion. In many cases unions have not interfered with the worker's job, but merely barred him from holding office or attending union meetings for five years. Similar penalties, occasionally used by a number of unions, effectively strip a member of his citizenship rights within the union.

Underlying the right to belong to a union is the right to participate in the processes of self-government. Therefore, the union should exclude only those who are not entitled to participate in that process. The American Civil Liberties Union firmly believes that democratic principles demand that no person should be denied full rights of industrial citizenship because of race, creed, color or national origin or political beliefs. Above all, no person should be denied his union vote either directly or indirectly because he exercises his democratic right to protest against union leadership and union policy.

The Right to Free Political Action

The right to vote may be a hollow right unless the members of the union are free to debate the policies of the union, criticize the conduct of the officers, form an organized opposition, and campaign during union elections. The process of free criticism, electioneering and debate is the very heart of the democratic determination of majority
will. However, full protection of this freedom is not without its serious dangers. Vigorous political action may degenerate into factional strife of such bitterness that the energy of the union is dissipated and it becomes too divided to bargain effectively with the employer. The union needs outward strength to deal with the employer, but it needs internal freedom for the political activity of its members. The ACLU recognizes the different problems posed by these competing needs, but it believes that it is essentially the same dilemma faced by every democratic society. The ACLU is founded on the belief that in the long run, freedom of discussion and political activity do not constitute a weakness but provide greater strength to meet any threats from without.

Nearly every union constitution contains provisions which may be used to curb freedom of political action within the union. Half of the international unions have provisions which limit the criticism of officers and fellow members. Some unions expel members who "send out any letter or circular of a scurrilous or defamatory nature against any candidate for office," and other unions prohibit members from "publishing or circulating among the membership any false reports or misrepresentations." In 1944 the opposition candidate in one of the large industrial unions was expelled on charges of "circulating defamatory, derogatory, and scurrilous statements concerning the officers in their official capacity."

A number of unions curtail freedom of press by prohibiting the issuing of any circular without the consent of the international officers. In one instance members were expelled because they circulated without approval a pamphlet objecting to the pay of the international officers. A few unions prohibit the organizing of any groups within the union whose purpose is to shape the policies of the union or determine the choice of officers. One large union flatly prohibits any political campaigning within the union.

In addition to these provisions which place specific limitations on political action, most union constitutions have more vague clauses which may be used to curtail criticism or debate. Union members may be expelled for "causing dissention," "creating disharmony," or for "conduct unbecoming a union member." In a number of instances these provisions have been used to silence those who questioned union policies or challenged the officers in power.

The chief device for curbing political freedom is the discipline power, but this is not the sole device. If the union has a hiring hall arrangement with the employer, it need not expel a man. It may simply refuse to assign him to a job, or always assign him to the most unde-
sirable job. In rare instances the group in power may rely on physical violence to suppress any opposition.

The description of those constitutional provisions and repressive devices should not obscure the fact that political activity within the union is usually free and frequently vigorous. If policies go unquestioned and offices go uncontested, it is due more to the members' indifference than to their fear. However, the very presence of these clauses, even though they are never used, undoubtedly has a repressive effect. They need to be replaced with clauses which affirmatively guarantee the right of members to engage freely in political action within the union.

One of the most troublesome aspects of free discussion within the union is the place of the union newspaper which is financed by the union treasury and goes to every member. Its function is to keep the members informed of union affairs, but since it is customarily controlled by the group in power it gives that group a great advantage in any debate over union policies. A wholly independent newspaper is nearly impossible within the union organizational structure, but the danger may be partially met if the paper gives extensive space to uncensored letters to the editor. The greatest protection, however, lies in permitting dissidents to publish and distribute their own newspaper, pamphlets or handbills free of all restraint. If political action is kept free in all other respects the union newspaper will not seriously handicap the democratic process in reflecting majority will.

The Right of Free Elections

The right to belong to a union and to engage in political action is meaningless unless adequate protection is given to the voting process through which the individual member makes his wishes known. Many union policies are typically decided by direct debate and vote in the local meeting, others are made through referenda of all union members, and still others are determined by officers or delegates who are elected by the members to represent him. Although some of these methods of making decisions may enable the members to speak with a clearer and more effective voice than others, all are democratic methods. But regardless of the other method used, the voting process must be protected.

In proportionally few instances, union leaders have perpetuated themselves in power without the benefit of periodic elections, or have adopted policies without the benefit of union approval. Local union meetings have been suspended, conventions repeatedly postponed, and vacancies filled by appointment. This is, of course, a complete negation
of the whole democratic process. Fortunately, it is the exception, for most unions schedule regular meetings and hold frequent elections.

It is not enough, however, that voting is done. It is essential that each member be free to vote as he chooses. This principle is fully recognized in the secret ballot, but it is endangered when votes are taken by a show of hands in open meetings. If the issue is hotly contested, and particularly if the officers have taken a strong stand, the ordinary member may not vote his true convictions for fear of reprisals. Although he is too timid to speak his mind, he is still entitled to his vote.

The right to a free choice may be denied in more subtle ways. Opposition candidates may be prevented from obtaining nominations, be disqualified from running for office, or be forced to withdraw under threats. Issues submitted for referenda may be misrepresented or presented without suitable alternatives, or the members may merely be asked to ratify action already taken by the officers. These devices maintain only the empty form of democracy while denying the basic right to choose freely between genuine alternatives.

A second essential protection of the election process is that the votes be honestly counted. If the election tellers represent conflicting points of view there is little danger, but if they are appointed by the officers in power, they may falsify the returns and thereby frustrate the majority will. This danger can be most easily avoided, as it has by some unions, by having the whole election supervised by an independent agency such as the Honest Ballot Association.

The third essential protection of the election process is that qualified persons elected to positions by the membership be allowed to serve. If a local union officer is arbitrarily removed by the international officers, or if a delegate to the convention is denied admittance because he advocates certain union policies, it is not merely the officer or the delegate who is injured. The whole local membership has been deprived of their ballot.

Although the ACLU opposes the exclusion or expulsion of persons from unions because of their political beliefs even though they are members of the Communist Party, the KKK or any Nazi, Fascist, or other totalitarian group, it does not oppose the determination by a union that such persons are not qualified to hold office. A union can reasonably believe that to allow persons to hold office who owe a disciplined obedience to an organization other than the union will seriously endanger the existence and effectiveness of the union.

The right of an individual within his union includes the right to express through his ballot his choice as to union policies and union
leadership. He is entitled to a vote free from fear, honestly counted, and diligently followed.

The Right to Demand an Accounting

The right to participate does not end in the voting booth, for participation in policy-making is a mere formality if the policies decided upon by the majority are not carried out; if issues have been decided by direct vote, the members have a right to know what steps are being taken to enforce those decisions. If officers have been elected, the members are entitled to know how they are conducting the union's business and whether they are fulfilling their pledges. The member's right to an accounting for union affairs helps insure that decisions made through the democratic process are not frustrated, and it also greatly aids the members in making future choices of policies and leadership.

An essential part of this right is the right to an accounting for union funds, for the use of the union treasury is one of the critical policies to be governed by the members. The right is more than the right that money not be stolen, it is the right of members that union funds be used for the purpose determined by their vote.

There are certain dangers involved in the union's giving a full accounting of all union affairs. If the employer knows all of the details of the union's objectives and strategy, and knows the limits of its resources, the union may be seriously handicapped in its bargaining with him. If the union makes full disclosure to its members, then the employer is almost certain to know. This again is one of the dilemmas of a democracy. The ACLU, however, believes that the principle of accountability is such an essential part of union democracy, that it must be substantially preserved. The ACLU does not believe that the union will be seriously harmed, for in those situations where secrecy is most needed the employer will usually have other devices for obtaining the information. Failure of the union to account to its members will only mean that the employer will know more about union affairs than the members themselves.

THE RIGHT TO FAIR AND EQUAL TREATMENT

Even though a worker's right to participate in union affairs is fully recognized, the full measure of democracy may not be met. Participation provides self-government through the free operation of majority will, but democracy also demands that the power of the majority be limited for the protection of the minority. Runaway majorities must not be allowed to discriminate arbitrarily against minority groups and obtain benefits for themselves at the expense of those who lack the political
strength to resist. Workers, like citizens, are entitled to fair and equal treatment by their government.

The danger of discrimination is most acute when the union in bargaining helps determine who shall be entitled to the jobs available. Seniority clauses govern the individual's right to work. They are an accepted and valuable part of our industrial pattern, but they can be manipulated by the majority to obtain job preference at the expense of the minority. Thus, a railroad brotherhood negotiated a contract which virtually destroyed the seniority rights of Negro firemen and insured their ultimate elimination from the work.

A cruder device of job allocation is combining the closed shop with a restrictive admission policy. When a union excludes Negroes, it enforces a job preference based on race. When it admits only sons of members, then job rights are based on ancestry. And when the union excludes women it is discriminating in job rights on the basis of sex. Those standards of preference are a direct denial of the right to equal treatment.

Since the evil is not that unions determine who shall work, but that their determination is arbitrary, the test is not necessarily whether union membership is closed but why it is closed. In the building trades workers shift frequently from job to job, so customary seniority clauses are meaningless. A closed shop with a closed union may at times mean simply that newcomers are excluded until older workers are employed. If more men are needed temporarily, new workers are granted work permits, but when jobs become scarce they are bumped by union members. The closed union may thus provide in some situations a rough form of industrial seniority. During the depression a number of unions informally closed their membership because large numbers of their members were out of work, and at least two unions provide in their constitutions that no new member can be admitted by a local when any of its members are unemployed.

Although the closed union can sometimes serve the useful purpose of providing industrial seniority where the normal seniority clause is inadequate, it also has shown dangerous potentialities in the hands of some union leaders. Membership has been restricted far below the normal needs of the industry, admission granted only to a favored few, permit cards sold for exorbitant fees, and large numbers of workers relegated to second-class citizenship. Because of these potential abuses,

2 The Taft-Hartley Act, which applies only in industries affecting interstate commerce, prohibits the closed shop and limits the union's power to affect job rights under a union shop. The competing economic arguments underlying the closed shop issue are not within the scope of this Report.
the American Civil Liberties Union believes that union membership should be kept open. It suggests that the proper objective of providing industrial seniority should be achieved by other devices such as centralized hiring agencies which may assign workers to jobs according to their term of service in the industry.

The right to equal treatment cannot mean that a member is entitled to perfect equality, for complete equality is impossible of either definition or achievement. The union must retain enough freedom to surrender some demands to achieve others, even though the final bargain benefits some workers more than others. But the majority ought not to compromise the claims of the minority only to achieve benefits for themselves.

Discrimination may take many forms, and may be extremely subtle. In one instance, when two companies consolidated, the employees of the large company used their majority control to place the employees of the smaller company at the bottom of the seniority list. In another case a union obtained a retroactive wage increase based on inequities in job classification. When it was discovered that the bulk of the back pay would go to a relatively small group of employees, the majority voted that the total amount should be divided equally among all employees. The railroad brotherhoods have frequently refused to process grievances of Negroes, or have withdrawn such grievances in return for favorable settlements on grievances of white members. In many situations it is impossible to determine whether the union has acted in good faith or whether it has deliberately bartered away the rights of a minority.

The danger of discrimination is obviously greater where individuals are excluded from the union, and are therefore unable to exercise influence through the political process. However, the right to participate does not guarantee equal treatment, for the majority may ride roughshod over the minority. Union democracy requires that the union’s power over the worker not be used arbitrarily, but that each worker be given fair and equal treatment.

THE RIGHT TO A FAIR TRIAL

The union, to maintain itself as an effective and orderly organization, must enforce its rules. Disciplinary action may be taken against individuals, groups, or even whole local unions, and the fines may range from small fines to permanent expulsion.

The danger that the discipline power be used to deprive members of their right to participate, or that the threat of discipline be used to curb
the members' freedom to engage in political action within the union has already been mentioned.

Union discipline also involves the third basic element of union democracy—the right to a fair trial. Since discipline acts as the criminal law of union government, it should meet the minimum standards of a fair criminal procedure. That includes the right to know the charges, the right to know the evidence and to rebut it, the right to an unbiased tribunal, and the right to a prompt appeal.

Unions, in handling discipline cases, usually maintain a rough form of judicial proceedings, but when severe charges such as strike-breaking or dual unionism are involved, members may be summarily expelled. Where dictatorial or racket-ridden leaders gain control, the right to a fair trial like other democratic rights may be completely ignored.

Union constitutions typically require that notice of the charges shall be given five or ten days before the trial, but the charges are frequently stated in such vague terms as “violating union rules and regulations,” or “engaging in acts detrimental to the best interests of the union.” In most cases the member either knows or can easily discover the specific offense involved, but there is a constant danger under such broad charges that he may be unable to prepare his defense.

The trial, which may take place before a trial committee or before the union meeting, usually has the semblance of a court proceedings. Witnesses are called to testify, and the accused is allowed to present his defense. However, three weaknesses are fairly common. First, evidence is frequently taken in secret and the accused may know neither his detractor nor the evidence used against him. Second, the accused seldom has full opportunity to cross-examine the witnesses and thereby discover the weaknesses in their testimony. Third, he almost never has the power to subpoena witnesses, and many may hesitate to testify on his behalf, especially when charges are brought by the group in power.

The greatest weakness in disciplinary procedure is the lack of an unbiased tribunal. Too much control is vested in those whose personal interests or prejudices make fairness impossible. Trial committees usually consist either of the union officers or ones appointed by the union officers. Such a committee is bound to reflect the bias of those officers. If the trial committee is elected by the union, or if the trial is held before the union itself, this danger still remains. The group in power still has substantial control over the outcome. If the accused is an active member of the opposition, bias is almost inevitable, and if the root of his offense is vigorous opposition to those in power, a fair trial becomes impossible.

The judicial machinery by which discipline cases are tried is so interlocked with the political machinery by which policies are made that
discipline may become a political football. It will at least be colored by political forces if not a deliberate weapon of political power. The right to an unbiased tribunal will be guaranteed only when unions establish within their structure a truly independent judiciary. Most unions do not seek to deprive their members of the right to a fair trial. On the contrary, they make serious efforts to provide judicial proceedings and insure a fair result. In spite of these efforts, serious defects continue because of the central weakness that union discipline is administered by union members. They are impatient with legal procedures which seem to obstruct justice, and are not fully aware of the need for procedural safeguards. They must try members who are charged with a serious offense amounting to disloyalty or treason in an atmosphere heavy with emotion. And they are asked to be impartial when they are directly or indirectly subject to the powerful political forces within the union. Even with the best intentions and the greatest of efforts, such a structure is ill-adapted to guaranteeing the rights to a fair trial.

THE PRESENT EXTENT OF LEGAL PROTECTION OF UNION DEMOCRACY

Judicial Protection

Until recently the only recourse of an individual who was deprived of his democratic rights was an appeal to the courts under common law rules. These rules, based on a mistaken analogy between fraternal orders and trade unions, have been inadequate to the needs. They have failed to recognize the special nature of the relationship between a worker and his union—the relationship between a citizen and his government.

The courts have seldom given explicit recognition to the right of a member to vote in his industrial government. With one exception, they have refused to compel unions to admit workers to membership. Only one, the Kansas Supreme Court in *Betts v. Easley*, 161 Kan. 459 (1946), has held that a union which acts as the bargaining agent must admit to full membership all those for whom it bargains. When members have been wrongfully expelled or deprived of any of their rights, the courts have reinstated them in full membership, but seldom has this been based on protecting their right to vote as a separate valuable right.

The courts have given greater protection to the right of free political action. If a member is expelled for opposing union policies or criticizing union officers, the courts will usually find some technical flaw in the proceedings and void the discipline. The right of political freedom is seldom recognized explicitly, but is commonly protected by subterfuge.

The right to free and honest elections has been given more clear-cut recognition and more consistent protection. In a number of cases the
courts have ordered unions to hold elections when they had been repeatedly postponed, and in others the courts have inquired into the honesty of elections or voided them because they have been improperly conducted. In more extreme cases the courts have appointed receivers to take over the affairs of a union, held an election under the supervision of the court, and installed the elected officers. Judicial action can be obtained only when there is a clear showing of need, but in those cases the courts act directly to insure free and honest elections.

Although the courts have failed to recognize and protect the right of the worker to participate in the union as a basic democratic right, they have explicitly recognized the right of equal treatment. In Steele v. Louisville & Nashville R.R. Co., 323 U.S. 192 (1944), the United States Supreme Court held invalid a seniority clause which discriminated against Negroes. In doing so it stated that the law "imposes on the statutory representative of a craft at least as exacting a duty to protect equally the interests of members of the craft as the Constitution imposes upon the legislature to give equal protection to those for whom it legislates." In spite of this strong language, the courts have been reluctant to apply it in other situations, so that the explicit recognition is counter-balanced by infrequent application.

The courts have been very vigilant in protecting the right to a fair trial. They have insisted that regardless of the union's constitution, disciplinary procedures must be fair. Not only have they overturned many discipline proceedings for failure to maintain this standard, but they have often seized upon minor procedural defects in order to protect individuals who have been punished for political activity within the union. The most critical weakness is that courts have too often been unable to detect the subtle political bias of the tribunal.

Courts are constantly handicapped in giving protection by the time worn rule that an aggrieved person cannot seek legal relief until all appeals within the union have been exhausted. If this rule were strictly enforced it would cause serious hardship, for the final internal appeal is usually to the national convention. This is seldom convened oftener than every two years, and in some instances not called for more than ten years. The courts have devised numerous exceptions to the rule so that it can almost always be avoided by capable courts. However, the rule requiring exhaustion still is a stumbling block to courts unaware of all of the exceptions and their usefulness.

Even to the extent that the courts have recognized and attempted to protect the democratic rights of members, their efforts have had limited value.

First, a member in need of help can place little reliance on the
courts, for their results are too unpredictable. Where they protect by subterfuge, no clear rules are stated and it is never certain that the court will take advantage of the subterfuges available. Where rules are stated, they are stated in such general terms that the outcome is still highly uncertain.

Second, the judicial remedies are so costly and time consuming that few workers can afford to vindicate their rights. In many discipline cases it has taken over five years and has cost several thousand dollars for an expelled member to obtain reinstatement. The union with its greater resources can virtually litigate an individual out of his rights.

The third weakness of judicial relief is that many union members have such a deep-seated hostility to the courts that any action may be self-defeating. In a number of instances courts have removed racketeering leaders from office and held new elections only to have the same leaders reelected. The desire to repudiate judicial interference is greater than the desire to repudiate corrupt leadership.

Legislative Protection

There has been a veritable rash of legislation passed with the avowed purpose of insuring democratic union. Although this legislation varies widely in detail, it has common characteristics typified by the provisions of the Taft-Hartley Act. Restrictions are imposed on unions without giving any clear recognition of basic democratic rights. Restrictions on union security are designed to protect a man in his job and ignore his right to participate in his industrial government. If a worker is denied admission, charged an exorbitant initiation fee or is wrongfully expelled, the only protection which he receives is that he cannot be discharged. His job is protected, but his right of franchise is not.

The Taft-Hartley Act prohibits a union from causing a worker who has tendered the regular initiation fees and dues to be discriminated against in his job rights because he is not a union member. It does not compel the union to admit him or limit its power to expel him. It only protects the job rights of one excluded or expelled. The Taft-Hartley Act gives no protection to political action within the union, provides no guarantee of free and fair elections, and states no explicit prohibitions against discriminatory use of the bargaining power because of race, creed, color, national origin, or political beliefs. It requires unions to furnish their members with financial statements, but the only penalty is denial of access to NLRB procedures. Such a penalty is frequently of little value, for dictatorial practices and abuses of democratic rights often
appear in well-established unions which do not need to resort to the NLRB for protection.

Several state laws require election of union officers but no adequate supervisory machinery has been provided and they have remained dead letters. The great emphasis in this regulatory legislation has been on requiring unions to file various reports, including financial reports. To this minor degree, members are aided in self-government.

The most effective legislation has been state fair employment practices legislation. These laws prohibit unions from discriminating in membership or terms of employment against any person because of their race, creed, color, or national origin. This gives protection within a limited scope to the right to vote and the right to equal treatment. It also provides an administrative agency to enforce this right on the worker's behalf.

THE NEED FOR FURTHER PROTECTION

The denial of democratic rights by some unions makes clear that the noble ends to which unions are dedicated and the idealistic fervor with which they are formed do not insure that they will always maintain the minimum standards of democracy. The insistent demands for a disciplined and effective organization always threaten to erode or undermine basic democratic rights. Selfish majorities may trample on the rights of minorities. Ruthless groups may gain control and use the whole governing power of the union to destroy opposition and enforce dictatorial controls.

Union democracy is not wholly self-sustaining, but needs to be guarded against these encroachments. Such protection must come from without for even the most vigilant membership is at times unequal to the task, and once the democratic rights are lost, the membership may be totally helpless.

UNION SELF-CONTROL

At the present time the only effective protection is given by the courts. They are burdened with out-moded rules and a confusing body of precedents, resort to them is costly and time consuming, and they are viewed with such hostility by union members that their action is often self-defeating. It is clear that further protection is needed.

The American Civil Liberties Union has long urged that the protection of union democracy should be provided by organized labor itself. Some international unions have taken forceful action to correct abuses in local unions, and many others have been extremely jealous in guarding individual rights. However, no steps have been taken to curb interna-
tional unions which ignore or even white-wash local abuses, or which themselves deny basic democratic rights. As a result a substantial number of international unions engage in some form of undemocratic practices without any effective restraint by the rest of organized labor.

The ACLU still believes that organized labor can and should provide protection of union democracy. This requires more, however, than pious resolutions and declarations of good intentions. It requires the establishment of a specific procedure and organizational framework designed to suit the specific need and with power to protect individual union members.

The ACLU urges organized labor to take immediate steps to establish independent tribunals or arbitration panels to hear appeals by union members who claim they have been deprived of their democratic rights. These appeal boards should be composed of persons who are not closely affiliated with organized labor, be appointed for a long term and removable only for misconduct, thereby freeing these boards of the political pressures within the union which make present union procedures inadequate. The union constitution should provide that any aggrieved member could appeal to such a board after all internal remedies were exhausted, providing those internal remedies were available within a specifically limited time, and should provide that the order of the board could be enforceable by legal action, as a binding arbitration award. The boards should be empowered to call witnesses, compel union officers to deliver union records, and issue whatever orders were necessary to insure full protection of democratic rights.

The ACLU urges each international union whether affiliated with a federation or unaffiliated to create such an appeal board to hear the grievances of its members and to give it full constitutional status. It also urges each federation of international unions such as the American Federation of Labor and the Congress of Industrial Organizations and the United Mine Workers to create similar boards to hear complaints against their member unions which deny democratic rights. Although the power of the federations to control the affiliated unions is limited, both have taken vigorous action against rebellious internationals when the provocation was sufficient. No cause for censure and forceful action should be more insistent than the denial of the very democratic principles on which the union movement is based.

**NEW LEGISLATION**

If unions fail to take effective action to provide increased protection for the rights of union members, then no alternative is left but to seek increased legal protection. Some of this may be achieved by inducing
the courts to give more explicit recognition to the basic democratic rights set forth earlier in this statement. The ACLU stands ready to aid union members in securing these rights, and will continue to argue vigorously in the courts for fuller protection. However, the rights of individuals cannot wait upon the slow awakening of the courts to the essential nature of the relationship between a worker and his union. If unions fail to act, then adequate protection can be achieved only by new legislation.

The American Civil Liberties Union is not now proposing any specific legislation, for it wishes to place its full weight behind an effort to persuade unions to adopt an adequate program of self-control. However, if such legislation is enacted whether on a national or a state level, it should be based on the following principles:

First, it should give direct protection to the fundamental rights of a worker within his union—the right to full and free participation including the right to vote; the right to free political action; the right to honest elections; and the right to an accounting for union affairs; the right to fair and equal treatment in collective bargaining; and the right to a fair trial on all charges.

Second, it should not attempt to do more than protect these essential rights. Unions should be left free to determine their own governmental structure and to regulate their own affairs so long as those rights are not infringed. Interference should be kept at a minimum consistent with protecting essential rights.

Third, enforcement of this legislation should be placed in the hands of an administrative agency which is readily available to union members, which can act quickly, and which can exercise continuing supervision where that is necessary. It must obviously have the power to interpret the broad provisions of the statute and apply them to particular situations, and must act as a public prosecutor to enforce the rights of individuals or groups who seek relief.

In 1947 the ACLU proposed a Trade Union Democracy bill which was introduced into Congress. That bill, in its main outlines, met these standards, although it might well be substantially improved in a number of details. The proposal was in the form of an amendment to the National Labor Relations Act, with the NLRB charged with administering the new provisions. The changes made by the Labor-Management Relations Act (Taft-Hartley Act) which give the Board substantial jurisdiction over union affairs makes this method even more appropriate today.

The ACLU recognizes that the great majority of unions jealously guard the rights of individuals, and vigorously encourage the democratic practices. Only a minority engage in abusive practices. But the denial of
basic democratic rights to only a few union members is a threat to all union members and endangers unionism itself. The ACLU therefore, is deeply concerned that these abusive practices be rooted out. It strongly urges unions to establish immediately adequate machinery of self-control and thereby avoid the dangers of legislative control.

**APPENDIX**

The following books and articles describe in detail and with careful documentation the practices of unions in handling problems of union government. They also make clear the nature and extent of abusive practices in specific unions and the labor movement as a whole. This report, in stating the problems of union democracy and in describing undemocratic practices, has relied upon the factual materials presented in these publications. They are listed here for the purpose of documenting this report and to suggest sources of information for those who seek more detailed information.


Northrup, Organized Labor and The Negro (1946).

Seidman, Union Rights and Union Duties (1943).


June, 1952.

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THE KENNEDY-IVES BILL
(ACLU Statement of July 13, 1958)

The Kennedy-Ives bill to regulate certain activities of labor unions, their officials, employers and labor-management consultants has been examined by the Labor Committee and the Board of Directors of the American Civil Liberties Union. This review was conducted in the context of the Union's March 21, 1958 labor "bill of rights," which urged the labor movement to incorporate into union constitutions a code of principles assuring internal union democracy.

Our examination of the Kennedy-Ives bill passed by the United States Senate reveals certain provisions that advance the objectives of internal union democracy, and other provisions that threaten important civil liberties principles. We present our opinion with the hope that both the favorable and unfavorable sections will be thoroughly considered by the House of Representatives. No comment is offered on those parts of the bill that do not concern civil liberties.

PROVISIONS FAVORING CIVIL LIBERTIES

1. The section requiring every local and international union to provide financial reports to its members helps give effect to the principle that, if union members are democratically to determine the operations of their unions, they need an accounting of how their funds are expended.

2. The provision requiring union officers or employees receiving salaries or allowances in excess of $5,000 annually to report business transactions of themselves, their spouses or minor children at first glance could be regarded as an invasion of an individual's privacy—his personal business dealings. This reaction is caused particularly by the legislative report accompanying the bill, which is quite loose in the wording of its rationale, stating that it would bar all shady dealings, etc. However, this ambiguity is clarified by the more precise wording in the bill itself which limits such disclosure to conflicts of interest that are relevant to internal union democracy. As such disclosure again would illuminate for union members the possible transgressions of union officials and employees affecting the union’s functioning, we believe this provision supports civil liberties. However, to avoid possible misuse of the provision, we hope the legislative history of the bill can be corrected to contain a specific warning about its potential danger.

3. The section providing protection against arbitrary receiverships of local unions is a contribution to union democracy by creating a mechanism to control an international union's misuse of the trusteeship process. While this section of the bill allows trusteeships to operate for
18 months before they can be challenged, in contrast with the ACLU's suggested one-year cut-off period, and does not provide for a reasonable number of union members to challenge the international union's action before an outside review board, it does set forth specific means of safeguarding the local's autonomy.

4. Many elements of the section regulating union elections aim at assuring an honest and fair choice of officers, such as the requirement of a secret ballot and restriction of voting to members "in good standing"; and the fixing of 5- and 4-year terms for international and local union officers, respectively, is another important method of preventing dictatorial control.

PROVISIONS UNFAVORABLE TO CIVIL LIBERTIES

1. The section providing for reporting of union officials' or employees' receipt of funds requires the disclosure of "any payment received from any employer or any other person who acts as a labor relations expert, adviser or consultant to an employer pursuant to an agreement . . . to influence or affect employees in the exercise of their rights guaranteed by Section 7 of the NIRA." Failure to report fully and accurately is a crime.

Important as disclosure of union officials' financial transactions is to union members' knowledge of their union operations, there is a competing vital civil liberties interest—protection of the Fifth Amendment's privilege against self-incrimination. The central logic behind the provision, as explained in the labor subcommittee's report on the bill, is to compel public confession of wrongdoing and thereby discourage misconduct.

Of course, a person may be required to make public reports for various purposes, which incidentally give information which reveals wrongdoing. But it is quite another thing to select acts of misconduct, and require reporting of them specifically for the purpose of holding a person up to public condemnation. The Congress should give thought to this underlying problem before sliding unwittingly into an immediately attractive but ultimately dangerous method of social control. The question is not whether a scoundrel should be found out and calumnized. The question is whether he shall be compelled to condemn himself.

2. The section on regulation of union elections would bar the use of local union funds in an election of national union officers. On the surface, this seems a plausible step, as incompetent officers who already have tremendous advantages in winning re-election would advance their position if they could control local union funds. However, unless the
prohibition is more narrowly drawn, it could limit rather than enlarge union democracy. For opposition by dissident groups to international union officers is effective only if there is an operating base in local unions. The only source of funds for the opposition is from these supporting locals, and barring their use of these funds could break the back of dissident groups by blocking their chances to express their opinions to other union groups.

3. The section disqualifying, in effect, persons with criminal records from holding union office appears a logical method of eliminating the racketeering element which destroys a union's democratic functioning. But, attractive as this solution appears, it runs afoul of civil liberties standards. In addition to the troublesome point of ex post facto punishment, this section illustrates the growing problem of government control of the citizen's livelihood and occupation. A person who pays his debt to society by serving a prison sentence should not be hounded forever. The prohibition of this section is even more repressive because it refers to conviction for any felony. This is a dragnet under which even minor crimes, such as picket line violations in the heat of an organizing campaign, could disqualify a person.

4. The section providing for enforcement of the regulations covering union elections forecloses recourse to the State courts simply in the name of uniform procedure. But this would limit rather than increase union democracy. For example:
   a) The bill provides no protection unless the Secretary of Labor finds probable cause. If he does not move, the individual union member has no way of challenging either the election procedure or the Secretary's failure to act.
   b) The bill provides no way of correcting misconduct prior to the election. If candidates are disqualified and stricken from the ballot, if members are told they will not be eligible to vote, if the nominating procedure is abused, or if the election is set for an improper time or place, no relief is available until after the election is held, and officers installed. Then at least four months of remedies must be exhausted, a complaint filed, investigation made by the Secretary, an action filed in the District Court and then possibly a new election held. In the meantime, the wrongfully elected officers will continue to function.
   c) The bill regulates various aspects of the election process, including nominations, campaigning and balloting. This raises serious dangers that States may be preempted from intervening in any related areas.
Could a State court enjoin expulsion of a member for distributing campaign pamphlets? Could a State court order a union to comply with its constitutional provisions that all candidates be allowed to express their views in the union newspaper? Could a State court order a union to make available to the opposition group a mailing list of the members? Could a State court enjoin installation of a receiver on the purported ground that the officers were improperly elected? Could a State court enjoin removal of officers without a hearing?

The labor subcommittee's concern about "need for uniformity" to avoid the variety of "confusing, unduly burdensome" State laws does not square with the present situation, where State law is applicable and no difficulties have been shown. The national labor policy has not been hindered by this alleged "crazy quilt." There is no proven need for uniformity to justify the destruction of State remedies which now exist, especially where they are not adequately replaced by federal law.

Our feeling is reinforced by the fact that in the section on trustees and receiverships State remedies are allowed, an indication that imperfect drafting rather than principle caused the exclusion of State remedies in the union elections section.

5. The inclusion of non-Communist loyalty oaths for employers is just as reprehensible as the present oath applying to union officials. Such oaths strike hard at the First Amendment principle of freedom of association, and also have not proved an effective weapon against real subversive actions.
An invitation to join the American Civil Liberties Union

WHY does the ACLU extend this invitation to you at this time? Because these are important days for civil liberties—a time when we are seeing gains that may well be historic. Now is the best time in a generation to further the cause of civil liberties . . . to strengthen ACLU work where it already exists . . . to start it in new areas, such as throughout the South. But to do that, we need some help. We need you.

WHAT does the ACLU stand for? Since its founding in 1920, the Union has been the one organization in America devoted solely to guarding the Bill of Rights: freedom of inquiry and expression for everybody, due process of law and fair trial for everybody, equality before the law for everybody.

HOW does it carry out these aims and beliefs? The ACLU defends the Bill of Rights in the courts, in legislative bodies and in executive agencies—federal, state and municipal. It carries on an active educational program through press, radio, TV, and other information channels.

WHO are your associates in the ACLU? The Union's 44,000 members are men and women in all walks of life—the law, teaching, business, etc. They have organized 24 state and regional ACLU affiliates, many of which have local chapters.

WHAT does the press say of the work done by the ACLU? New York Times: "The American Civil Liberties Union . . . has been indispensable . . . in working through the channels of public opinion and of the law to see that our constitutional principles as expressed in the Bill of Rights remain a living force." San Francisco Examiner: "The ACLU is worthy of the support of all freedom-loving citizens."

WHERE do you go to join? Nowhere—just send your check to American Civil Liberties Union, 170 Fifth Avenue, New York 10, N.Y. Regular membership—at $5, $10, or more, as you choose—brings you a 112-page annual report on civil liberties, a monthly bulletin, and your choice of some forty pamphlets.