

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Third Legislature*

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

"House Amendment "A" to H. P. 970, L. D. 628, Bill "An Act Permitting Closing of Banks on Saturday."

Amend said bill by striking out of the bill all of the emergency preamble and all of the emergency clause."

The SPEAKER: Inasmuch as this amendment has not been reproduced, the whole matter will be laid on the table for reproduction of the amendment and will be tomorrow assigned. (Pending motion being adoption of House Amendment "A")

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, House Majority Report "Ought to pass in a New Draft as (H. P. 1652) (L. D. 1346) under a New Title of Bill "An Act Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work." and House Minority Report "Ought not to pass" of the Committee on Labor on Bill "An Act Protecting the Right of Non-members of Labor Organizations to the Opportunity to Work." (H. P. 448) (L. D. 242) tabled on March 27th by the gentleman from Unity, Mr. Brown, pending acceptance of either report. The Clerk will read the reports of the committee.

(Committee reports read by the Clerk)

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I now move acceptance of the Majority "Ought to pass" report of the committee.

It is the purpose and intent of this new draft to go as far as this Legislature can go to make the closed shop illegal in Maine, and in no way affects a union shop. A closed shop, as I understand it, is an arrangement requiring that the employees in the bargaining unit must be members of the Union in good standing, and no employee may be hired unless he is a member of the Union. The closed shop, therefore, makes it mandatory for every worker to become a member of the union to secure or hold a job. Now you members of this Legislature have only one question on this bill to answer. Do you believe that you or your children should have the right to obtain employment without first belonging to a

union? This bill, if passed, would give you that right.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Tabb.

Mr. TABB: Mr. Speaker and Members of the House; Undoubtedly, a great many of you were here at the hearing. I am not going to repeat very much of what I said at the hearing but there are one or two things that I do want to call to your attention in regard to a closed shop which comes under the merchants of labor. The union then, becomes a merchant of labor, as in the hiring halls in ocean shipping. As a merchant of labor, it is in a position to grant the favor of a job to one and deny it to another. No one can hope to get a job at his trade unless he is already in good graces of the labor boss.

Second, is the Union Shop. This differs from the Closed Shop in that the employer can hire either a union or a non-union member, but when hired, the man must then join the union and remain a member as a condition for keeping his job. If he gets in wrong with the union, the employer must discharge him from his job no matter how satisfactory he is.

Thirdly, there is "Maintenance of Membership." Under it, a man need not either be a union member when hired, or join a union after he is hired, but if he does join, he must maintain his membership during the life of the union's contract, and if he does not do so, again the employer must discharge him.

Worst of all members, is the Closed Shop with the Closed Union. Here a union limits its membership, and, by doing so, gives its members a complete job monopoly. Members, that is "Merchants of Labor."

Now there is a great deal to say on both sides of this story, I have to admit it. The greatest cry that my colleagues have, and perhaps union members, is that we do not need it in the State of Maine. That is their cry: "We do not need it in the State of Maine." And then they go one step further by saying it is unconstitutional: anything in labor that does not agree with labor is unconstitutional. They can pick the Constitution apart and show you where it fits into labor, but they can not, and I challenge labor to show when the bill of rights is unconstitutional. I challenged them at the hearing, and I have yet to find

anybody who has taken up that challenge. So that is the main issue here today, gentlemen.

To be sure, I have not been terribly used by Labor, perhaps a little rough in some respects, with a lot of beautiful mail written in labor language which you all understand. I do not mind that as long as I am not shot. I have been told by letter that if I was wise I would withdraw this bill, if I knew what was good for me. I have been told by labor that they would see to it that I was not reelected in 1948 if I did not withdraw this bill, and that challenge I accept. I will be a candidate in 1948 if it is nothing more than for that reason.

I do want to say here now in regard to the closed shop:

The American people are coming to grips at last with tyranny and monopoly that lies behind the innocent words "closed shop." The law dealt with the former evil 40 years ago. It must deal with the latter evil now. Through the recent hearings on labor legislation in the Committee on Education and Labor, the American people are getting a true picture of the lawlessness and the unconstitutional and bloody facts of the working of the closed-shop monopoly throughout the land.

What do we find behind the bolted doors of the closed shop? First, an unAmerican atmosphere of Socialist totalitarianism, personal intimidation, and freedom-killing compulsion. The closed shop means that an American worker is required to become a union member before he can hope to get a job. For the right even to work, he is compelled to pay an initiation fee ranging from \$2 to \$2,000. I repeat—\$2,000.

Next, to keep his job he must pay all his dues, fines, and assessments. He is dependent upon his union boss for his promotion, seniority, and union rights.

From Stalinism our union bosses have learned the trick of denying a worker the right to union vote by denying him membership and giving him instead merely a permit to work. This device keeps down the number who, by their loyal voting, dominate the union and keep the leaders in office year after year. Thus, the noose is drawn around the liberty and dignity of the individual workingman.

We did not realize what was hap-

pening to the freedom of the workingman until many of our boys came back from the battlefields and reported that they were expected to bow down at home before labor commissars as rough and tough as those they fought abroad. They had to pay homage for the right to make a living. And this in a Nation which proclaims the policy of the open door in China, Greece, Palestine, and Korea, in the air, on the seas, and in world trade.

When the inalienable rights of free Americans are taken away the whole society loses its freedom; and so it is happening. For example, our carpenters, masons, plumbers, painters, our most respected and most skilled workers in the greatest of all trades—the building trade—have thrown around themselves the closed-shop ring. In a whole State, for example, in the State of New Jersey right now, no industrial building can go on—\$34,000,000 is stopped now—and very little home building, because wages range from \$17.50 per day of 7 hours to \$21.50. That means farmers, veterans, schoolteachers, preachers, the white-collar workers, or retired persons cannot afford to build at all. The real low-income groups fall into slum conditions.

Apprentices are prevented from learning the trades. Non-union men cannot work because of mass picketing and strikes. So the vise is tight! The next and last and inevitable step in such monopoly conditions is threatened, namely, the Government itself takes over.

The cry goes up from all over the country, "We want houses; shame on us that our veterans are without homes."

For the moment, before the Government takes over, as some want, and others do not suspect, labor enjoys a monopoly and high wages. Wages that only a monopoly provides makes labor feel a degree of false power and temporary prosperity. No Government has ever tolerated such private exercise of monopolistic power. To illustrate, the public outcry for houses compels the Government even now to threaten to destroy the union security in favor of the greater public needs for a vaster group whose votes exceed by far those of the closed-shop workers. Government must itself either become that monopoly, or it must free the individual workers and the public from

the domination of the closed-shop monopoly. It must make all forms of monopoly illegal for the sake of freedom. There is no other choice.

It is either freedom, the great source of houses, or collectivism, socialism, or communism, if you will, via Government monopoly housing. That is the stake the individual union-worker, as well as the non-union worker and the whole public, has in this legislation.

We can only rejoice that in spite of the cries against restoration of equality before the law for all alike, the American people are rising to demand an end to this new type of tyranny.

A Gallup poll of January 20, 1947, reported that a mere 8 percent of the American public favored the closed shop. Among union members, only 19 percent voted favorably on it.

Again, a recent opinion research poll showed only 7 percent of the public voting for the closed shop, while a poll by Factory Management proved that no less than 70 percent of the union members themselves advocate the outlawing of the closed or union shops. Hundreds of letters and telegrams received by members of the House Labor Committee from the rank and file of various labor unions support these facts.

They must have made a lot of money in the Western Union from labor, and they must have used a lot of postal cards. It is amazing to me to see the postal cards sent in here. The biggest part of them, I understand, were given to a union member in the hall. That is how these postcards have come into this House.

However, over 4,000,000 jobs have already fallen under control of the dictators of a closed-shop arrangement. Employment opportunities, wages and prices for food and shelter, and services are thus monopolized by the union under the absolute veto of labor bosses and very often with the consent of employers. Even so, these cover but a fraction of our 140,000,000 citizens. Unfortunately, this fraction is able, by the device of the closed shop, to take whatever they want from the other 136,000,000 in higher wages and decreased hours, all the while leading themselves and the rest of us farther from traditional Americanism to Government-directed collectivism. Meantime, food and

houses grow more scarce, rent, and farm machinery and automobiles go out of reach for most of us, and for exactly the same reasons—the excessive costs of monopolistic labor.

Let us examine the effect which a system of fear and threat has on the individual, on his capacity to invent and produce. Threats of arbitrary expulsion from a closed shop effectively discourage him from voicing any opposition to union policy or to a union leader.

Under our American system of freedom and democracy we have always believed that a man is entitled to protest against what he sincerely believes to be wrong. In his heart, the average union member is still a freedom-loving American. He doesn't like to be forced to support union policies which do not express the will of the majority of the members. He does not like to be pushed around. He does not want to be herded into a strike when he does not want to strike; he balks at having to submit to rules which he has had no part in making and has no power to alter. But what does the closed shop do? The closed shop 'n and of itself tends to make union bosses dictators. These bosses permit no opposition to themselves as commissars. From them there is no effective appeal. For leaders drunk with power are never known to be considerate of their followers' convictions or liberties. Workers become known as "my people."

The closed shop under the one-sided Wagner Act has shackled American labor. It has come close to wrecking the American economic system, as literally hundreds of employers and representatives of public bodies have testified.

The main objections to the closed shop, expressed by these witnesses, are:

First. It deprives management of the opportunity to employ the most competent people available, regardless of their membership or non-membership in a union.

Second. It compels industry to discharge faithful employees, who have served the company long and well, at the mere request of the union, often on trumped-up charges.

Third. It destroys discipline by making the employee more responsive to the wishes of his union officers than to the instructions of his foreman.

Fourth. The closed shop encourages slow and inefficient production.

The combined effects of all these characteristics of the closed shop are to place a premium on inefficiency, to discourage honest service, to decrease production, and to greatly increase the cost of living.

It must now be apparent to all that the primary concern of some labor leaders, particularly in closed shops, is to keep the greatest number of union members employed at the highest possible wages. To achieve this objective, unions have resorted to spread-the-work methods, chief of which have been limitations on output per worker. Under this system, more employees are required to turn out a given volume, with the resultant increase in unit cost. Furthermore, full and efficient production is impossible when a worker has no incentive to excel. Under a closed shop, many workers are satisfied to do only enough to get by because their opportunity for promotion is no longer related to a man's ability, but depends solely on his length of service and his union leader's favor. We have been forced to witness how a mere handful of men are able to imperil the health and safety of millions and to bring great cities to their knees.

I think we have had a recent example in the case of John L. Lewis, what he has done in the coal industry, especially last week. We all agree we feel sorry for what happened to these men, but you know and I know why he has declared a week's holiday. It is not that he has great love for these people; he is simply defying the government again by having a strike on April 1st. This is the only way he can get out of it, and he has taken it out on these poor unfortunates by declaring a holiday for six days. Think that over, gentlemen. It is quite a lot of food for thought.

The closed shop by teamsters is being used to prevent farmers from bringing their own produce to market. It is a hold-up weapon used by racketeers who fasten their clutches on a labor union. They fight among themselves, even the best of them, in jurisdictional strikes, the secondary boycott, and industry-wide bargaining. Construction of a whole million dollar building may be stopped while the carpenters dispute with common labor about who may unload boards from a railroad car. As many as four locals belonging to the same

international fight and strike against each other over who shall handle a load of ordinary building material.

The closed shop removes any incentive for union officials to develop understanding among the workers of the legitimate purpose of a union, by making it unnecessary for unions to sell themselves to workers on their merits of services. Present-day closed-shop unions have substituted dictatorial power over the worker for services to the worker.

The right to work at an available job of a man's own choosing and under conditions which he himself considers satisfactory is a precious American human right which Americans have always valued highly. The closed shop of modern unionism has destroyed this right. Any worker should have the clear right to join any union he wants to, as surely as he should also have the legally protected right not to join a union, if this is his desire.

Unions today have full and adequate protection under the law. But the monopolistic and unfair and unjust privileges of the closed shop are not needed, and they must go. To the contrary, employees and the public alike need to be protected against the evil of the closed shop. In the interests of the American public, it is clear that this Legislature must act decisively, and at once, to outlaw the closed shop, if the arbitrary power of un-American labor leaders, rooted in the closed shop, is to be prevented from further robbing us as individuals of our freedom.

I pick up a newspaper and I find out where one or two of my colleagues say we do not need Tabb's bill at this time. They admit there is a possibility we may need it later. That is what this bill is for, to put it onto the books in case we do need it, so we have it. It reminds me of the town meeting where they want to appropriate money for fire apparatus, and someone gets up and says they do not need it, but the next week their house burns down, and they are the very people who go out and ask to have a special meeting so they can get a piece of fire apparatus to put their fire out. That is what this bill is for, to put the fire out if we want to do it.

A great many of you have heard them quote Abraham Lincoln. They

did quote him at the hearing. They said that he said that labor had a right to strike. They did not go any further; they did not tell you that Lincoln said, "Free the slaves, every man is born free and equal." They did not get into that part. They love to tell you what the late Justice Brandeis said, one of the biggest labor supporters they ever had. What does he say about the closed shop? He says that you cannot run it down the throats of the American people and the quicker you leave it alone the better. They do not tell you that part of it; they tell you what Justice Brandeis said outside of the closed shop.

A great many of you members were at the Lincoln Club dinner. You heard our Congresswoman from the Second District speak at that dinner. You all know she is one of the biggest supporters of labor, and she admitted at that dinner she was one of the biggest supporters of labor and one of the best friends labor ever had. What does she say now? "It is time labor cleaned their house." How are you going to clean it with the closed shop? You cannot do it, gentlemen. It is time that the closed shop went, and it must go if the unions are to preserve themselves.

Many union men have stopped me in this State House and told me: "Mr. Tabb, we believe that your bill is right and it is a protection to labor, there is no question about it; it is a good insurance for the laborer to get rid of the closed shop."

Now some of you people perhaps will say, "Well, I don't agree with all Tabb says. These things couldn't happen in Maine." Two or three weeks ago in Portland a union meeting was held and they took a vote on the Red Cross. They voted that they would not give any money to the Red Cross for the simple reason that their building was painted by non-union members. Think of that, gentlemen. If that is not getting pretty narrow I do not know what is.

Now you heard in the hearing room of the Twitchell-Champlin argument they had, and how they boycotted Reddy diners. This article says, "Local No. 340 at a union meeting on March 9th was informed Reddy's Diner and the State Diner were using products sold by Twitchell-Champlin Company, therefore the union voted to place these

diners on its unfair list and notified all truck drivers and unions who come into this territory. Also the motion was carried that members of Local 340 who were found patronizing these diners beginning Wednesday, March 12th, shall be called before the executive board." You can't eat where you want to. I suppose it will get so, gentlemen, that they will be so closed up pretty soon that when a union man gets married he will have to sign off his children to join the union so the union will be able to carry on. That is what it is coming to, gentlemen, but still they will tell you that we do not belong here in the State of Maine.

Now you may not agree with me on lots of things I have told you, but I do not believe there is a member in this House but will believe with me on the Communist issue. I do not believe there is. There is one thing, gentlemen, that should govern us on this bill and that is the Communist party. You cannot tell me it is not in the State of Maine; you know it is here. You heard a man appear against this labor question before this committee. You heard a member of the committee question my other two colleagues, the gentleman from Cape Elizabeth, Mr. Chase, and the gentleman from Portland, Mr. Haskell. You heard them question us three, but you didn't hear them question the Communist. You know why: because they dared not question him because they know the Communists are in the ranks of labor.

Are we going to let the Communists into the State of Maine through labor. That is where their aid is, in the closed shop, and their instructions are from Russia; that they must get into the unions, get a closed shop, get rid of the heads of unions and get in control and that they will control the bread of life. You read it in the papers; they are full of it every day. They have four thousand agents directly that we know of who are receiving enormous salaries for the work that they are doing. We know a great deal of money has been put into this party to lick this government. Everybody knows that. The evil is in the closed shop, and by doing away with the closed shop in the State of Maine, Members, we are going to stop that movement from overthrowing our government.

I was very much interested to pick up a piece in the paper: "Union leader plans war on wreckers. President Robinson announced to the International Union of Mine and Smelter Workers, C.I.O., that he wanted to resign and go back into the ranks as a mere laborer to fight what he claims the union was destroying: union within themselves."

You see, Members, they admit they have a lot of trouble; they know there is a lot of fight amongst themselves, but they are trying to make you and I believe that there is no such thing because the people of the State of Maine are different than in any other state. The people of the State of Maine, I hope, are different, but it is the riff-raff and racketeers they bring in from outside that does the damage, the same as they brought them into Portland. That is what happens when they get into trouble. They even picketed one of our colleague's places for no reason other than he was in the Council in Portland. They had no grievance against him but because he was in the Council they picketed his place. I ask you, gentlemen, in all sincerity, is that fair?

I could go on for the next two hours filibustering on this closed shop business, but I am getting hungry and I know a great many of you are.

Members, there is just one other thing I want to call your attention to before I quit. You hear so much about Florida. I believe a representative there, a Portland lawyer, claimed in Florida it would not pass the courts. That bill was tried before a three-man court and they ruled it constitutional. They passed it on to the higher court and the higher court pushed it aside. That was in 1944 that that happened, not now. It was in 1944 when bill went

to referendum that they were defeated. Sixteen states have put in this closed shop law, and every state where that has gone to a referendum it has been defeated. The closed shop is out in those places. I understand in Massachusetts a bill is either going to be filed or has been filed by this time on the same proposition.

Now, Members, if you do not agree with me on the policy of closed shop I do not see why you cannot agree with me on this communistic proposition. You and I stand up before the flag and pledge our allegiance to it. Time and time again we have done it. And what happens? We sit here and are absolutely what we do not claim we are. This pledge says, "Liberty and Justice for all." Show me where there is any liberty or justice in a closed shop. It is only for the union bosses. I hope, Members, that this bill, An Act Protecting the Right of Non-members of Labor Organizations to the Opportunity to Work will pass in the new draft.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr Mills.

Mr. MILLS: Mr. Speaker, I know there are at least half a dozen more speakers on this bill, and I believe it will be impossible to complete this debate at this time. I do hesitate to make a motion which would interrupt debate, but I think it is impossible to complete it before the committee hearings which will take place at 1:30, therefore I move that we do now adjourn.

The SPEAKER: The gentleman from Farmington, Mr. Mills, moves that the house do now adjourn. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the House adjourned until tomorrow morning at ten o'clock.