

STATEMENT OF REAR ADMIRAL HOWARD L. VICKERY, VICE-CHAIRMAN, UNITED STATES MARITIME COMMISSION, BEFORE THE COMMITTEE ON MILITARY AFFAIRS OF THE HOUSE OF REPRESENTATIVES ON S. 796, ON TUESDAY, JUNE 1, 1943.

Mr. Chairman and Members of the Committee:

In the letter with respect to the amended version of Senate 796, in which the Maritime Commission joined with the Navy Department, the War Department and the War Production Board as agencies primarily responsible for production and procurement of war materials, it was stated that these agencies were unanimous in their judgment that some sections in the bill, as presently drawn, would tend to interfere with such production and procurement by stimulating industrial unrest. The comment of these agencies was restricted to that part of the bill which would have a direct effect on production as distinguished from matters of broad national labor policy, the effect of which on production is not direct and immediate.

Other signatories of the letter were the Department of Labor, the National Labor Relations Board and the Four Public Members of the National War Labor Board. It was definitely stated therein that these agencies were primarily concerned with the maintenance of orderly industrial relations, and we understand that they analyzed the bill from that point of view.

The Maritime Commission does not seek to go beyond the jurisdiction which it has as a production agency and volunteer advice upon national labor policy, which is deemed to be within the particular scope of interest of other government agencies, unless the effect of such policy on production is immediately apparent.

The provisions of the bill to which the Maritime Commission believes will tend to interfere with production are sections 2, 3, and 12.

By the terms of section 2 it is declared unlawful for a war contractor to conduct a lock-out or for employees of a war contractor to strike until after the expiration of thirty days from the date on which such contractor and such employees or their representatives give written notice of the intention, in one case to lock-out employees, and in the other, to strike against the employer.

The objection to the provisions of section 2 was that there is in the language of this section an implied license to lock-out employees or to strike against employers, upon condition that thirty days advance notice be given of such intention. This directly affects a current condition which has proven extremely beneficial to continuous production, namely, the pledge by labor that it will not strike, with no conditions or strings attached thereto, which has been accepted by the government with the full expectation of its being lived up to in letter and in spirit, and the strong pressure that can be brought to bear upon persons who engage in unauthorized strikes in violation of that pledge.

Section 3 provides that a secret ballot must be taken before any strike can be conducted. Here again there is an implied license to strike, provided that condition in addition to the one immediately above mentioned is met. This, too, departs from the current status of the unconditional pledge given by labor to the President, which has been found very effective in controlling wildcat actions.

In normal times and in the absence of the voluntary pledge extended by the representatives of labor to the President, unconditionally outlawing strike, the merit of a secret ballot in the strike vote and of the cooling time is another matter. (It was under such different conditions that the "cooling period" was inserted in the Railway Labor Act, which apparently has been satisfactory in its operation). Under present conditions, however, in view of the existence of the pledge, the opportunity for irresponsible segments in the labor movement to deliberately meet the conditions prescribed, and then to conduct a strike to obtain the conditions sought, is felt to produce a tendency toward industrial unrest.

In reviewing the experience of the Maritime Commission with respect to production of ships it is found that under the voluntary system in effect during 1942, the production schedule of 8,000,000 tons was met. During the current year a production schedule that has been increased by 150 per cent is now being met by shipyards having contracts with the Maritime Commission. These basic facts exert a potent influence in the considerations of the Maritime Commission since this rate of production has been accomplished under the voluntary system.

For these reasons it is felt that to append any conditions in war industries whereby strikes could be made legal even by implication would be to take a backward step from the position we now occupy, wherein labor has unconditionally and voluntarily outlawed strikes for the duration, and under such conditions has worked in such a manner as to meet the requirements of the ship-building program.

The only other section to which the Maritime Commission objects on the basis of its effect upon production is section 12, whereby either the government agency taking over a plant or a majority of employees in the plant's applicable bargaining unit is empowered to apply to the National War Labor Board for a change in wages or other terms or conditions in such bargaining unit.

The Maritime Commission feels that this provision might stimulate workers desiring changed conditions to create situations whereby the government would be forced to take over plants, with the expectation that conditions more favorable to them might be obtained from the procedure outlined in section 12 than under the existing procedures.

The Maritime Commission has confined its comment to those provisions in the bill which it believes would have an immediate and detrimental effect upon production.