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December 8, 1975

SUBJECT: COMMON SITUS PICKETING

Will the President sign the Common Situs Picketing legislation?

GUIDANCE: As you probably are aware, that bill is now in Conference and could be voted on as early as today. At any rate, we would expect the bill to be voted on and sent to the White House this week. Once it arrives on the President's desk, it will then be reviewed by the staff and recommendations will be given to the President. So, until the bill has arrived and the legislation reviewed, I'm unable to predict what the President will do.

Isn't it correct, as stated by Secretary Dunlop, that the President has publicly stated three or four times, that he will sign the Common Situs Picketing bill? Is he now having second thoughts?

GUIDANCE: Secretary Dunlop did testify in support of this legislation if the legislation was carefully designed to incorporate appropriate and essential safeguards. The Secretary and the President both outlined what they considered to be such safeguards, and some of these safeguards were adopted in the form of amendments, and others were not. In addition, I might point out that the bill now has over a dozen additional amendments, which were not requested by the Administration. Therefore, as I said earlier, it is very important to get the final legislation and review it in depth before making any commitments.

What are some of the safeguards that were adopted?

GUIDANCE: Secretary Dunlop recommended that a requirement of ten days notice of intent to picket be given at the site prior to such picketing, and that picketing by local unions must be authorized at the national level of the union organization. These were a few of the safeguards that were adopted. In addition, the President said that in order to sign such legislation, he wanted a companion bill to arrive on his desk at the same time, that being, the Administration's proposal of the "Construction Industry Collective Bargaining Act of 1975". This
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tri-partite Committee made up of labor, management, and neutrals, could provide for a cooling-off period of up to 30 days beyond expiration of existing contract, could take jurisdiction of a matter, and take various actions aimed at assisting the parties reaching appropriate settlement, etc. This legislation has been passed, but has also had various amendments added.

What safeguards or amendments that the President requested, has Congress failed to include?

GUIDANCE: I don't have all of the details on the legislation, but for example, Secretary Dunlop did suggest a 30 day limit on the duration of picketing. This provision has not been incorporated into the legislation.

Just to reiterate, over a dozen additional amendments have been added to the Common Situs legislation, which were not recommended by the Administration. Also, both Houses have passed amended versions of the Administration's Construction Industry Collective Bargaining Act. Therefore, in Conference, the bills could be cleaned up substantially, or could incorporate provisions which we do not favor, so until the final legislation arrives on the President's desk, it is very difficult to comment on the legislation without knowing its final form.

JGC

November 11, 1975

SUBJECT:

VOTE ON COMMON SITUS PICKETING TODAY

The Senate is to vote on Common Situs Picketing legislation today.

Is the President still prepared to sign this legislation should it reach his desk in its current form?

GUIDANCE: Secretary Dunlop has testified in support of this legislation to legalize common situs picketing, if that legislation is carefully designed to incorporate appropriate and essential safeguards. The Secretary and the President have both indicated what they would consider to be such safeguards, and these include:

1. That ten days notice is provided at the site prior to picketing, and
2. That picketing by local unions must be authorized at the national level of the union organization.

Also, the President has stated that in order to sign such legislation, he wants a companion bill to arrive on his desk at the same time, and that is the Administration's proposal of the "Construction Industry Collective Bargaining Act of 1975". This legislation would:

Establish the construction industry collective bargaining Committee, to be comprised of ten management representatives, ten labor representatives, and up to three neutral members, all appointed by the President. This Committee could then elect to take jurisdiction of a matter in which case any strike or lockout is deferred for up to 30 days past the expiration or reopening date of the contract.

Have both of these bills passed either House of Congress?

GUIDANCE: It is my understanding that both of these bills have passed the House and are now pending in the Senate.

Are the bills, as they passed the House, in an acceptable form?

GUIDANCE: It is my understanding that both bills, as passed by the House, are basically in accord with the President's position and have the desired amendments added.

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