

**The Commonwealth of Massachusetts**

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REPORT OF THE COMMITTEE ON LABOR AND INDUSTRIES ON THE INITIATIVE PETITION OF ELLSWORTH W. CURTIS AND OTHERS FOR THE PASSAGE OF "AN ACT MAKING IT UNLAWFUL TO EXCLUDE ANY PERSON FROM EMPLOYMENT BECAUSE OF MEMBERSHIP IN A LABOR ORGANIZATION AND PROVIDING A PENALTY FOR SUCH EXCLUSION" (SEE HOUSE, NO. 1745).

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MAJORITY REPORT.

In accordance with the provisions of Article XLVIII of the Amendments to the Constitution, the undersigned, the Committee on Labor and Industries, unanimously submit the following adverse report on the initiative petition of Ellsworth W. Curtis and others, designated as House Bill 1745, referred to them for the passage of the following act:—

"An act making it unlawful to exclude any person from employment because of membership or non-membership in a labor organization, and providing a penalty for such exclusion."

The proposed legislation begins with the sentence, "No person shall be denied the opportunity to obtain or to retain <sup>1</sup> employment because of his membership or

<sup>1</sup> Underlining ours.

non-membership in a labor organization." The key to the purpose of the proposed legislation lies in the words "to obtain or to retain."

The legislation proposes to ban the "closed shop", so-called, and that purpose is contained in the words "to obtain" — since under a "closed shop" contract, a worker must join the union which is a party to the "closed shop" contract. The legislation also proposes to ban the "union shop", and that purpose is contained in the words, "to retain" — since under a "union shop" contract, a worker may get work from the employer without joining the union, and is required to join only after he has the job.

It is especially the provision which would ban the "union shop", as embodied in the words, "to retain", to which the Committee is opposed. For whatever view may be held about the "closed shop" — it is the considered opinion of the Committee that the "union shop" is a necessary part in the orderly conduct of modern business. It has the support of the majority of those who work, and of those who give employment. To outlaw the union shop would in the opinion of the Committee be detrimental to the public interest and to the best interests of both labor and management.

The Committee on Labor and Industries believes that whatever the advantages of banning the "closed shop", they are not so great that the "union shop" should be banned too, as the proposed legislation would make necessary. For practical purposes, the "closed shop" is already largely banned in Massachusetts by the Taft-Hartley Act, since most of our industries are in interstate commerce, and the number of workers in Massachusetts not under the jurisdiction of that act are very few. The record of labor-management co-operation within the

Commonwealth is outstanding. It is the opinion of the Committee that there is nothing in this proposed legislation that will improve that record, and it may very well have exactly the opposite effect.

GEORGE J. EVANS.  
JOHN D. MACKAY.  
WILLIAM WHITE.  
CLARENCE F. TELFORD.  
JOHN C. WEBSTER, JR.  
WARREN C. KARNER.  
FRANCIS A. HARDING.  
SHERMAN MILES.  
HUGH MORTON.  
KENDALL A. SANDERSON.  
COLIN J. CAMERON.  
HARVEY A. POTHIER.  
JAMES T. VIOLETTE.  
WILLIAM J. CASEY.

## PROPOSED LEGISLATION.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT MAKING IT UNLAWFUL TO EXCLUDE ANY PERSON FROM EMPLOYMENT BECAUSE OF MEMBERSHIP OR NON-MEMBERSHIP IN A LABOR ORGANIZATION, AND PROVIDING A PENALTY FOR SUCH EXCLUSION.

*Be it enacted by the People, and by their Authority.*

1 SECTION 1. Chapter 149 of the General Laws, as  
2 amended, is hereby further amended by inserting  
3 after section 19, as appearing in the Tercentenary  
4 Edition, the following new section: —

5 *Section 19A.* No person shall be denied the op-  
6 portunity to obtain or retain employment because of  
7 his membership or non-membership in a labor or-  
8 ganization, nor shall the commonwealth or any political  
9 subdivision thereof, or any corporation, individual,  
10 partnership or association of any kind enter into  
11 any agreement, written or oral, which excludes any  
12 person from employment because of his membership  
13 or non-membership in a labor organization. Whoever  
14 violates or aids or abets in the violation of any pro-  
15 vision of this section shall be punished by a fine of  
16 not less than twenty-five nor more than two hundred  
17 dollars, or, if an individual, by imprisonment for not  
18 more than thirty days, or both.

1 SECTION 2. Notwithstanding the provisions of  
2 paragraph (a) of section ten of chapter one hundred  
3 and fifty A of the General Laws, as amended, in case  
4 of any conflict between any provision of this act  
5 and any provision of law existing when this act takes  
6 effect, the provisions of this act shall prevail.





