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Copper Strike

Mike Mansfield 1903-2001

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THE COPPER STRIKE

Mr. MANSFIELD. Mr. President, I ask unanimous consent at this time that such time be allocated as necessary for Senators from the copper-producing States to hold a round-robin on the present copper-strike situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, over the past several weeks, some of the Senators from the copper-producing States in the Rocky Mountain West have had meetings with the Secretaries of Defense, Labor, and Commerce and, on occasion, with their representatives when they were personally unable to attend.

By the same token, some of us—the distinguished Senator from Montana (Mr. METCALF) and I—have had at least two meetings with the representatives of the Steelworkers; namely, Vice President Joe Maloney and International Representative Al Skinner, who was also the last president of the Mill & Smeltermen's Union before it merged with the Steelworkers last July 31, I believe.

The third member of the union who met with us just this morning was Mr. Jack Sheehan who, I believe, is a representative of the Steelworkers in Washington. Unfortunately, we have not been able to arrive at any hard and fast conclusions as yet; but I do want the Record to show that just today the Senators from the copper-mining States—Senators HAYDEN and FANNIN, of Arizona; Senator BENTZ and MOSS, of Utah; Senators MONTOYA AND ANDERS JR., of New Mexico; Senators BURKE and CANNON, of Nevada; and Senator METCALF and I, from Montana—have just concluded a meeting, at which I reported that the possibility of creating a presidential fact-finding board is not foreseeable, at least at the present time; that the possibility of Taft-Hartley being invoked against the strike is not now intended because the present supply of copper precludes the national emergency factor on which this application of Taft-Hartley would have to be predicated; and, third, that it is our belief—and I am speaking only on behalf of my colleague (Mr. METCALF) and myself in this respect—that the national stockpile will not be touched.

Therefore, it appears to some of us—and I can speak only for myself—that the way this matter is going to be settled eventually will be through direct negotiations between the unions and management. When I say "direct negotiations," I mean daily, round-the-clock sessions, which have not as yet taken place.

This, I believe, is the first day of the sixth month of the strike.

We know what delay means; it means added misery for the lots of the miners and smeltermen. The longer the strike lasts, the greater their difficulty, the worse their position and the more urgent their need for assistance will be.

It is our understanding that within the past several days, the Phelps-Dodge Corp., one of the big-four copper producers, along with Anaconda, Kennecott, and American Smelting & Refining has made an offer to the steelworkers of somewhere in the vicinity of 61 to 62 cents in increases. Yesterday I was under the impression that negotiations based on that proposal by Phelps-Dodge had been broken off.

Today, I am happy to state that such has not been the case, that the offer is still alive. It is my further understanding that there is a degree of flexibility on both sides respecting the offer made by Phelps-Dodge to the steelworkers. This is an encouraging factor because, for the first time, something of consequence has been laid on the table. For the first time, the unions and a major producer seem to be willing to discuss the matter and perhaps establish the groundwork for a settlement that might be given consideration by the other three major copper producers in this country.

The purpose of the meeting of the 10 copper-State Senators this morning was to bring them up to date with respect to the information I had at my disposal.

The purpose of making this statement today is to express the hope that, based on the encouraging sign that there is a possibility of negotiations between Phelps-Dodge and the steelworkers, something concrete will develop.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to my colleague.

Mr. METCALF. Mr. President, I want to concour absolutely in the statement made by my distinguished colleague. He and I have met with representatives of high officials or the Secretaries of the interested Departments; namely, Labor, Commerce, and Defense. Where we offered a proposal for a factfinding committee, it was accepted by the unions and rejected by the management. We were not rejected with an absolute refusal not to discuss matters. Doors were left open for such a committee, but at the present time we do not feel we can achieve anything by suggesting that there be another factfinding commission.

However, as the Senator from Montana has suggested, there is one bright spot. That is the negotiations we have been informed about with Phelps Dodge. This bright spot should continue to be encouraged.

There is quite a bit of difference between management and the labor representatives, but they have not been adamant or shut the door.
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Mr. MANSFIELD. Mr. President, this statement is in behalf of my distinguished colleague, the Senator from Montana (Mr. Metcalf) and myself.

After a meeting with the Secretaries of Labor, Defense, and Commerce, first, we wish to express our great disappointment that the four major copper producers could not find it possible to go along with the creation of the fact-finding board and our appreciation to the union for its acceptance.

Second, we do not see the possibility of a creation of a presidential fact-finding board.

Third, there is no possibility that Taft-Hartley will be invoked because the supply of copper precludes the national emergency factor.

Fourth, it is our belief that the national stockpile will not be touched.

Therefore, it appears that the only way this matter can be settled is not through Government intervention but only, as we have stated repeatedly, by the unions and the producers getting together on a daily around-the-clock basis. In the last analysis the strike will have to be settled in this manner. We have been assured by Mr. William E. Simkin of the Federal Mediation and Conciliation Service—incidentally, Mr. Simkin was at the meeting today—that he will use the whole resources of his office and will be ready to participate in the settlement of these disputes. Each day's delay means only more misery for the miners and the smeltermen and it is our hope that both the companies and the unions will take immediate measures to get together, get down to business, and start negotiations at long last—and for the first time.

Perhaps the recent proposal by Phelps Dodge, which we understand has been turned down by the steelworkers, ought to be reopened, because we understand that for the first time, an offer of consequence has been made by one of the major producers and we would hope that this possibility would be explored further so that a possible pattern could be set for an eventual settlement.
I think all of us feel that if there would be a breakthrough at Phelps Dodge, there would be a breakthrough in the sixth major copper producer. It is time to concur in my colleague's remarks that I see no possibility for Taft-Hartley. I see no alleviation for the situation from the stockpile. It looks like factfinding proceedings by a Presidential Commission are stalled for the present. We must urge that both parties get together on this matter.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the distinguished Senator from New Mexico.

Mr. MONTOYA. Mr. President, I heartily endorse what the distinguished Senator from Montana has stated. I also want to commend him for the leadership which he has exemplified and asserted with respect to the copper strike in this Nation. Periodically we have had some meetings with the distinguished majority floor leader, and periodically we have evaluated the lack of progress. I am sorry to say, with respect to the negotiations which have been going on between the copper industry and the unions.

Two Senators from Montana proposed a few days ago that the President name a special board, and the copper companies rejected this suggestion at the time.

It seems to me that the question revolves around whether we are going to have industrial negotiations or individual-company-with-union negotiations. It seems to me that the recent assurances that Phelps Dodge is tenaciously conducting negotiations with the union is a bright spot in this wilderness—or desert, I should say—of inaction, because for 6 months the companies and the unions, on an individual basis, have been meeting, and there has been no progress.

The Federal Mediation and Conciliation Service has rendered great service in this regard in the case of the Anaconda, Kennecott, American Smelting & Refining, and some of the other major copper producers.

I want to urge my colleagues in my colleague's remarks that I see no possibility for Taft-Hartley. I see no alleviation for the situation from the stockpile. It looks like factfinding proceedings by a Presidential Commission are stalled for the present. We must urge that both parties get together on this matter.

Mr. MONTOYA. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. BIBLE. Mr. President, will the distinguished majority leader yield?

Mr. BIBLE. Mr. President, I thank the distinguished majority leader. I want to clearly associate myself, as I have in the past, with his efforts to bring about a settlement of a strike that has crippled the copper industry in Nevada and other Western States.

I joined the majority leader some weeks ago in urging that labor and management get together for negotiations on a daily, around-the-clock basis. I am hopeful our country can have some salutary effect in bringing labor and management a little closer together. Possibly they did, particularly in the case of Phelps Dodge.

The report given to us today by the majority leader, at a meeting in his office of interested Senators from the State involved, was encouraging, because it offered a ray of hope for a breakthrough in labor-management negotiations.

I do not mean to imply this dispute has been solved, but at least there is some evidence of communication. If this continues, with the able assistance of Mr. William E. Simkin, of the Federal Mediation and Conciliation Service, there is a great possibility that satisfactory results will be forthcoming. This would set a pattern for the other major copper companies to follow, so men can go back to work, copper can be produced, and the economies of the States involved can recover from the debilitating effects of the strike.

In my State of Nevada we have three fine copper companies. One is the Kennecott, which is operating at Nevada's White Pine County. In this particularly critical area, the cities of Ely, Ruth and McGill comprise practically one industrial community, a one-industry county. The result of the strike has been devastating to these communities and including the school systems, allied services and the entire economy.

Our second operation is at Weid Heights and is conducted by the Anaconda Copper Co. I know our efforts in this Congress have paid dividends at least in Weid Heights, where there are continuing negotiations to settle the differences between labor and management. These negotiations, as they have continued I think there is reason for optimism that the difficulty can be resolved.

I join with the Senator from Utah [Mr. Moss] and the Senator from New Mexico [Mr. Montoya] in urging the President of the United States to appoint a fact-finding board, because the issues are so serious between management and labor. The President did not see fit at that time to appoint a board. I regret this was not done.

The Senator from Montana and his colleague made a second suggestion for a finding board on which the President indicated, management would not go along with that particular proposal. Again, I regret this decision.

It seems to me that at this point our role is to exert a concerted effort in urging representatives of management and labor to sit down and see if they can resolve these differences. There is a wide area of disagreement as to who is right and who is wrong, but the problem is hardly insoluble. At this present year, particularly, men of good will should be able to get together and resolve their problems.

I wholeheartedly join my distinguished colleagues in urging the principals in the dispute to earnestly seek an early solution.

Mr. MANSFIELD. I yield to the distinguished Senator from Utah.

Mr. MOSS. I thank the majority leader for giving me the opportunity to express my appreciation for the effort that he has been making, together with the other Senators from the copper-producing States to find some way out of this long and protracted copper strike.

It has indeed been frustrating, and it has had a great impact on my State of Utah. In fact, the impression is so great that the Governor of our State has imposed a cut on all State government departments of 4 percent a month, the board in all of their expenditures, while there is even consideration of a further cut. This cut affects our institutions of higher learning and our school systems.

I think that there is great an impact in tax loss to the State because of the number of workers who are out on the strike, and because of the loss of income of the copper companies.

We have three of the large copper companies that are involved in the work stoppage in our State of Utah, and this is an issue of great importance to us.

As the Senator from Nevada has pointed out, it was more than 2 months ago that he and the Senator from New Mexico [Mr. Montoya] and I implored the President to appoint a fact-finding board. It is time to move into the open all of the facts surrounding this strike, because much is said and much is speculated about what is going on, but the plain fact is that we have no bargaining, and this is what has been so frustrating.

If the unions and the companies were sitting around the table every day, bargaining and exchanging views, then there could be some hope; and that is the reason that all of us have pinned some hopes on the fact that the Phelps-Dodge situation seems to be one where there is some bargaining going on. As long as there is some bargaining, there is hope that we can find an agreement and get a contract, and get production back on the track.

In the case of Kennecott, which is the principal producer in my State, there has not been any bargaining for months. They have not even met to exchange any written proposals, and the situation that has prevailed greatly to frustration, when the parties will not meet and bargain, because free collective bargaining, which
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One of the other problems that worry me about this matter, and I would like to have the factfinding board examine it, is that it has happened that perhaps the Taft-Hartley Act should be invoked. Of course, there is an argument about whether legally there is a basis for doing so, but there is, on that side, the thing that occurs to me is that if Taft-Hartley were invoked, and the workers were required to come back on the job for 80 days, then there is no bargaining going on. If they are not even going to the bargaining table, what happens? In 80 days, they simply go out again. Perhaps many of those former employees who are skilled workmen, having obtained other employment—many have done in my State; fortunately, there are work opportunities in other areas for skilled employees—would not leave the new employment to come back for only an 80-day period of time, thinking that at the end of that time, they would be out of a job once again. So this is not a situation, it appears to me, that Taft-Hartley would be likely to be invoked even if it is legally possible to invoke it.

Mr. METCALF. Mr. President, I wonder if the Senator would yield at that point?

Mr. MOSS. I am happy to yield to the Senator from Montana.

Mr. METCALF. In view of the fact that some of those people, especially those who are working in the pits, are not traditionally hard rock miners, but are very highly skilled in the pits, truck drivers, or shovel operators, and while some of them have found employment opportunities in our local communities, others have left our State and have gone out to work in aircraft plants, automotive assembly plants, or other industries on the coast.

While it may be that as a result of the settlement of the strike, some of those people will be attracted back because they own homes or pension benefits, certainly there is the fact that some of those people have not been employed in some geographical location to participate in production for an 80-day period, if it was problematical whether they would last any longer than that.

Mr. MOSS. I thank the Senator for his comment, and I certainly agree with that wholeheartedly.

The real problem here is, How can we get bargaining started, how can we get these parties to sit down and seriously exchange points of view, and offers and counteroffers?

That is the reason that I take some heart from the fact that the Phelps-Dodge management are open and subject to bargaining. I commend the Conciliation Service—Mr. Simpkin and the others—for their continuing efforts to bring the parties together, and I think that is an area in which we should spend our thinking and our efforts, it is, "How can we get people together in good faith and bargain in a situation like this?"

I have been in conferences with both management and labor, and I have been told again and again by representatives of one of the parties that they are ready to bargain, they will sit down, they will go any time, and then I have been told by the other party that there is no use to do that because the conditions are such that there is nothing, really, to talk about, and therefore they see no reason for coming into the meeting.

Mr. President, this is frustrating, and it will in the end, it seems to me, work against the principle of free collective bargaining.

Both management and labor assert again and again and always that they want free collective bargaining. If they want it, they had better use it or it will be gone sometime, and there will have to be another way to bring about conciliation of disputes that end in work stoppages.

I commend the majority leader and the other Senators who have shown such great interest and concern in the matter and have taken positive steps. To bring this matter to a head and get it concluded.

I hope that we can find some way to do it because, as a result of this work stoppage in all of the copper-producing States is spreading not only into copper production but also into other industries, and suppliers and end users are mounting and mounting until it is of great proportion in my State. I am sure that is also true in the other involved States.

I thank the majority leader for yielding to me.

Mr. MANSFIELD. Mr. President, I thank the Senator.

I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I thank the distinguished majority leader for yielding to me.

I associate myself with the remarks of the distinguished majority leader and my colleagues who have spoken on the subject.

I completely agree that there is no possibility that the Taft-Hartley Act could be invoked to increase our supply of copper at the present time.

I agree from the standpoint of an 80-day period, that it would really not solve anything unless the parties meet in good faith and negotiate. Second, I agree that it could not be invoked at the present time because there is not a national emergency.

It seems that copper continues to come into the inventory in a sufficient amount to meet the defense needs, thus precluding any possibility of a national emergency being declared. However, it is having an ultimate effect in the form of a national emergency, certainly on those of us whose States are directly concerned as copper producers. And it will have the economic effect of a national emergency on many other States that fabricate copper and are involved in that particular end of the industry.

This is one point that has not been made so far, and that I want to raise at this time.

By the action that is taking place now of the imports, and management and labor, we are, in effect, driving a lot of the copper industry, the ore processing, and fabrication, into foreign countries.
It is creating a problem that we have all been concerned with as it relates to our exports to the foreign market by which means certain foreign countries are attempting to get a foot in the door before we know, they will not do it unless they can sign up contracts over a long period of time.

We are, in effect, driving ourselves out of the foreign market by the unfortunate action that is taking place by means of which the parties are not getting together and bargaining collectively in good faith.

I agree completely with the majority leader that the national stockpile is not going to be touched in this instance. We have had two releases from the stockpile in not too many months. And I am satisfied that there will be no further releases from the stockpile because our stockpile objective is not up to the point that has been established at the present time.

I think that the only way the matter can be settled under the present condition is for labor and management to get together and bargain collectively in good faith.

With respect to the in-good-faith question, it has been rumored around and has been libel theretofore that there was no verification for the rumor—that there will not be any good-faith bargaining until some time in the future because some contracts have not expired.

I hope that is not the case. I hope that these people who are involved, both labor and management, will meet together, primarily now on contracts that have expired, and try to satisfactorily resolve the situation.

In my opinion, if both of these bodies, labor and management, cannot meet and bargain collectively, they will be doing an injustice not only to themselves but also to the great Nation.

I thank the majority leader for associating himself so strongly on this entire subject and for his suggestion that the proposal by Phelps-Dodge, that is still under consideration by union and management, should be considered further and that some good-faith negotiations should take place.

Mr. MANSFIELD. Mr. President, I thank the Senator from Nevada. I point out that the longer the strike continues the more substitutes will be used in place of copper.

Mr. President. I yield to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I am very happy to associate myself with the Senator from Nevada and congratulate him for the good work he has done.

I am happy that this is a bipartisan effort and that we will be successful in accomplishing something with both Democrats and Republicans working together.

I think the Senator from Nevada just now has made many suggestions that must be solved by collective bargaining.

Mr. President, I appreciate the assistance that the Senator has given me, who has always supplied us with fine leadership.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from New Mexico.

Before I yield to the distinguished Senator from Arizona [Mr. FANNIN], I want to reply to the letter to the Senator from Nevada [Mr. BIBLE], in which he mentioned White Pine County and Phelps Dodge. The same situation applies in Bisbee and in the old Sacramento mine in Helena, three of the most important cities in Montana.

Having worked in the mines in Butte and in the old Sacramento mine in Bisbee, I know what it is to live in a community which has no outlet. People there have only one commodity. This makes a difficult situation much more difficult. There is no place to which these people can turn until they leave the State, and many of them have and more will leave the State.

We will then be the big losers because of this situation, and public interest.

Mr. President, I yield to the Senator from Arizona [Mr. FANNIN], a great Governor of that copper-producing State. Mr. FANNIN, I thank the majority leader. I commend him for calling together the Senators from the copper-producing States to discuss this very important issue.

The matter really constitutes a crisis in our Western States, particularly in the State of Arizona, since my State produces over 50 percent of the copper produced in the United States.

The situation pointed up by the majority leader and by other Senators this morning is extremely critical in the State of Arizona.

I think we should realize that we have a power struggle going on in which the workers and the general public are suffering the greatest.

There are 26 unions involved, as I understand it, in this strike.

A new system of bargaining has been injected into the negotiations between the union and the companies. We should take cognizance of the fact that not only should we be thinking about what should be done today, but we should also be thinking about what should be done in the future to avert similar occurrences.

When the Congress convenes in January, therefore, I plan to introduce a bill to prohibit coalitions or multiplant bargaining by unions. This form of bargaining has confronted the Nation with industrywide strikes—now on a scale never heretofore seen. It threatens an ever greater massing of union power to force settlements on its own terms, regardless of national guidelines. Administration calls for restraint, and public interest.

In addition to its threat to the national economy this form of bargaining also endangers the right of rank and file union members to decide in their own local unions and bargaining units what is best for them. Coalition bargaining, to accomplish its purpose, necessarily vests power in the international unions which form the coalition, and in turn transfers the power of decision from the base of unionism; that is, the rank and file leaders at the top. This result was frankly acknowledged in the recent report of the UOD to the AFL-CIO national convention when it stated:

It has been shown that if coordinated bargaining is to achieve its greatest gains, the international unions must take the lead and must make key policy, planning and strategy decisions.

In many parts of the Nation, including my State of Arizona, employees of the non-ferrous metals industry continue to suffer through a strike that has little interest in their legitimate concern for improvement in wages, hours and other terms and conditions of employment as set forth in section 8(d) of the Labor Management Relations Act. Rather, they are enmeshed in a drive by their purported representatives to circumvent the intent of section 9(a) of the act, by establishing composite bargaining committees which include representatives from several units from various plants or divisions of an employer, rather than maintaining separate conferences to representatives of the union certified or recognized in the particular bargaining unit.

The purpose of this tactic is to force companies in one unit to give an offer—rather than rejecting the offer of a drive that has been shown to be disastrous for local businesses which are not its immediate target, and may also shut down or severely cut back operations of the companies directly involved.

I believe, too, we should consider just what results will accrue if this strike continues and the consequences spoken of by Members of the Senate have their effects. This could be disastrous for my State of Arizona, but, and for the other Western States, and, of course, it would be detrimental to the Nation.

Accordingly, the bill I plan to introduce would amend section 9(a) to clarify Congressional intent by requiring that bargaining with employers be conducted by those whom the employees designated for that purpose; namely, such officers, agents, and members of the union—including for this purpose both the international and local union—selected by the employees as the bargaining agent.

The proposed amendment applies only to representatives sitting at the bargaining table with the employer. It would not infringe on the right of the union to consult in advance of bargaining sessions with other unions on any matters whatsoever, including their bargaining objectives and tactics. One union could not, however, invite the representatives of another union to sit at the bargaining table unless, of course, some form of joint bargaining or multiprant bargaining had been established by consent or by prior National Labor Relations Board certification. The amendment would not hamper a union's rights to retain a lawyer or consultant of any kind and bring to the bargaining table an officer of the union who is not an officer or agent of another union which has no standing as representative of the bargaining unit.
I believe we have a problem here serious enough to impinge the unions and the public not to sit idly by this time change their system of bargaining. They that bargain in good faith, as has been requested by several Senators today, in consideration that any emergency exists and that the defense of our country is at stake. Our men are fighting in far off Vietnam, in a struggle that is essential to the freedom of the people of the world.

So I would hope at this time that the union officials and the company officials would consider what is at stake, and not insist on changing the entire bargaining procedure at this critical time. Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Utah, who will round out the number of Senators from the five copper-producing States in this roundrobin.

Mr. BENNETT. Mr. President, I was happy to sit in with the majority leader and the Senators from the other copper-producing States in this roundrobin, because I am very interested in how the Dodge negotiations still seem to be going. The Governor of Utah, Senator FANNIN, from Arizona, the Senator from Montana, Senator MECALF, my colleague, the Senator from Arizona, that the problem goes much deeper, and I should like to speak in detail about the situation as I see it.

Mr. President, today on December 15, the copper strike which is now affecting the entire Nation will go into its sixth month. I have come to agree with my colleague, the Senator from Arizona, that there is no prospect of a settlement, unless the Phelps Dodge negotiations still seem to be going. Senate Bill 198, as amended and passed by the Senate, supplies the services and production of daily living to the striking workers. Many small merchants are hanging precariously by the very thread of their existence.

Tax revenues which normally go to their localities, and to the State itself, have been depleted to the point where severe budget cutbacks have been forced upon my State of Utah, as Senator Moss has already pointed out, and I am sure that is true with respect to the other copper-producing States.

Even if the strike were settled today, the time required for each striking employee to make up the lost wages based on additional 5 cents per hour over and above the initial company offer would require more than 29 years. If the offer were 10 cents above the original company offer, it would require more than 14 years. Another worker has just lost on the average, a total of $3,036 in wages.

We have come to the point in this disaster where it has spilled far beyond the Intermountain West, and under no terms can it now be classified as merely a regional problem. Workers in many States have been drawn into and are now facing a cheerless Christmas and a jobless winter.

In anticipation of this strike, many fabricating industries stockpiled extra copper. The Copper Industry now, in terms of 1967, has approximately enough to implore the unions and the company to negotiate a settlement. The supply is rapidly becoming exhausted. Within a few weeks if a settlement is not reached the automobile industry, the electrical communications industry, defense industries, and other copper users will be without this vital metal.

The problem goes even beyond this, however, so far as the Nation as a whole is concerned, and some interesting statistics show the critical position in which we find ourselves.

During fiscal year 1967, this Nation consumed 3,345,000 tons of copper. At the present time there are only 260,594 tons of copper in the nation’s stockpile. This represents a little over one-third of our stockpile objective of 775,000 tons, and only 7.8 percent of our annual copper consumption.

Mr. President, none of us need remind you that we are a Nation which at this moment is engaged in a major foreign and domestic war, and that the production and shut down, we have become entirely dependent upon foreign imports of the red metal to prosecute this war. If those foreign imports, for one reason or another, were cut off, we would not have the copper available at home to carry us through a single month. Ever since the strike began 5 months ago, we have been told that there was no short-term crisis in the supply of copper available. Today it is painfully obvious that we can no longer accept that thesis, and that the time has come when a solution must be forged.

Prior to the strike, copper was selling in this country for 40 cents a pound, and it is now selling, when available, for about 60 cents. During the last few months, the foreign price has been higher than the domestic price. Under the President’s urging, when they were cut off, we would not have the copper that supply to the domestic price. This price rise was not helping the domestic manufacturers because they are producing nothing. Therefore, not only we are dependent upon foreign imports for this strategic commodity, but we are paying a price increase of nearly 50 percent to foreign producers. And while this is going on thousands of American copper workers—40,000, to be exact—have been with or without a paycheck.

What has been done in an effort to end this strike? Some weeks before the contract expired on July 15, an offer was made by the industry which the unions have not accepted, or, in my opinion, even seriously considered. I do not wish to get into the pros and cons of the complicated negotiation proposals, but the fact of the matter is, Mr. President, there is not now, nor has the 4 been, hard-nosed, meaningful negotiations at any time since the strike began.

Mr. President, one of the reasons for this, perhaps, is that since we can assume adequate supplies are available from foreign sources, the unions have lost their economic leverage. They cannot say that by shutting down copper producers they are creating public problems, because of the strike.

However, many attempts to find a solution have been made by officials of the States affected. As my colleague pointed out, the Governor of Utah has been hard pressed to bring these people to the bargaining table but these efforts failed. It is my impression from observing the process of this experience, that the representatives of the unions, who have been without work for 5 months, could care less. They are concerned with building up their power, and the buildup of their power, in my opinion, will not come until every contract with copper producers in the United States is expired, and they can control the entire industry.

Mr. President, shortly after it started the governors of the five Western States which have been involved since the beginning attempted to bring the parties together in order to promote negotiations between them. This has been repeated on several occasions, but the efforts have been unsuccessful. Wires and telegrams containing various proposals have been sent to the President by Senator MANSFIELD, by Senator FANNIN, by myself, suggesting a number of ways by which a solution might be found. Some have involved fact-finding commissions to be appointed by the administration; others, at different times have asked for the invocation of the Taft-Hartley law. These efforts have been unsuccessful.

There have been many fruitless meetings. Federal Mediation Service officials and Secretaries Wirts and Trowbridge, have met with the disputing parties, and at this hour, in spite of all these "jawbone" efforts, negotiations are still at a standstill.

I personally have introduced two legislative proposals designed to end, or assist in ending, the strike. As soon as it became apparent that we were facing a crisis, I offered a resolution which would inform the President of the United States that it was the sense of the Senate that the Taft-Hartley law be invoked. This has been completely hopeless.

I joined with Senator FANNIN, of Arizona, a State whose economy is also suffering, in cosponsoring a 'vote to work bill" which would allow striking members themselves, after a period of 30 days, to vote on whether or not they might wish to return to work during negotiations—or in other words, giving them the choice to return to the Taft-Hartley Act the same power the President has.

Most recently the distinguished majority leader and his junior colleague from Montana, Senator MARCALF, have proposed that a panel be set up to arbitrate the dispute, consisting of four nominees recommended by management, four by the striking union, and three public members who, in the inevitable absence of agreement by the two opposing sides to the conflict, would be nominated, one each, by three members of the President’s Cabinet. This would have allowed three of the President’s political appointees to decide the men who would hold the balance of power in this recommended panel. As was to be expected, this idea has met with the companies involved. That this would

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have stacked the Commission against industry should be obvious to anyone. The Cabinet officers are political appointees of the President; we have a presidential-congressional concurrence, and even as this suggestion was being made the AFL-CIO was meeting in its annual convention in Miami, and its leaders— including officers of the striking unions—were declaring their political support for the President.

This whole sad experience confirms again the basic truth that the legal machinery we set up 30 years ago to handle strikes affecting the national interest is no longer sound. That is essentially true because it is vulnerable to political pressure—pressure that can be successfully applied to Congress as well as to the President.

It is a sad commentary on our claim to bring an enlightened and sophisticated nation when, after 5 months, we are being held hostage to the needs of 40,000 workers facing Christmas and the coming winter with no hope of settlement.

Second, imports of refined copper have risen from 3,500 tons in July 1967, to 56,000 tons in November 1967. At that rate they represent approximately 20 percent of our current consumption, and the volume of imports is rising monthly. In a few months our private domestic stockpiles will be exhausted. I am sure that the foreign copper producers are counting on future contracts—and we are doubtless building a new and higher base of imported copper into our supply picture—thus, expanding our balance-of-payments problem.

Third. But this is only the beginning; all this is being compounded by the fact that when the strike impact reaches the last of the copper fabricators, we could become dependent on foreign producers not only for our metal, but for the forms and shapes we need for our weapons, as well as all our domestic machinery, and all this is compounded by the higher foreign price for copper.

My second warning is addressed to the President as head of his great political party—one that is in the minority.

The international leaders of organized labor may hail him in Miami, but the little people who, after 5 payless months, are being held jobless by a strike that has long since passed the point of any increased payout will probably vote their frustration in next year’s elections.

And, Mr. President, Mr. Bennett in Congress who could have taken some action in this case, and did not try, can go home feeling proud of our legislative record. When we were in January, the strike would have run into its seventh month, and maybe we would recognize the imperative need for some new legislative approach, not only to stop this economic and social debacle, but to prevent future ones.

Mr. MANSFIELD. Mr. President, will the Senate from Utah yield?

Mr. BENNETT. I yield.

Mr. MANSFIELD. The result of this round of labor-management negotiations in the copper-State operations of the copper-producing States of the West indicates that there is no unanimity of opinion as to how the pending strike should be settled, but it does recognize by one side, that the strike should be settled. I am sure that all 10 Senators are in accord that, as far as the unions and management are concerned, the days of all-out in opposition. It could touch off a long and bitter debate on the Senate floor and delay adjournment when there is no time left this year. Maybe all these conditions make the proposal seem like “whistling in the dark” as some union leaders claim. But neither they nor anyone else have come up with any other idea which would give those most affected—the employees, 5 months payless—any chance to help themselves.

Mr. President, if I have a wish I have to give voice to two warnings to the President. The first concerns the inevitable effect of presidential elections on copper imports, which at their highest level are far below our domestic needs. This threatens damage to our economy in the long run.

First, the world copper price has been higher than the domestic price since July 10, 1967. This one factor is forcing us to pay 50 percent more for copper today than we were in the strike began.

Mr. BENNETT. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. LAUSCHE. Mr. President, I have been listening with attention to the presentations made by Senators from the copper-producing States. On the basis of what was said, one would conclude definitely that the States primarily interested are those that produce copper, but let it not be forgotten that the fabricating States are also deeply concerned with this strike, which has already lasted for 5 months, and that present has no prospects of coming to an end.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.
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In conclusion, Mr. President, my appeal is to those who are involved in this dispute to give consideration to what the ultimate impact of a procrastinated and prolonged strike will be upon the copper industry of our Nation. What will the consequences be of the result of all this discussion? After all, is the proposition that the one who is most powerful sh "I win?"

I would agree with all my strength placing in the employer, in industry, the ability to win because of this economic power; and I would place that same condemnation upon labor leaders if their purpose were to win because of the might of their organization.

I join with Senator MANSFIELD and the other Senators who have spoken here today in opposing the contesting parties to recognize the weaknesses of their positions, and also, of course, the potentialities: but to keep in mind that the law of the jungle shall not prevail, to keep in mind that they may achieve temporary victory, but that temporary victory may result in ultimate conquest of their own objectives.

I think it has been wonderful that the Senator from Ohio has shown how capitalism itself has developed this roundtable discussion, so that the labor leaders and the employers will know that there is concern in the United States not only in the producing States but in the fabricating States, over what is happening.

Mr. MANSFIELD, Mr. President, I thank the distinguished Senator from Ohio for participating in this debate and presenting up front the position of those who fabricate the raw red metal.

Frankly, it is my opinion that if the Taft-Hartley Act were to be invoked, it would have been for the beginning. It would be most difficult to invoke Taft-Hartley at the present time; the consequences could well be unfavorable. For instance, as far as the mine operators are concerned, they tend to flood, and it takes a long time to get them into operation again. Is it my belief that, because of the length of this strike, shaft mining in Montana and perhaps elsewhere in the country is in a most difficult and serious moment.

We have to keep in mind also that in addition to the shaft mines, there are the open pit workings. Those who operate the big machines which scoop out the rock, the machinists and electricians and all those who are part of the employment force in any mining operation, have gone to other areas, and very likely would not return to work for an 80-day period, which is the most that can be obtained under Taft-Hartley.

So far as I know, the unions are not waiting for other contracts to terminate before they make a massive push on the companies. It is my opinion that, of the labor side, the matter of fact that both sides are at fault in this matter, and both sides are keeping each other further than "arm's length" apart. What is not brought about in this situation, which confronts primarily the Rocky Mountain West, but affects as well the whole Nation, as the distinguished Senator from Ohio has pointed out.

I would note also, however, that, in addition to the negotiations now going on between Phelps Dodge in Arizona and the steel union, on October 14, 2 months ago, on what was called the 75 cents-an-hour—approximately $3.75-an-hour—settlement was arrived at between the Plima Copper Co. of Arizona and the Steelworkers' Union.

When I worked in the mines, they used to have a number of colorful expressions, two of which I recall. One was "That's all right," which meant take it easy; the other was "Take five," which meant take 5 minutes off and rest somewhere.

In my opinion, both the unions and management are "tapping it light" and "taking five," and it is about time that they got down to business, got down to emphasis initiated by the Table and began operating, at "arm's length," even face to face on a daily, round-the-clock basis. As a matter of fact, that time is long overdue.

GERMAN REUNIFICATION

Mr. PELL. Mr. President, I have taken the Senate floor several times in the past years suggesting that a more rewarding approach might be used in German reunification and by the Federal Republic of Germany in honestly facing up to what can and cannot be done on the question of German reunification. I have also given voice to my conviction that both our Government and the Government might profitably undertake new initiatives toward realizing a general de­ tente with Eastern Europe.

I raise this subject again today but do so with a bit more hope and also with renewed concern. My hope is based in good part on what I consider the imagina­tive and adroit change in foreign policy of Chancellor Kie­singer and Foreign Minister Brandt on the part of the Federal Republic. It stems in part from our efforts to increase trade and contacts with the people of Eastern Europe and, by doing this, to hasten the erosion of communism there.

My renewed concern is based on what appears to be the determination of the Soviet Union to reestablish these efforts at detente by the Federal Republic. Press reports during the past weeks indicate that the Soviet Union is in fact be attempting to reactivate the trouble spots in central Europe, partly as a counter­ploy to the U.S. involvement in Viet­nam, and partly as a response to growing friendship between many of the East European satellite states and West Ger­many.

A year ago Dr. Kiesinger and Mr. Brandt brought together a new coalition government made up of the Federal Re­public's two largest parties, the Christian Democrats and the Social Democrats. Because of internal domestic political considerations, such a coalition was no mean achievement. Once achieved, however, this coalition has given their Gov­ernment a sufficiently large base to take the first cautious steps toward updating its image vis-a-vis Eastern Europe and the rest of Eastern Europe. It has given the Federal Republic leaders a chance to face hard facts of the present situa­tion in Eastern Europe.

In one of his Government's early for­eign policy pronouncements in January

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