SITUS PICKETING:
A Surprise Victory
The defeat of Common Situs Picketing legislation is a victory for sensible labor policy.

Editor’s Note: The recent surprise victory over Situs Picketing legislation in the U.S. House of Representatives may have surprised some people, but certainly not the four individuals largely responsible for orchestrating the surprise.

“This panel discussion contains the comments extended by these key people: Congressman John M. Ashbrook, Ohio’s 17th District; Richard Creighton, Assistant Executive Director, Associated General Contractors; C. B. Randall, Jr., Director of Government Relations, Associated Builders & Contractors, and John S. Bush, Jr., Director of Governmental Affairs, United States Gypsum Company.

RANDALL: As you well know, the key to our victory was a unified effort of a large number of groups working under the banner of the National Action Committee on Secondary Boycotts.

I might add further that this type of organized approach represented one of the few times where the business community hung together and avoided making piece meal compromises to the benefit of certain individuals.

ASHBROOK: That’s right. Opposition to the bill was organized and made its opposition felt. Too often in the past those who oppose such legislation have not been as coordinated and organized as the proponents. This time that was not the case because hundreds of letters and post-cards in opposition to the bill poured into each Congressional office.

Despite these positive factors, though, most of us thought the major battle would be in the Senate, not the House. Even on the day the bill reached the House floor I honestly expected that we would lose on a close vote.

BUSH: Fortunately, organized labor made the same presumption and became complacent in the House of Representatives. While the primary objective of our coalition was building upon the 189 votes we achieved against the bill 18 months ago, organized labor printed two million postcards to be sent to swing senators and concentrated their efforts in the Senate.

The Committee (U.S. Chamber of Commerce Construction Action Council Committee) assigned me the 68 new members of the House, along with representatives of AGC and the Chamber. Beginning four weeks before the March 23 vote, and even up to the last seven days I was astonished to learn from these new members they were receiving virtually no mail, phone or personal contacts from the AFL-CIO, while the mail was flooding in in opposition to common situs.

RANDALL: In a word, the unions did not do their homework. They expected to hold the votes of those Democrats who voted for the bill in 1975, which they did not (lost 16 I believe).

Further, they relied on campaign commitments of freshmen Democrats which simply were not there when the heat was turned on by the business community. As for Republicans, Al Quie’s defection to our side probably gave us 15-20 votes and all the while the unions thought the battle was in the Senate and the filibuster.

CREIGHTON: Yet the real key to the defeat of the common situs

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picketing bill was management's ability to work together for the common good. And this was clearly a victory won as much by the smallest association as by the largest associations.

We learned some bitter lessons in 1975. If we are wise, we will also learn some lessons from our success this year.

ASHBROOK: The defeat of common situs picketing in the House of Representatives took most people by surprise. In my own view this was the biggest legislative upset in the past 10 years.

Nor should the role of the various trade associations in turning the situation around be underestimated. Such groups—especially IAWCC/GDCI where Joe Baker was one of only two top association executives who publicly stated that a victory could be achieved in the House—organized their members and effectively mobilized opposition.

BUSH: Since losing common situs, labor spokesmen have been quoted in the press as saying they “weren’t capable of competing with the massive construction industry/business campaign, in the House.” This is a cover up.

There was nothing all that massive about the campaign. It is just that they were complacent over the odds in the House and were caught asleep at the switch.

Also John Ashbrook did a particularly outstanding job of leading the opposition in the Congress.

CREIGHTON: It is in this regard that the National Action Committee made its greatest contribution. The Committee's principal functions were: making material developed by its respective members available to all the groups for their individual use; keeping all those participating aware of the activities of others, and maximizing the industry's collective efforts by minimizing duplication of staff efforts.

RANDALL: I contribute the Action Committee's effectiveness to the close working relationship of the lobbyists involved in the hard core group. The group personally validated all information received from the National Action Committee.

ASHBROOK: There are many reasons for success. One key reason is the overwhelming public opposition to common situs picketing legislation. The American people have rightly come to identify common situs picketing with secondary boycotts which they reject.

Many members of Congress who might have voted for the bill simply did not want to buck such strong public sentiment.

RANDALL: Everyone agrees that the passage of situs picketing would have caused a polarization of union vs. non-union in the industry. I think the open shop would have benefited in the long run—growth wise—but a number of small firms, mainly subcontractors, would have been put out of business.

In this regard, the unions did not want situs so much to organize the open shop but to capture market areas completely to put their own people back to work. The unions were taking a gamble; they were willing to sacrifice certain labor market areas to the open shop in order to maintain their hold in other areas.

As you know, the open shop has made considerable gains the last few years and now perform between 55-60 percent of all work. The unions figured unless they could stop the open shop, this percentage figure would go much higher. Common situs was their tool to stop future encroachment.

BUSH: What worries me is which direction business will go as a result of this spectacular victory. If they take it as a lesson on what can be done when they work diligently and cooperatively, it can be very positive; but, if they go back to their historically complacent attitude on participating in congressional battles, they are about to lose much more than they won in common situs.

Labor will be much stronger the next time because they have cer- (Continued on Page 24)
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certainly learned their lesson. They
will not get caught asleep again.

ASHBROOK: In the final
analysis, members of Congress
simply did not want to go on record
as favoring common situs, no mat-
ter how many changes were made
in the bill.

The defeat of common situs pic-
cketing legislation is a victory for
sensible labor policy and for all
those who work in or depend on the
construction industry.

CREIGHTON: It is the wish of
the participating members of the
National Action Committee that it
continue and to select a few future
issues on which broad-based man-
agement support can be secured.

If Washington representatives
can continue to use the plural per-
sonal pronoun “we” and strike
from the English language the sing-
ular personal pronoun “I”, man-
agement will continue to achieve
successes on Capitol Hill

POTENTIAL:
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trade—off between higher initial
construction cost—perhaps par-
tially offset by government
subsidy—and reduced operating
costs throughout the life-cycle of
the a building.”

Under conditions of life-cycle,
the historical low bid no longer will
possess its importance in a bidding
situation. The winning bid by a
specialty contractor will involve
not only the first cost of construct-
ing the system but also an amount
of the maintenance and operation
of the system.

Life-cycle costing is the motive
behind the Public Building Services
recent efforts on two-step bidding
wherein the prime manufacturer is
being asked to design a complete
system or subsystem, install it, and
then assure that its operating and
maintenance cost bidding are
realistic.

Because the bidding will be di-
rected primarily at manufacturers
who will accept life-cycle responsi-
bility, the contractor tends to re-
cieve short shrift. And it was this
tendency to downplay the contrac-
tor’s role that recently led the Na-
tional Construction Industry
Council (NCIC) to formally draft a
public critique of the government’s
obvious direction.

Understandably, all—or at least
most of this activity—has been per-
formed without any added stimula-
tion from President Carter. These
various agencies, recognizing just
what the 1973 oil embargo meant,
went ahead in the absence of a
comprehensive plan from the fed-
eral government.

Now that the Carter Administra-
tion has announced a bold plan,
conservation and insulation can be
expected to hold priority positions
for the next several years and/or
decades.

The touchstone to Carter’s
entire package—and this is the one