

Mr. FIELDS. I think the case arose in 1963. It went up and was decided by the Circuit Court of Appeals in 1965. That leaves the case I referred to, Chicago Calumet Stevedoring Co., involving masters and pilots. The circuit in the District of Columbia in 1965 enforced the Board's order.

Then there was another case about the same time involving the B. B. McCormick & Sons and involved, of course, the Florida East Coast Railway. That occurred at about the same time. Around 1964 or 1965.

Mr. FORD. Actually, the decisions are relatively new that seem to indicate that a proper technical description of the act as it now stands would mean that the worker has the right to be sued but not to sue, or is a citizen for tax purposes but not for voting purposes to use an even more severe comparison.

I would simply like to observe that if this is going to be used very frequently by people on one side of the dispute, it will probably do more to excite the imagination of Members of the Congress and the public across this country for the passage of this type of legislation than anything we might do in this committee.

Hopefully, one of the things that is going to come out of these hearings is that people across the country will realize that some of the things that have come to light during this hearing are still going on in this country.

Certainly as to the enforcement of this provision by the Board, I make no criticism of the Board in doing this, I agree with Mr. O'Hara that you appear to be absolutely correct in your interpretation of the law, leaving to Congress responsibility for any addition to that law.

Mr. FIELDS. It is not because the cases are recent, it is just that they didn't arise until recent years. I did not exhaust the research on this point. There might well have been cases with these interpretations in earlier years. We did have a case going back in 1951, the *DiGiorgio* case. There have been relatively few cases throughout this period.

Mr. FORD. The bill that is before us picks up almost in toto the present exceptions and provisions that were written originally for the building trade.

Have you made any examination of this language from the point of view of the Board to determine whether there are circumstances that might not make the exact language appropriate? In other words, might it not be appropriate for us to examine the possibility of a new section rather than hitchhiking on the building trade section?

One of the things that brings this to my attention is that one of the provisions of this section is to provide that in labor contracts minimum training or experience requirements may be specified. This at first blush does not seem to me to be appropriate to the kind of employment that we are talking about here.

If you could compare the situation with an industrial-type union, it would have some bearing because you would be talking about seniority. If we are talking here about the possibility of a contract including the program for apprentices, master pickers and associate pickers and what-have-you, this raises the question, assuming the possibility of accomplishing what this, legislation intends to accomplish, of whether or not using the language of the present section without more specific tailoring to this industry might lead us into problems?