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Judge Holds Federal Rent Law Invalid: Housing Officials Will Appeal Decision

By DAN SMYTH, Chicago Correspondent for AFL News Service

Chicago.-The 1949 act of Congress extending federal rent control was ruled unconstitutional by Judge Elwyn R. Shaw in U. S. District Court in a test case. If invalid in 1948, on ground Conupheld by the U. S. Supreme gress no longer had authority to exercise war powers. finish of federal rent control.

Otto Kerner, Jr., U. S. attorney at Chicago, and Tighe Woods, U. S. housing expediter, said an appeal would be taken immediately to the Supreme Court. Meanwhile, the administinue.

building in Chicago, Shoreline Apartments, in which owners tried to evict tenants who refused to join the co-operative. The housing expediter sued for an injunction to stop the eviction.

The housing expediter argued the co-operative owners could not evict the non-co-operative tenants because the owners' group did not own 65 per cent of the property. Regulations of the expediter's office provide a building must be at least 65 per cent owned by a cooperative if the co-operative is to obtain eviction notices against the

Judge Shaw didn't go into the merits of the arguments. He said the act of Congress was an unlawful delegation to the states of the powers of Congress, and therefore, unconstitutional. His court, therefore, had no jurisdiction to stop the evictions, he said.

What made the new rent control act unconstitutional, he held, was the local option clause, under which it was provided that states could withdraw individually from rent control.

"I can see no difference between this situation," he ruled, "and one in which Congress should pass a selective service law with the provision that any state which doesn't care to send soldiers may pass a law and say they did not choose to be involved; or an intrastate commerce act with the provision that any state that chose not to be governed hereby could declare itself out.

"I can see no reasonable reason to believe that an act of Congress under its war powers can contain any such provisions as might make it inoperative at the option of any and all of the various states, by their arbitrary action and without gudies, standards or specifications of facts."

Judge Shaw pointed out that some states already have declared themselves out of rent control. Federal control over rent is legal under the war powers of the federal government, he said, so the decontrolled states have "repealed the war efforts" as far as they are concerned.

"If the other states should see fit to do likewise," he said, "the act of Congress would be utterly repealed or completely emasculated without any further act of

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its own, and without regard to any power to make or maintain cept any agreement which does not

Judge Shaw's ruling was not the first to find rent control unconstitutional. A Cleveland federal judge held the old rent law

TALENT UNIONS CONFER

Hollywood, Calif. - Delegates representing the constituent unions tration of rent control will con-Judge Shaw acted in the case tion here to the presentation of hour, About 225 electricians are of a co-operative apartment house arguments by the eastern talent affected.

unions designed to persuade the Screen Actors Guild to take part in a proposed television authority. This would administer the field of television acting.

The Screen Actors, however, have stipulated that they cannot acaffirm their jurisdiction over all acting on film, no matter for what outlet the film may be designed.

AFL ELECTRICAL WORKERS WIN 20-CENT WAGE BOOST

Albany, N. Y .- The wage scale for union electricians in the Albany area has been increased 20 ON TV JURISDICTION cents an hour. Under a 1-year contract signed by Local 724, International Brotherhood of Elecof the Associated Actors and Art- trical Workers, AFL, and the ists of America, the AFL enter- Electrical Contractors Associaopening session of their conven- roactive to July 1, is \$2.50 an

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