Editorial

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OLDEST U. S. LABOR UNION ASSAILS PUNITIVE MEASURES

In an "open letter to Congress," published in a two-column advertisement, America's oldest labor union—the Columbia Typographical Union No. 101 (AFL), demanded that Congress "get all the facts" before acting on punitive labor bills now confronting its committees.

The advertisement, which speaks for itself, declared:

"Since January 7, 1815, this labor union has functioned in the Nation's Capital, and in the 132 years of this union's continuous existence its members have been involved in only four strikes—none jurisdictional.

"Under its own union laws, the members of America's oldest labor union:

"(1) Require a three-fourths vote by secret ballot of members in good standing for at least six months before a strike can be authorized, and all members must be given reasonable notice such a strike vote is to be taken. A majority vote by secret ballot can call off any strike:

"(2) Require that itemized financial statements be published every 90 days, after union and C. P. A. audit of same; monthly financial statements are published by the national officials;

"(3) Require referendum election of its officers, union auditors and convention delegates;

"(4) Require that foremen and simliar supervisory printers be members of the union, but are unhampered in the issuance of job instructions.

"This labor union originated the "closed-shop" idea in America by adopting, in 1842, a resolution prohibiting its members from working with non-members. This policy has been in effect for 95 years without a serious objecttion by management! Our apprenticeship training standards would be seriously impaired under "open shop" conditions, and GI job training undermined.

"Since 1892 our members on Washington newspapers have had the 7-hour day, and since 1933 the 35-hour work-week, by agreement of management.

"If America's oldest labor union can function successfully for 132 years right here in Washington, D. C.—and grow from 19 members in 1815 to 3,200 today—with less than 10 per cent of this time covered by the Wagner Act—

If this labor union can raise the economic level of its members from $9 per 60-hour week in 1815 to $2.20 per hour today for a 35-hour week for D. C. newspaper printers with only four strikes in 132 years—

"Certainly, if this union can voluntarily compile such a 132-year record, without mandatory federal legislation, then it can be done!

"If there must be new labor laws, or old laws amended, the 80th Congress should keep in mind that there are different banking laws for national banks than for savings banks, and that the legislation governing fire insurance is different than that for life insurance. Why should there be only one labor law for all labor? There are at least three kinds of labor—seasonal, tenure and industrial.

"Congress should get all the facts, and give labor the same consideration as was given the bankers and insurance people.

"Any labor union that can function successfully and continuously for 132 years, and survive six American wars, should be a good example to follow—not less seasoned unions.

"We have had only four strikes in 132 years of labor union existence—any new federal law or amendment which would cause or result in more strikes is no remedy for industrial strife!

Your presence is very necessary at your Central Labor Union meetings.

SPRING CLEANING

Courtesy Institute for American Democracy, Inc.

HIGHLIGHTS OF COURT'S RULING ON MINERS' CONTEMPT CASE

Washington, D. C.—The majority opinion of the United States Supreme Court was that the Government can fight strikes with court orders although the Norris-LaGuardia Act says that the Federal courts shall not issue injunctions or restraining order in labor disputes. The court found that this act does not apply when the Government, acting in its sovereign capacity, seeks an injunction.

Chief Justice Vinson and Justices Black, Reed, Douglas and Burton made this ruling.

There could not have been an injunction in the coal case, Vinson said, if the dispute had been between the miners and private employers. But the Chief Justice found that Congress never intended the acts to apply to the government.

There is a rule of law that no act can take away any of the rights and powers of the sovereign unless it does so directly. General words — no matter how broad—will not reach the Government, Vinson declared.

Congress must have known of this rule, Vinson said, so that if it had meant the Norris - LaGuardia Act to apply to the Government it would have said so. And since it did not say so, the act does not apply. He added:

"It is clear that workers in the mines seized by the Government under the authority of the War Labor Disputes Act stand in an entirely different relationship to the Federal Government with respect to their employment from that which existed before the seizure was effected.

"We do not find convincing the contention of the defendants that in seizing and operating the coal mines the Government was not exercising a sovereign function and that, hence, this is not a situation which can be excluded from the terms of the Norris-LaGuardia Act."

On the question of fines, Vinson said:

"Sentences for criminal intent are punitive in their nature and are imposed for the purpose of vindicating the authority of the court. The interests of orderly government demand that respect and compliance be given to orders issued by courts possessed of jurisdiction of persons and subject matter.

"One who defies the public authority and willfully refuses his obedience, does so at his peril. In imposing a fine for criminal contempt, the trial judge may properly take into consideration the extent of the wiilful and deliberate defiance of the court's order, the seriousness of the consequences of the contumacious behavior, the necessity of effectively terminating the defendant's defiance as required by the public interest, and the importance of deterring such acts in the future. Because of the nature of these standards, great reliance must be placed upon the discretion of the trial judge.

"The trial court properly found the defendants guilty of criminal contempt."

Although Vinson reported in the opinion that the majority of the court felt that the $10,000 fine imposed upon Lewis was warranted, he declared a majority of the court did not so regard "the unconditional imposition of a fine of $3,500,000 against the union."

Declaring that a majority of the court felt that a lesser fine should be assessed against the union, he added:

"Accordingly, the judgment against the defendant union is held to be excessive. It will be modified so as to require the union to pay a fine of $700,000 and further to pay an additional fine of $2,800,000 unless the defendant union, within five days after the issuance of the mandate herein, shows that it has complied with the temporary restraining order issued November 18, 1946, and the preliminary injunction issued December 4, 1946.

"We well realize the serious proportions of the fines here imposed upon the union. But a majority feels that the course taken by the union carried with it such a serious threat to orderly constitutional government, and to the ecenomic and social welfare of the nation, that a fine of substantial size is required in order to emphasize the gravity of the offense of which the union is found guilty."

"Loyalty in responding to the orders of their leader may, in some minds, minimize the gravity of the miners' conduct; but we cannot ignore the effect of their action upon the rights of other citizens, of the effect of their action upon our system of government."

Washington, D. C.—Several minority opinions were filed on various points in the Supreme Court decision in the coal case although only two Justices — Murphy and Rutledge—dissented from the entire verdict.

The major question of general applicability to all of organized labor in the case was whether the Norris-La-guardia Act barred the Government from obtaining an injunction against the union. Four Justices dissented from the majority view that the Government is not barred.

Justice Frankfurter said the Congress had taken away from the courts the power to grant injunctions in labor disputes, except under circumstances that did not figure in the coal case. The question up to the court then, Frankfurter said, is whether the coal case grew out of a labor dispute. He quoted the Norris-LaGuardia Act:

"The term 'labor dispute' includes any controversy concerning terms or conditions of employment—regardless of whether or not the disputants stand in the proximate relation of employer and employe."

From these words, Frankfurter said, it was plain that the coal case was a labor dispute.

"The court deems it appropriate to interpolate an exception regarding labor disputes in which the Government is a party," he commented. "It invokes a canon of construction according to which the Government is excluded from the operation of general statutes unless it is included by explicit language.

"The Norris-LaGuardia Act has specific origins and definite purposes and should not be confined by an artificial canon of construction. The title of the act gives its scope and purpose, and the terms of the act justify its title. It is an act 'to dene and limit the jurisdiction of the courts sitting in equity."

Justice Murphy said the implications of the decision cast a dark cloud over the future of labor relations in the United States.

Murphy said the court was right in taking account of the crisis in which the coal case was tried, but he said that factor did no justify "the conversion of the judicial process into a weapon for misapplying statutes."

He said also that "a judicial disregard of what Congress had decreed may seem justified in view of the crisis which gave birth to this case. But such a disregard may ultimately have more disastrous and lasting effects upon the economy of the Nation than any action of an aggressive labor leader in disobeying a void court order.

"The crux of this case is whether the fact that the Government took over the possession and operation of the mines changed the private character of the underlying labor dispute between the operators and the miners so as to make inapplicable the Norris-LaGuardia Act. The answer is clear. In my opinion the miners remained private employes despite the temporary gloss of Government possession and operation of the mines; they bear no resemblance whatever to employes of the Executive Departments, the independent agencies and the other branches of the Government."

Justice Rutledge found the $700,000 fine excessive and called it an unlawful mixing of civil and criminal penalties. Moreover, he said, it is the District Court's job to fix the punishment for criminal contempt and all the Supreme Court is supposed to do is to say whether the fine imposed is excessive.

Rutledge did not suggest that the great public interest in the case has swayed the majority, but he did open his long dissenting opinion with the admonition that the judgment of the court ought not to be affected by such a thing.

Rutldege reminded the majority that if Lewis and the U. M. W. had been indicted and tried by a jury for striking against the War Labor Disputes Act. the most they could have been fined was $5,000 apiece, although in that case Mr. Lewis might have been jailed for a year.

Justice Jackson, too, believed the Norris-LaGuardia Act forbade injunction being issued by the Government in labor cases, but he did not file a dissenting opinion.

DOLLAR VALUE OF BUILDING IN CITIES REACHES RECORD

Washington, D. C.—The dollar value of city building construction reached a 17-year high in 1946, according to preliminary estimates of the Bureau of Labor Statistics, U. S. Department of Labor. Permits issued (and Federal contracts awarded) for building construction in all urban places were valued at $4,700,000,00 last year —more than double the 1945 total and the greatset dollar volume reported since the 1920's. In part this high level is due to current high construction coasts.

The largest part of the gain over 1945 was accounted for by residential construction, which rose from $769 million to $2,442 million. Nonresidential building, although restricted by control orders, advanced 70 per cent to $1.5 billion; additions, alterations, and repairs rose only slightly to $765 million.

The fact that home construction accounted for more than half the total dollar volume in 1946 while nonresidential building represented less than a third is attributable primarly to the issuance of Veterans' Housng Program Order No. 1 (the construction limitation order) on March 26. Prior to that date, nonresidential projects, particularly commericial and industrial building, were surging ahead of housing.

Urban valuations hit an all-time monthly high of $742 million in March, 1946, as many builderes hastened to get work strated on higher priced homes and non-housing construction before controls went into effect. In April, after the limitation order was in operation, the total valuation figure plummeted to $433 million.

AFL TEAMSTERS EXPANDED

New Orleans, La.—AFL Teamsters here have organized the drivers of the Khoolman and Sugarman Wholesale Food Products.

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