CHARLOTTE LABOR JOURNAL

VOL. XVII; NO. 46 | CHARLOTTE, N. C., THURSDAY, APRIL 1, 1948 | Subscription $2.00 Per Year

WORKERS VOTE AGAINST TAFT-HARTLEY LABOR ACT

EARLY RETURNS REFUTE CLAIM THAT WORKERS FAVOR MEASURE

Washington, D. C.—By a ten to one margin, American wrokers are registering their opposition to the Taft-Hartley Act in a nation-wide poll conducted by the American Federation of Labor through the labor press.

First returns in the poll, including ballots from every state, indicate that the tide of labor's resentment against the Taft-Hartley Act is overwhelming. The tabulations were:

Against the law 5,816
For the law 588

Thus the contentions of Senator Robert A. Taft and other sponsors of the law that it is opposed only by union leaders and that the rank and file of labor union members really are in favor of it, are shattered.

Special precautions were taken to conduct the poll on an entirely open and above-card basis with secret ballots to shield those who registered their opinions from any hint or threat of intimidation. The ballot forms were drafted by the AFL Weekly News Service and made available to union members through the labor press. Each individual worker had to clip the ballot from his union paper, ramk it according to his own views and mail it to the headquarters of the AFL, where the votes were tabulated by the staff of the AFL Weekly News Service.

The poll will be continued until the total number of ballots received reacehs at least 100,000, in order to obtain an unchallengeable cross-section of the nation's workers. New reports on the results will be published from time to time as their significance mounts.

At the same time, a special poll is being conducted, along the same lines as the general poll, among the members of a specific union, the Internationad Molders and Foundry Workers Union of North America. This was done at the request of the union's President, Harry Stevenson, in order to obtain a full expression, from the uion's membership on their attitude toward the Taft-Hartley Act. Results of the Molder's poll will be published shortly.

In later reports, efforts also will be made to break down the vote by states to see whether labor's opposition to the Taft-Hartley Act is concentrated in any particular sections of the nation or is general in character.

AFL President William Green expressed gratification over the huge margin being rolled up by union members against the Taft-Hartley Act.

"The results so far confirm fully what we told Congress," Mr. Green said. "We knew all along that labor union members solidly supported our position to tihs infamous law. Here is the proof.

"I hope that a large number of labor union members respond to this free and unfettered opportunity to register their opinions on this vital issue. The higher the score, the more impressive will this test of union labor's views become."

UNCLE SAM RETURNING LEASED WAR HOUSING

Washington.—More than 40 per cent of the privately-owned properties leased by the government during the war for conversion into housing for war workes have now been returned to their ownwss, the Public Housing Administration announced.

A total of 8,830 properties, many of them previously of nonresidential nature, were leased in the Homes Conversion Program and remodeled into dwelling units for 49,613 war worker families. More than 3,600 leases have now been terminated.

Industry Draft Is Necessary

Milwaukee. — The inclusion in any legislation drafting man-power or requiring peacetime military service, of a requirement that industry will also be drafted in time of war, was urged by Lester Washburn, president of the AFL's United Auto Workers.

The union leader presented his views in an open telegram to Senator Chan Gurney, chairman of the Senate Armed Services Committee.

Washburn's provision would require industry to produce war materials without profit in the event of any armed conflict between this country and any other.

The UAW-AFL head termed "unsound and disgraceful" a recurrence in "any future war of the profiteering by industry as illustrated during World Wars I and II."

He indicated that the sacrifice made by individuals called in the draft either in the postponement or educaton if the persons are youpng or in the financial loss to families of those who are older, should be "at least somewhat matched by industry in foregoing any profits to be made out of war."

Costly congressional investigations of wartime profits and postwarf scandals could be prevented by doing away with wartime profits in the first place, Washburn believes.

"'During any war our country has far too much at stake to permit any individual or group to profit from such a national calamity. Profits should be entirely divorced from any war effort by every class of our citizenry."

The Golden Rule of Trade Unionism is to buy Union Label goods from others as you would have them pay Union wages unto you!

POINTS FROM COURT RULING

Washington — Excerpts from the decision of Federal Judge Ben Moore holding that the Taft-Hartley Act's ban on polical expenditures by unions is unconstitutional, follow:

The Labor-Management Relations Act passed by Congress imposes many conditions, restrictions, limitations and prohibitions upon labor organizations in the economic arena wherein the battles between labor and management are fought. With these economic features of the act we are not concerned in this case. However, by one section of the act Congress broadened its scope to include activities of labor organizations in the political field.

Section 304 (of the act) makes it unlawful for any labor organization to make an expenditure in connection with any election at which candidates for a federal office are to be selected or voted for. The penal sanctions of this section extend also to an officer of a labor organization who consents to such an expenditure by the organization of which he is an officer.

This case arises under Section 304 of the act.

It is plain the Congress, by this statutory provision, denounced as unlawful acts which would otherwise be entirely innocent in nature, and in the exercise of which a labor organization is concededly protected under the Bill of Rights. (Cf. Crosjean v. American Press Co., Inc. et al., 297 U. S. 233; Bridges v. California, 314 U. S. 252.)

I conclude, therefore, that the indictment charges an offense under Section 304 of the Labor-Management Relations Act, and it follows that if the provisions of that section, pursuant to which the indictment was returned, were constitutionally valid, the indictment would necessarily be sustained

Judged by its plain terms, the statute on its face fails to survive the constitutional test.

I am of opinion that the questioned portion of Section 304 of the act is an unconstitutional abridgment of freedom of speech, freedom of the press and freedom of assembly. At no time are those rights so vital as when they are exercised during, preceding or following an election.

If they were permitted only at times when they could have no effect in influencing public opinion, and denied at the very time and in relation to the very matters that are calculated to give the rights value, they would lose that precious character with which they have been clothed from the beginning of our national life. (Cf. Bridges v. California, Supra, 269.)

The legislative history of the statutory provision under consideration, copiously related in briefs of counsel for the government, clearly shows that the legislation was aimed at the very type of political activity which is charged as an offense in this indictment, namely, the publication and distribution of newspapers containing editorials favoring or opposing candidates for federal office.

It is insisted by the government that Congress could abridge the freedoms guaranteed by the First Amendment (which the government concedes was done here) because of its constitutional control over the manner of holding elections, and its consequent power to prevent corruption therein, and to secure clean elections.

This argument would be persuasive if the statute prohibited specific acts of a kind which might conceivably be expected to produce corruption in any of its forms, or to prevent in any way the holding of free elections; but the untrammeled right of free expression of views as to candidates for office, through newspapers or other means of conveying the written or spoken word and of the public in general to have free access thereto, far from being a conceivable means of corrupting or interfering with free elections, is in fact one one of the most valuable means of promoting purity and freedom in the electoral process. (See De Jonge v. Oregon, 229 U. S. 353, 365.)

It must be remembered that it is not only the right of the publishers of a newspaper or editorial sheet which is protected by the First Amendment; but also, and perhaps over and above that right, there is the right of the people to be informed of the views represented by conflicting interests and opinions. How are they to get such information concerning the views of laboring men and women if the organization in and through which such persons are united in a common purpose is forbidden to publish any views whatsoever?

It is contended that the evil sought to be remedied by this legislation consists in the use of money, paid into the treasury of a labor organization in the form of dues, for the purpose of publishing opinions and arguments which may not be in accord with the views of the organization.

Such use of money, says the government, is fraught with implications of oppression and coercion of minorities of such import that Congress could act to prevent it, even to the extent of abridging the basic freedoms. It is doubtful whether such a contention would avail, even though the statute had been framed to cover only such cases.

Inherent in the idea of collective activity is the principle that it shall be exercsed on behalf of the organization pursuant to the will of the majority of its membership.

This principle is recognized in the very statute of which the Labor Management Relations Act containing this Section 304 is an amendment, Labor - Management Relations Act, 1947, 29 U. S. C. A. Secs. 151, 159. However, the pro-

FEDERAL JUDGE DECLARES BAN ON USE OF FUNDS UNCONSTITUTIONAL.

Washington. — U. S. District Court Judge Ben Moore ruled that the Taft-Hartley law's ban on the expenditure of union funds for political purposes was unconstitutional.

In a sweeping decision sustaining the contention of organized labor, Judge Moore held that Section 304 of the law was an unconstitutional abridgment "of freedom of speech, freedom of the press, and of freedom of assembly."

Hailing the decision, AFL President William Green declared:

"A similar test case, involving the same section of the law, has been brought against an AFL union in Connecticut and we are hopeful of an early trial so that the facts and the law in both cases can be reviewed by the Supreme Court at the same time.

"In my opinion, Judge Moore's ruling is the forerunner of a host of similar decisions invalidating other sections of the obnoxious Taft-Hartley act which will be challenged in the courts by the trade union movement."

Following the court's ruling, the government announced it would immediately appeal the case to the Supreme Court for a final determination of the question.

If the Supreme Court upholds Judge Moore's ruling, it will have far-reaching effects on the conduct of political activities by organized labor.

That the issues in the case were clear-cut and uncomplicated was apparent from the speed with which Judge Moore arrived at his decision. The case was argued before him as recently as March 5. The final ruling was rendered with unusual promptness.

Judge Moore stated that the case charged an offense under Section 304 of the act, and he said it follows that if that section were constitutional the government's case would be sustained.

"Judged by its plain terms, the statute, on its face, fails to survive the constiutional test," he declared.

Judge Moore held that the legislative history of the political section clearly showed that it was aimed "at the very type of political activity which is charged as an offense in this indictment."

However, ponting out that not only the right of the publisher of a newspaper or editorial sheet was protected by the First Amendment of the federal constitution, the opinion said that over and above that right, there is the right of the people "to be informed of the views represented by conflicting interests and opinions."

Continuing, the jurist asked: "How are they to get such information concerning the views of laboring men and women if that organization in, and through which such persons are united in a common purpose is forbidden to publish any views whatever?"