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**NELSON C. HYDE, Managing Editor**  
**JAMES BOYD STRUTHERS BURT**

**WALTER LIPPMANN**  
 Contributing Editors

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## THE WAGNER LABOR BILL

BY WALTER LIPPMANN

Opponents of the Wagner labor bill have been saying that it would set up a "labor dictatorship," and Senator Wagner has declared that there is not a scintilla of truth in the charge. No one, I believe, will ever know which of these contentions is true. For if the bill were passed it could not be made to work, and instead of a labor dictatorship or the opposite it will simply produce interminable and inconclusive litigation and dispute.

In his explanatory statement accompanying the bill Senator Wagner says that Section 7-A is being reduced "to a sham and a delusion," and that "everybody needs a law that is precise and certain." He is right on both counts. But if ever there was a law that is not precise and not certain it is his own bill.

The purpose of the bill is to use the power of the Federal government to protect the right of wage earners to organize in order to bargain collectively. The first question that arises is: What wage earners are covered by the bill? The answer is important if we are to have a precise and certain law. Senator Wagner's answer to this vital question of jurisdiction is completely and absolutely vague. His bill proposes to draw the Federal government into all labor disputes about the right to organize that are "affecting commerce." Here at the outset is the material for an endless series of lawsuits. It would take years for the Supreme Court to define the practical meaning of a phrase that is as broad and as woolly as Senator Wagner's.

The trouble is that Senator Wagner is trying to extend the Federal power over labor relations as widely as possible. It would have been more statesmanlike to have begun by limiting the Federal government's responsibility to the cases it might hope to deal with effectively. Senator Wagner may think he has hit upon a device for stretching the Constitution. But what he has really done is to impose upon the government a responsibility it cannot possibly meet. His bill leads labor to think that the Federal power protects unionization in every town and in every industry in the United States. But the fact is that the courts do not deny this power the sheer difficulties of administration will nullify it. Thus in one way or the other we shall have another sham and delusion.

Having embraced all commerce vaguely, the bill then defines the "rights of employees" which are to be enforced by civil and criminal sanctions. These rights are also magnificently not precise and not certain. An employer may not "interfere" or "restrain" or "coerce" or "dominate" or "encourage" or "discourage" the organization of wage earners. A board of three men in Washington is intrusted with the simple task of deciding whether an employer in San Francisco discouraged John Smith from joining the A. B. C. union and encouraged him to join the X, Y, Z. It is preposterous to put such a burden upon mortal men, and it is in the last degree foolish to lead labor to think that the Federal government is as omnipotent and as omniscient as this bill requires it to be.

The trouble here is that Senator Wagner is trying to use the cumbersome process of litigation to enforce vague "rights" when there is a much simpler way of protecting the rights he is trying to protect. This is the method of elections conducted by the Federal government. It is administratively possible for the government to conduct a secret ballot. That has been demonstrated. The secrecy of the ballot is the best possible protection against individual coercion and intimidation, and the presence of Federal election inspectors during the balloting would go a long way to prevent other forms of coercion.

It is true that in Section 9 Senator

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Wagner provides for elections. But this section, which ought to be his main reliance and the most carefully worked out part of the bill, is vitiated at the start by a complete misapprehension. It declares that "representatives" chosen by the majority of the employees in a unit shall be the exclusive representatives of all employees in such a unit "though individuals or minorities may present grievances."

The trouble with this is that it assumes that elections will show a clear majority of all the employees. That is a mistaken assumption. If the Senator will reread the famous discussion of the National Labor Relations Board in the Houde case he will see that this very decision upholding the majority principle clearly recognizes that it applies only when there is in fact a majority. "Nor does this opinion lay down a rule," it says, "where, in an election, representatives have been chosen by a mere plurality of the votes cast or by a majority of the votes cast but by less than a majority of all employees entitled to vote." In the automobile industry, which must be fairly typical of the non-unionized industries, there is no clear majority for anybody. Seventy per cent of the voters are unaffiliated with any labor organization. Now what does Senator Wagner expect the government to do in a situation like that? How is it to determine who has the exclusive right to speak for all the employees?

It would have to evade the question or make an arbitrary choice. But suppose it does somehow "certify" the exclusive representatives. What then? Is it going to try to force the employers to reach an agreement with them, and if so, how is it going to force an agreement?

The underlying fallacy of the whole bill is that Senator Wagner has not distinguished between protecting the right to organize and promoting union organization. The right to organize can be protected by elections. But the elections may not, as in the automobile industry, promote unionism. The bill is made quite unworkable by the wishful thought that a free choice will somehow result in A. F. of L. unions.

Now the Federal government has no power to promote unionism. I am not referring to constitutional power but to actual power assuming that there were not constitutional limitations. Unless it rigged the elections by forcing employees to choose between a union ticket and an anti-union ticket, unless it denied them a really free choice of their representatives, it could not create majorities where they do not exist. It has no business to try to create them and no warrant to mislead labor to think it can or will create them.

It is a bad bill. It extends the scope of the government's responsibility beyond the government's power to discharge that responsibility. It sets up undefined rights and proposes to enforce them by the cumbersome process of litigation and prosecution. It distorts the device of elections by the untrue assumption that elections will show a clear majority. The Administration and Congress will settle nothing by passing this bill. On the contrary they will multiply many times the troubles they have had with Section 7-A, the lawsuits, the non-compliance, the disappointment of labor.

The bill should, I believe, be scrapped and a wholly different bill drafted. It should be limited to a relatively small number of large industries that are unmistakably interstate in character. For these industries government intervention backed by legal compulsion should be limited to the conduct of free elections. Beyond that the government should make no effort to use compulsion to promote unionism or collective bargaining, but should confine itself to mediation and

conciliation. This much it might hope to do effectively. To attempt more than it can do effectively is to create trouble for every one.

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## SECOND SPRING BLOSSOM FESTIVAL

Southern Pines is gaily bedecked in readiness for the opening next Tuesday of its second Spring Blossom Festival. With an extensive and varied program, something to interest everyone, nothing but inclement weather would appear to stand in the way of a gay week. The festival last year was a pronounced success. Committees, headed by General Chairman Richardson, have worked hard for some time to make this second attempt better than the first.

There will be hundreds of visitors here. We extend to them a cordial welcome, hope they'll have a good time, will stay a long time, and come again.

## Grains of Sand

Spring is really here. The Seaboard fast freight on Tuesday carried about 40 knights of the road returning northward from a winter spent in the sunny Southland, all enjoying the scenery from vantage points on the car tops.

"New Meet Outstanding," headlines Polo Magazine's article about the race meeting here on March 16th.

"It would be difficult to stage a nicer inaugural meeting than that of the Sandhills Steeplechase & Racing Association, midway between Pinehurst and Southern Pines, on March 16th. An ideal setting stood forth in brilliant sunlight; there were three well-planned races, two over brush and one over timber; the crowd that came to see arrived in cars that must have numbered well over a thousand. If this first meeting is a fair indication of what Almet Jenks and his associates plan to do, then the Sandhills meeting will be an exceedingly welcome addition to the spring circuit," writes Editor Peter Vischer, who attended the meet here.

The magazine carried a photograph of Noel Laing winning one race on Fairy Lore.

Leonard Tufts is convinced that the policing and ticketing arrangements for the North and South Open golf tournament at Pinehurst a week ago were efficient. He was twice ordered off his own land for watching the golfers without a badge.

## REV. MR. SERL HEADS NEW CHURCH IN SARASOTA, FLA.

The rev. Elmer Willis Serl, for many years pastor of the Church of Wide Fellowship in Southern Pines, has organized in Sarasota, Fla., the Wide Fellowship Community Church, which is rapidly becoming an important factor in that city's welfare.

## EASTER SALE, PROGRAM TODAY AT WIDE FELLOWSHIP CHURCH

The Easter Sale at the Church of Wide Fellowship will begin at 10:00 o'clock this morning, Friday, and luncheon will be served at noon. A special program will be presented at 3 o'clock with a reading by Miss Ruth Sanborn and musical selections by Miss Ruth Raymond, Edward Prizer and Miss Hazel Getchell.

There will be a Food Sale and a table of fancy articles especially appropriate for Easter gifts, with surprise pockets for the children at 5 and 10 cents each.

Bancroft Tennis Rackets at Hayes'

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Sunkist Lemons at 23c and 19c per dozen. In 5 dozen lots or more 20c and 16c per dozen. Have you tried our Sunshine Potato Chips? They are delicious and crisp.

Have just received another lot of Pop Corn Cakes, 100 cakes \$1; 55 for 50c or 1c apiece, the kind everybody likes, kiddies, boys, girls, men and women young and old. Try them.

- Fancy Line of Olives, Cherries, Pickles, Horseradish, Etc.
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