WEEKLY NEWS LETTER
FROM
CALIFORNIA STATE FEDERATION OF LABOR

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SUPREME COURT RULES UNION PAPERS CAN SUPPORT POLITICAL CANDIDATES

(CFLNL)SAN FRANCISCO.--Although the text of the decision issued by the Supreme Court is not yet available at this writing, it is evident that in dismissing the indictment against Mr. Murray of the CIO, the Court held that the Taft-Hartley Act does not forbid political partisanship in newspapers financed out of labor union funds. It was the unanimous opinion of the Court that if the law did do that, the constitutionality of the ban would be highly questionable.

The issue developed from the action of the CIO in publishing in the weekly "CIO News" an endorsement of Edward Garmatz of Baltimore as Democratic candidate for Congress. A thousand extra copies of the paper were sent to Baltimore for distribution. Garmatz was elected.

Phillip Murray took this action deliberately, in order to test the law. In the U. S. District Court in Washington, the CIO attacked the expenditures provision of the Taft-Hartley Act, arguing that it violated the free speech, press and assembly guarantees of the Bill of Rights.

Although the intent was to test the validity of the Taft-Hartley Act's general prohibition against political expenditures from union treasuries, no decision was obtained from the court in this respect. The Court stated that it did not have to go into the constitutional question in order to make its ruling. It simply held that the law does not forbid the acts alleged as a violation in this case.

From the decision, it appears at this time that the unions and the government are left to make their own guesses as to how far unions may go in political spending.

Upon receipt of the full text of the decision, the next issue of the News Letter will carry an analysis of this decision, expressing its full significance.

The original indictment was thrown out by Judge Ben Moore of Charleston, West Virginia, in the District of Columbia Court, who agreed with the CIO's contention. The Government then appealed directly to the Supreme Court.

Justice Reed, in the majority opinion, said that it would take "explicit words" in a law to convince the Court that Congress intended to bar "a trade journal, a house organ or a newspaper published by a corporation" from expressing views on candidates or political proposals in the regular course of its publication." Four Justices stated that the whole ban regarding financial contributions was unconstitutional.

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STATE SUPREME COURT RULES AGAINST TAFT-HARTLEY INJUNCTION SUITS BROUGHT BY EMPLOYERS

(CFLNL)SAN FRANCISCO.--The Supreme Court of California handed down a very important decision on June 16, 1947, which will stop the pernicious practice by employers of bringing injunction suits under the Taft-Hartley Law in the Superior Courts of California.

The case was Gerry of California v. Superior Court, and involved a suit brought in the Superior Court in Los Angeles by an employer against a union alleging a labor dispute between employer and union, and alleging that the union was conducting a secondary boycott and picket line.

The Superior Judge in Los Angeles refused to issue an injunction on the ground that, under the Taft-Hartley Law, only the National

Labor Relations Board has authority to ask for an injunction. The employer then asked the California Supreme Court for an order to compel the Superior Court to proceed with the injunction matter. The Supreme Court held unanimously that the Superior Judge was correct in refusing to issue an injunction on the ground that it is the exclusive function of the Board to ask for such injunction, and that private parties have no standing in court to ask for injunctive relief under such circumstances.

The decision also pointed out that secondary boycott activities are entirely lawful in California. This follows the decision in the Blaney case, as a result of which there is no longer a California "hot cargo" and secondary boycott law.

This is a pointed reply to the contention that the Taft-Hartley Act has made the secondary boycott and other related activities unlawful for the entire country, regardless of the state law.

The Court also disapproved another contention of the plaintiff to the effect that no state court may issue an injunction against acts which are "against public policy," that is to say, a violation of some particular statute. The contention which has been made by the State Federation of Labor in the California courts for years, that any court has the right to keep the peace, but, aside from that situation, the state courts must protect constitutional rights, has thus been upheld by the Supreme Court in this decision.

The problem of damage suits by private parties under the Taft-Hartley Act still exists, but the danger of injunction suits by employers, as far as California courts are concerned, has now been disposed of. It is apparent that the constitutional right of free speech as expressed in peaceful picketing, will be protected by the Supreme Court of California.

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ILO CONFERENCE CONTINUES WITH BUSY AGENDA

(CFLNL)SAN FRANCISCO.--One of the most important items on the agenda of the International Labor Organization's 31st Conference, now meeting in San Francisco, is the consideration of a draft convention guaranteeing, in principle, the right to freedom of association for workers and employers without discrimination. The draft convention further assures workers' and employers' organizations of the right to draw up their constitutions and rules, to elect their representatives in full freedom and formulate their programs. It protects organizations from summary dissolution by administrative authority and guarantees organizations the right to join national and international organizations.

If the convention is approved, the Conference will proceed to discuss the establishment of international machinery for protecting this right through joint United Nations-ILO action. UN action will be particularly important where violations of other civil rights interfere with the right of association.

The Conference will also discuss, for the purpose of preparing a draft convention, the practical application of the right of freedom of association in connection with collective agreements, arbitration and conciliation, etc.

Many other items, including night work, fair wages on public contracts, and employment services will occupy the Conference.

Worker delegates to the Conference were entertained Tuesday, June 22, 1948, at a cocktail party and dinner given by the American Federation of Labor in the Colonial Room of the St. Francis Hotel.

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TWO FULL-TIME CONCILIATORS APPOINTED TO CALIFORNIA STATE CONCILIATION SERVICE STAFF

(CFLNL)SAN FRANCISCO.--Two new full-time conciliators have been appointed to the staff of the California State Conciliation Service.

Thomas J. Nicolopulos has been assigned to the northern area of the state, with offices in the Industrial Relations Building, 965 Mission Street, San Francisco, and Edward Peters to the southern part of the state, with headquarters at Los Angeles, in the State Building, in the office of the Department of Industrial Relations.

Glenn Bowers, who has served since September 1947 as Supervisor of Conciliation, will continue in that capacity.

The California State Conciliation Service can intervene in labor disputes in industries engaged in interstate commerce so long as the employment involved is within the state, and upon the request of a bona fide party to a labor dispute.

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CALIFORNIA LEADS IN CONSTRUCTION FIELD

(CFLNL)SAN FRANCISCO.--In the first quarter of 1948, California continued to lead in total new construction, with $493.5 million. Texas was second, with $248.1 million, and New York third, with $238.0 million. The same position was occupied in private construction.

In public construction, California was first with $72.5 million, New York second with $60.0 million, and Texas third with $42.4 million. These three states accounted for almost 30% of total new construction activity in the United States.

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NON-FATAL DISABLING INDUSTRIAL INJURIES

(CFLNL)SAN FRANCISCO.--The number of non-fatal disabling industrial injuries reported in April (12,134) was approximately the same as in March (12,187). Fourteen more fatalities were reported than in the previous month, bringing the total of industrial deaths in April to 59. There were no significant changes in the number of lost-time injuries occurring in various industries.

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