

WAGNER LABOR ACT UPHELD BY HIGH COURT IN 5 CASES; HUGHES LEADS MAJORITY

Dissents in Four of Contested Issues Is
Registered by Four Judges; Steel,
Auto, Clothing Affected.

(Continued from Page One)

cases. In the NRA and Guffey coal cases the Federal Government's interstate commerce powers were restricted.

The Court held that the issues of those cases were not the same as those of the Wagner test, said Hughes, noting the "close and intimate relation which a manufacturing industry may have to interstate commerce."

The decision commented vigorously upon the constitutional rights of employees to organize and asked:

"When industries organize themselves on a national scale, making their relation to interstate commerce the dominant factor in their activities, how can it be maintained that their industrial labor relations constitute a forbidden field into which Congress may not enter when it is necessary to protect interstate commerce from the paralyzing consequences of industrial war?"

Pointing out that interferences must be appraised in accordance with "actual experience," the decision said:

"Experience has abundantly demonstrated that the right of employees to self-organization and to have representatives of their own choosing for the purpose of collective bargaining is often an essential condition of industrial peace."

"Refusal to confer and negotiate has been one of the most prolific causes of strife. This is such an outstanding fact in the history of labor disturbances that it is a proper subject of judicial notice and requires no citation of instances."

Followed NRA

The National Labor Relations Act represented effort of the New Deal to meet labor demands for protection in organization of unions and collective bargaining.

Known familiarly as the Wagner Act, the law was passed soon after the NRA was condemned by the Court in 1935. It was sponsored by Senator Wagner (D. N. Y.), author of the NRA. It enacted into separate legislation the collective bargaining principles of Section 7a of the NRA.

This section fell with the invalidation of NRA. Even before that, however, representatives of organized labor, including John L. Lewis, head of the Committee for Industrial Organization, had urged enactment of a separate law defining the rights of workers to organize and bargain collectively.

In addition to protecting workers in that activity from "interference, restraint or coercion by employers," the law sought to ban the company union and to keep employers from aiding or dominating such a union in its formation or by contributing to its finances.

NRA Principle Included

The principle of majority rule, established in Labor Board rulings under NRA, was written into the law. The principle provides that

IN INDIANAPOLIS

MEETINGS TODAY

Indian University Club, luncheon, Columbus Club, noon. North Side Realtors, luncheon, Hotel Indianapolis, noon. Indianapolis Council, luncheon, Indianapolis Athletic Club, noon. Scientific Club, luncheon, Board of Trade, 6 p. m. Builders and Managers, luncheon, Indiana Tuberculosis Association, meeting, Hotel Indianapolis, 9 a. m. luncheon, Indiana Trade Council, luncheon, Hotel Indianapolis, noon. Junto Club, luncheon, Columbus Club, noon. Brown Club, meeting, Indianapolis Athletic Club, 8 p. m. National Council of Women, meeting, Hotel Washington, 8 p. m. Monday Club, luncheon, Columbus Club, noon. Irvington Republican Club, meeting, Hotel Indianapolis, 8 p. m. Indianapolis Club, luncheon, Hotel Washington, noon. Indiana Association, dinner, Hoosier Athletic Club, 6:30 p. m. Giro Club, luncheon, Spin-Arms Hotel, noon. Lawyers' Association, luncheon, Hotel Washington, noon. Mercer Club, luncheon, Columbus Club, noon. Indianapolis Hunting and Fishing Club, meeting, Hotel Washington, 8 p. m. Indiana Society of Architects and Builders Club, luncheon, Architects and Builders Club, noon. Bakers Association, luncheon, Hotel Washington, noon. Michigan Club, luncheon, Board of Trade, noon. Acme Club, dinner, Hotel Washington, 8 p. m. University Club, luncheon, Columbus Club, noon. Brokers' Association, luncheon, Hotel Washington, noon.

MEETINGS TOMORROW

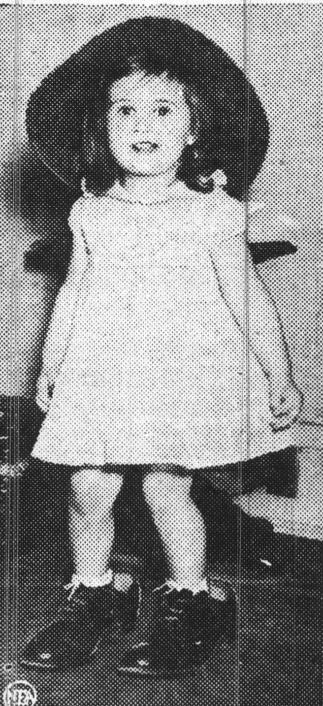
American Chemical Society, meeting, Hotel Sevier, 8 p. m. Rotary Club, luncheon, Claypool Hotel, noon. Alpha Tau Omega, luncheon, Board of Trade, noon. Marching Agents, luncheon, Hotel Washington, noon. Association, dinner, Hoosier Athletic Club, 6:30 p. m. Giro Club, luncheon, Spin-Arms Hotel, noon. Lawyers' Association, luncheon, Hotel Washington, noon. Mercer Club, luncheon, Columbus Club, noon. Indianapolis Hunting and Fishing Club, meeting, Hotel Washington, 8 p. m. Indiana Society of Architects and Builders Club, luncheon, Architects and Builders Club, noon. Bakers Association, luncheon, Hotel Washington, noon. Michigan Club, luncheon, Board of Trade, noon. Acme Club, dinner, Hotel Washington, 8 p. m. University Club, luncheon, Columbus Club, noon.

MARRIAGE LICENSES

(The lists are from official records at the County Courthouse. The Times is not responsible for any errors of names or addresses.)

Harold F. Mathews, 26, of 1734 N. Meridian St., to Susie B. Dooley, 22, of Indianapolis. K. Law, 25, of Flossmoor, Ill., to Elin Schmidt, 26, of 1238 N. New Jersey St., to Virgil W. Lambert, 19, of 24 S. State St., to Dorothy Pauline Shaffer, 18, of 2106 Bryn Mawr, 24, of 7615 W. 21st St., to Marie Elizabeth Davidson, 23, of 2609 Broad St., to Jessie L. Hathaway, 25, of Greenville, 24, of Lorain, 26, of Seneca, 24, of 1814 S. Kentucky Ave., to Georgefield, 21, of Floyd Kuhn, 21, of Greenfield, to Virginia L. Gillette, 28, of 458 E. Washington St., to Paul Lynch, 21, of Indianapolis. Ernest L. Roberts, 35, of 1000 Flossmoor, 24, of 6105 Rockville St., to Harold F. Schilling, 29, of R. R. 1, Indianapolis, to Beatrice Nau, 23, of R. R. 1, to William S. Hutton, 35, of Linden Hotel, to Ruth Elizabeth Duvall, 29, of 517 N. Washington St., to Virginia Owen, 26, of 3860 E. 30th St., to Doris L. Stark, 22, of 5831 Dewey Ave., to Donald E. Poole, 24, of Detroit, to Sheila T. Brown, 23, of 663 Riverview to Davis.

Even Child Genius Cries When She Stubs Her Toe



Playing at grownup, left, copying from her books, center, and tearfully woe-like any other child when she stubbed her toe, right. Mary Christine Dunn, 28 months old, amazed psychologists with her precocity. The Bonne Terre, Mo., child, daughter of Mr. and Mrs. Lawrence T.

Dunn, converses easily on world events, hopes the Duke of Windsor and Mrs. Wallis Simpson will be "very happy." She uses multi-syllable words, has a vocabulary of 3600 words, knows 100 songs, reads and copies pictures in her own small library and knows grammar rules.

TEXT OF MAJORITY RULING IN WAGNER ACT TEST

(Continued from Page One)

members and from other sources throughout the United States and foreign countries and the compilation, formulation, and distribution thereof to its members.

In the process the news is prepared for members' use by editing, rewriting, selecting, or consolidating the information received and transmitted to member newspapers pursuant to mutual exchange agreements. The service is not sold but the entire cost is apportioned amongst the members by assessment.

"Petitioner maintains its principal office in New York City but has also division points scattered over the United States each of which is charged with the duty of collecting information from a

chosen, it was indicated, because of the varying degrees of interstate commerce involved in the operations of the companies.

The Associated Press case, growing out of the discharge of an editorial worker in the association's New York office, was accepted by the Government as the focal point of the test largely, it was believed, because it was the first Wagner act case to be carried to the tribunal.

It was said that Labor Board officials regarded it as important because of what they considered interstate commerce phases involved.

Contention Challenged

That contention was challenged by Associated Press counsel, John W. Davis, an anti-New Deal Democrat and one of the Court's most experienced pleaders. Mr. Davis contended that, at least in his opinion, with an editorial employee of the A. P. service was not in interstate commerce.

The case involved the issue of freedom of the press, raised by Mr. Davis, who asserted that freedom was infringed when the Federal Government attempted to dictate the cause for which an employee might be discharged.

The wire service controversy grew out of the discharge of Morris Watson, a member of the American Newspaper Guild. Mr. Watson charged he was discharged for guild activities, and the Labor Board's investigation sought to ascertain the facts of his discharge on the eve of contemplated collective bargaining negotiations with the association indicated that the dismissal was for guild activity.

Officials of the association said the dismissal was solely on the ground that Mr. Watson was not doing the work of which he had shown himself capable.

When the case was heard before the Labor Board the A. P. challenged the jurisdiction of the board. It offered no counter evidence.

Ordered Watson Reinstated

The Labor Board found that Mr. Watson's discharge was for guild activities. It ordered him reinstated with back pay, directed the association to "cease and desist" from discrimination against guild members, and ordered notice to that effect posted by the A. P.

The Associated Press informed the Board it would not comply. In accordance with legal procedure of the act the Board applied to the Second Circuit Court of Appeals for an enforcement order.

Following argument before the New York Federal bench, a ruling was handed down upholding the act as applied to the A. P. Appeal to the Supreme Court followed.

The National Labor Relations Act seeks to protect the employees' right of collective bargaining and prohibits acts of the employer discriminating against employees for union activities and advocacy of such bargaining by denominating them unfair practices to be abated in accordance with the act.

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