

Congress Studies Labor Court Idea Aired For One Year

Would Be on Level With District System Which Is Now in Use

Jurisdiction Would Be to Interpret Meaning of Contracts Already Adopted

By NEA Service
NEW YORK, March 31.—After almost a year of public discussion, the idea of a special federal court system to handle labor disputes is getting congressional consideration.

Two Republican senators, Homer Ferguson of Michigan and Alexander Smith of New Jersey, have offered a bill to create such a court. It is described as being on a level with existing district court system but actually would have some additional powers.

The system proposed by Senators Ferguson and Smith is quite different than the one which District Court Judge John C. Knox proposed last year. It has been publicized since, at every opportunity, in speeches and articles.

Respected Jurist

Judge Knox—one of the older and more respected jurists on the federal bench in New York—drew much support and also a great deal of bitter opposition when he advocated a national wide system of courts that would deal exclusively with labor disputes.

Much of the opposition centered around his proposal that these courts should have power to write contracts, when direct negotiations between employers and unions broke down.

The Ferguson-Smith bill confines the courts' role to applying federal law and to interpreting the meaning of contracts already adopted. This would leave the settlement of bargaining agreements untouched.

But once a contract was signed, if any dispute arose as to what it meant—or if either party failed to live up to its obligations—then the labor court would hear the evidence, decide the issues and enforce its decision.

Three-Member Bench

The Ferguson-Smith proposal differs from Judge Knox's in another respect, too. It would establish, in each of 11 districts, a three-member bench.

Two would be lawyers, the third would be a layman expert in labor matters. Judge Knox would have had 12 judges, all lawyers, who would have held court in Washington, New York, Chicago and San Francisco.

The court proposal as it has reached the senate actually incorporates the ideas of a number of experts in labor practice and law.

Judge Knox is father of the special labor court idea. But when he presented his ideas recently before the New York State Bar association, several prominent labor lawyers raised objections.

Raise Several Objections

Unions had criticized the plan because they said it would be, in fact, compulsory arbitration of collective bargaining arguments. But Donald Richberg, who is a leading supporter of compulsory arbitration, criticized the same feature from another viewpoint.

He feared that the court's calendar would be clogged by every petty disagreement that arose in the course of contract negotiations. This, he felt, would result in unimportant points being magnified beyond their merits.

And when really vital disagreements arose, of the sort that cause major strikes, Mr. Richberg doubted that the court would prove useful.

Sees Hostility

"Such a permanent tribunal almost inevitably would incur the hostility of one party, if its decisions were usually unsatisfactory to the other, and be charged with deciding cases on the basis of the economic and social predictions of the judges instead of on the basis of established principles of economic justice," he says.

A labor court, by a succession of decisions, would probably become offensive to large numbers of both business managers and labor leaders and be subjected to political attacks that would destroy it.

This objection of Mr. Richberg's lies against any court having a permanent panel of judges, instead of volunteer or temporary members selected for each case. It is not met in the Ferguson-Smith bill.

Power to Enforce

The extent and character of the opposition to some of Judge Knox's proposals convinced labor observers that if his plan had been introduced in its original form it could not have been adopted by congress.

But even before it was known that Senators Ferguson and Smith were planning their bill, many observers felt that a court that would interpret law and contracts—but would not take part in the bargaining process—might evolve out of the discussions.

Judge Knox proposed that the court have power to enforce its decisions by injunction, by order, by receivership or by any other standard legal process.

Use of Methods

The bill now offered would permit use of these normal methods. It also provides specifically that a union official who disobeyed the court's order could be barred from serving as an officer or bargaining agent of his union. A company official, for the same offense, could be banned from serving as a company official.

In three respects the courts proposed by Senators Ferguson and Smith would have powers now denied to the federal district court:

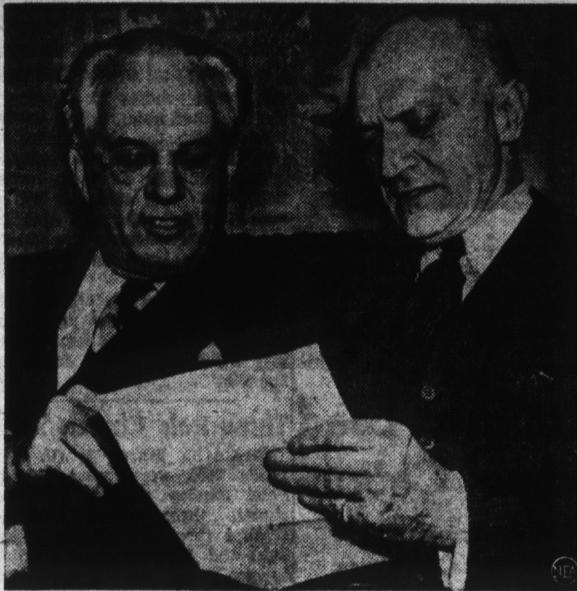
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LABOR COURT SPONSORS—Senators Homer Ferguson (left) of Michigan and Alexander H. Smith of New Jersey look over legislation they introduced to establish federal labor relations courts.

Labor—

Centralia Disaster Widens Miner-Operator Split

Lewis Redoubles Efforts to Compel Acceptance of Federal Safety Code

By FRED W. PERKINS
Sports-Howard Staff Writer

WASHINGTON, March 31.—Death of 111 men in the Centralia, Ill., mine disaster, has brought declaration by John L. Lewis of a memorial week plus an appeal to the nation to "stop this slaughter." The disaster increases antagonism between the operators and the United Mine Workers. Agreement between them now seems more remote.

Mr. Lewis leaves no doubt that he will use all the emotional as well as factual arguments at his command to force the operators into acceptance of the federal "mine safety code" to which the operators object on the ground that many of its requirements are unworkable and unnecessarily strict.

The main Lewis' attack now, however, is not on the operators but on Secretary of the Interior J. A. Krug, whom he singles out as responsible for non-enforcement of the federal code in the Centralia mine.

Mr. Krug's assistants say that the only way to eliminate all the hazardous conditions immediately would be to close down this 40-year-old operation.

Claim Progress Made

The federal code was one of the union requirements in the Krug-Lewis agreement of last May. Work of perfecting it delayed its effective date to August.

Since then, according to the coal miners, administration under Mr. Krug coal-mine fatalities have been reduced from an average of 93 a month during the preceding four years to 72—up to the time of the Centralia disaster.

The toll of lives there was the largest in any mine disaster in this country since 1928, but has been exceeded 20 times since records were started in 1890.

Worst of all in American mining history is the loss of 361 miners in December, 1907, at Monogah, W. Va.

The Centralians deaths threaten to break a steady decline in the coal-mine fatality rate. That decline has been continued for four years, and almost without break since 1914.

A new all-time low was recorded by the U. S. bureau of mines for 1946. Last year the fatality rate was 1.64 per million tons of coal produced, while in 1914 it was 4.4. The 1946 rate, the bureau says, was the lowest of any year in its statistics of 1874.

Roof Falls Chief Hazard

Nevertheless 974 men were killed in coal mines last year. From 50 to 55 per cent of the 1946 fatal accidents were charged to "roof falls" or "coal falls," the miners' greatest hazard.

Underground mining is regarded as probably the most hazardous of all occupations—and particularly coal mining. Coal dust itself is explosive. Some industry experts declare it will never be possible to make this work altogether safe.

In contract conferences with the operators a year ago Mr. Lewis conceded there had been improvement—the number of disabling injuries in coal mining for each million hours of work had fallen from 71 in 1939 to 64 in 1944, but it remained far above the 18.4 of general manufacturing and the 27.7 of construction.

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Business—

Phone Union's Growth Steady As Independent

Has 250,000 Members

Strong and Militant

By EDWIN A. LAHEY
Times Special Writer

WASHINGTON, March 31.—A periodic labor crisis in the telephone industry has become a feature of life in America.

This crisis (one is presently cooking) is based on the assumption that our daily existence would become difficult if silence overtook that remarkable little instrument which permits any bum with a nickel to invade the privacy of the home at any hour of the day or night.

The telephone tension has a number of unique and interesting aspects, one of them being the absence of "outside agitators."

The National Federation of Telephone Workers, with a membership of some 275,000, is made up of about 50 smaller unions, many of which began as company unions back in the 1920s. Under the "enlightened paternalism" of the American Telephone and Telegraph Co., its 21 associated Bell Telephone companies, and Western Electric, the employees were enlisted in clubs to "discuss problems" with the management.

Connections Severed

Then, in compliance with the Wagner act, the telephone companies 12 years ago severed their official connection with the unions where it still existed. They then grew steadily as independent organizations.

Now they are a mighty and militant trade union. Twenty years ago a discussion of their problems meant staying downtown at night and having coffee and sandwiches with the personnel director in a room provided by the company. Today the geniality of company unionism is gone, the parties bring their own coffee and sandwiches, and crisis tremors run through the department of labor when these former friends talk business.

The meat packing industry granted its workers a 12-cent a week raise in December just in time to avert an industry-wide strike.

Wages Drop

74c in February

Average Worker Earnings \$46.79 a Week

WASHINGTON, March 31 (U. P.)—The labor department reported today the average worker in manufacturing industries earned \$46.79 a week during February. This is only 74 cents below the wartime peak.

The department's bureau of labor statistics said that increased hourly earnings have almost offset the loss of wartime overtime. It said the average factory worker earned \$1.16½ an hour during February.

Average weekly wages for soft coal miners stayed up around \$70 to lead wage scales in non-manufacturing industries. Anthracite miners averaged \$63.58.

Meat Industry Earnings Largest

The largest rise in weekly wages for non-durable manufacturing was in slaughtering and meat packing. The bureau said that since December wages in these industries have increased \$5.65 to seat average weekly earnings up to \$57.38.

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