

# 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

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 nation-wide system of courts that would deal exclusively with labor disputes.

Much of the opposition centered around his proposal that the 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 arguments 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.

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 important 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 satisfactory to the other, and be charged with deciding cases on the basis of the economic and social predilections 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 of reversion or by any other standard legal process.

Use of Methods

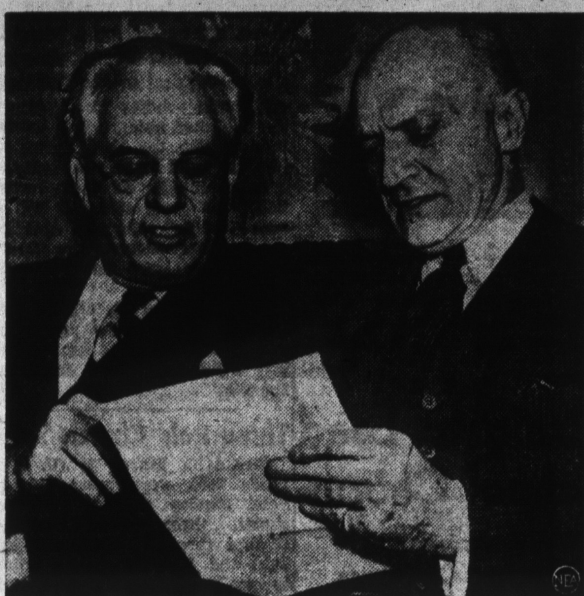
The bill now offered would permit use of these normal methods. It also provides specifically that a union official who disobeyed the court's order could be barred from serving as an officer or bargaining agent of his union. A company official, for the same offense, could be barred from serving as a company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

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

They could issue injunctions notwithstanding the Norris-LaGuardia act.

They could review and reverse the NLRB's findings of fact, as well as of law.

They could hear all appeals in their field, and would be the final court in labor matters except for the supreme court itself.



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

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 charge will be answered fully in official statements. One statement, it is reported, will point out that 57 major and minor violations were found in the Centralia mine in November, that since then 13 violations have been "cured," and 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 mines 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 1839. Worst of all in American mining history was the loss of 361 miners in December, 1907, at Monroeville, W. Va.

The Centralia 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 dating from 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 miner's greatest hazard.

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

In contrast 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 64.4 in 1944, but it remained far above the 18.4 of general manufacturing and the 27.7 of construction.

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## Factory Pay Drops 74c in February

Average Worker Earns \$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 \$1.16 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 \$62.58.

Meat Industry Rise Largest

The largest rise in average 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 a week to send average weekly earnings up to \$27.38.

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

Wages Drop

BLS said weekly wages for telephone workers dropped \$1.21 from November to February while the average work week declined 48 minutes for the same period.

The telephone workers have scheduled a nationwide strike for April 7 in support of their demands for higher wages and improved working conditions. Their demands were formulated in November.

Phone Dispute Stays Up in Air

Negotiations between Indiana Bell telephone Co. and telephone unions remained status quo today as current working contracts expired.

The Traffic Workers union, largest of three independent unions involved in local negotiations, agreed to extend the present contract through April 6, the company said.

Two other unions covering plant workers and clerical help gave verbal assurances, the company said, that they "would not authorize any illegal strike or work stoppage pending settlement of present negotiations."

The national strike deadline set by the Federation of Telephone Unions is April 7.

In Indiana, however, a newly enacted law prohibits strikes in public utilities and requires employees in such utilities to submit first to conciliation and if that fails to arbitration.

U. S. Statement

WASHINGTON, March 31 (U. P.).—Government expenditures for the current fiscal year through March 27 compared with a year ago:

Expenses . . . \$28,819,461,148 \$30,033,666,270

Receipts . . . 31,977,117,188 32,711,623,380

Surplus . . . 3,157,656,039 2,677,957,112

Cash balance, 4,532,403,097 4,500,000,000

Public Debt, 259,185,335,150 274,482,071,081

Gold Reserve, 20,462,097,111 20,256,916,591

Deficit . . . 1,361,458,039

INDIANAPOLIS CLEARING HOUSE

For the Day . . . \$ 7,001,000

For the Month . . . 17,500,000

For the Year . . . \$20,500,000

Clearings . . . \$20,500,000

Debits . . . \$47,284,000

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## Phone Union's Growth Steady As Independent

Has 250,000 Members, Strong and Militant

By EDWIN A. LAHEY

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 gentility 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 National Federation of Telephone Workers, which was formed in 1930 with 16 independent unions affiliating, is even now in the stage of transition. The federation held a conference in Denver last November at which the delegates voted to become a constitutional union called the Communications Workers of America. The affiliated unions in the N. F. T. W. are now in the process of adopting the constitution of the new national union. It will formally come into being not later than June 10.

Takes in All Workers

The union takes in all non-supervisory workers in the telephone industry, engineers, draftsman, linemen, operators, clerks, research workers, or factory workers. It now represents about three-fourth of all the workers in the industry.

Between 65 and 70 per cent of the members are women, and they are militant trade unionists.

Both the A. F. of L. and the C. I. O. would like to take in the telephone workers, but the union appears jealous of its independence. An article in the constitution of the new national organization says that affiliation with any other labor organization "shall require the affirmative majority vote of the membership of the union."

Right now the telephone union leaders are trying for a \$12 a week wage increase for all classifications. But are running into stiff resistance and a strike is possible on April 7 which would put the young union through its severest test.

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Stewart-Warner Votes 25 Cents Dividend

Stewart-Warner Corp. directors have voted an extra dividend of 25-cents per share on the \$5 par value common stock of the corporation in addition to the regular semi-annual 25-cent cash dividend.

Both dividends are payable June 2 to stock on record at the close of business, May 3, 1947.

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## Cattle Prices Lower Here; Vealers Gain, Hogs Steady

Steers, heifers and cows sold 25 to 50 cents lower at the Indianapolis stockyards today.

Vealers gained unevenly 50 cents to \$2 higher while lambs were mostly steady. Hogs were steady to 25 cents higher with a top price of \$24.75.

GOOD TO CHOICE HOGS (7000)	
Butchers	
120-140 pounds	\$22.25@23.00
140-160 pounds	22.75@23.75
160-180 pounds	23.00@23.75
180-200 pounds	23.25@24.00
200-220 pounds	23.50@24.25
220-240 pounds	23.75@24.50
240-260 pounds	24.00@24.75
260-280 pounds	24.25@25.00
280-300 pounds	24.50@25.25
300-320 pounds	24.75@25.50
320-340 pounds	25.00@25.75
340-360 pounds	25.25@26.00
360-380 pounds	25.50@26.25
380-400 pounds	25.75@26.50
400-420 pounds	26.00@26.75
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460-480 pounds	26.75@27.50
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500-520 pounds	27.25@28.00
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540-560 pounds	27.75@28.50
560-580 pounds	28.00@28.75
580-600 pounds	28.25@29.00
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620-640 pounds	28.75@29.50
640-660 pounds	29.00@29.75
660-680 pounds	29.25@30.00
680-700 pounds	29.50@30.25
700-720 pounds	29.75@30.50
720-740 pounds	30.00@30.75
740-760 pounds	30.25@31.00
760-780 pounds	30.50@31.25
780-800 pounds	30.75@31.50
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820-840 pounds	31.25@32.00
840-860 pounds	31.50@32.25
860-880 pounds	31.75@32.50
880-900 pounds	32.00@32.75
900-920 pounds	32.25@33.00
920-940 pounds	32.50@33.25
940-960 pounds	32.75@33.50
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1220-1240 pounds	36.25@37.00
1240-1260 pounds	36.50@37.25
1260-1280 pounds	36.75@37.50
1280-1300 pounds	37.00@37.75
1300-1320 pounds	37.25@38.00
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