

The GUILD REPORTER

Official Organ of the American Newspaper Guild, an Affiliate of the C. I. O.

Published Monday of each week at Guild headquarters, 1560 Broadway, New York.

Vol. V—No. 35

Entered as second-class matter August 18, 1937, at the Post Office at New York

NEW YORK, N. Y., AUGUST 8, 1938

Single Copy 10¢; Yearly \$3.50

STRIKE WON; AIDS ALL LABOR

Four New Contracts Raise Wages

Poll Lost On King Features, 253-290

The National Labor Board election to determine representation in collective bargaining for over 600 employees of Hearst's King Features Service, was lost by the ANG last week by 253 to 290. One department of King Features services throughout the country, Central Press, with headquarters in Cleveland, is already under contract and did not participate in the election.

Following announcement of the vote by the Labor Board, the King Features unit of the New York Guild at a large meeting appointed a committee to draw up a program to strengthen the organized KFS departments and extend organization to unorganized departments. The program was to be submitted to the unit for early execution in cooperation with other KFS units throughout the country.

Bulletin to Employees
In a special bulletin to all King Features employees, the ANG Wire Service Committee reviewed the cause and effects of the election loss as follows:

The Guild, as represented by the undersigned committee, overestimated the state of organization and awareness of Guild achievement among King Features employees and underestimated the effect of management propaganda carried out by a hastily formed "Independent Committee." This so-called "Independent Committee" openly intimated that it had arranged a deal with the management.

Severance Policy Postponed
The management hurried to make good the claims of the "Independent Committee." Within a few hours after the result of the balloting was announced, Joseph V. Connolly, president of King Features, posted a severance policy of one week for each eight months of service, up to 24 weeks' pay.

Remember, severance pay was the chief point at issue when the Guild chose to invite all King Features to participate in the bargaining. To the Guild, (Continued on Page Six)

Air Discrimination Fought by CIO

Complaints on discrimination against unions by radio stations are being pressed by Lee Pressman, general counsel of the CIO, for action in the Federal Communications Commission investigation into abuses of radio broadcasting. Local Guilds, particularly those involved in strike situations, have suffered from such discrimination.

While acting on a number of (Continued on Page Six)

Business, Editorial Groups Benefit

Four contracts—two of them signed and the other two near signing—brought marked improvement in the working conditions of newspaper employees in Guild cities last week. They cover five papers. Two of the contracts extend Guild benefits and raise the salaries of commercial department employees, and three increase editorial pay. One brings the 5-day week as a new condition to the Denver Post. The other contracts are with the Madison (Wis.) Capital Times and the State Journal and the Cincinnati Post and San Diego Sun (stories on page 2).

RAISES IN MADISON

MADISON, Wis.—Adoption of the 5-day, 40-hour week, pay increases in all affected departments and establishment of dismissal indemnity for the first time were major advances written into a Guild shop contract signed on July 30 by publishers of the Wisconsin State Journal and Capital Times with the Madison Guild.

The new contract, which covers more than 80 employees, is the Madison Guild's third, but its first for a one-year term. The fact that it signed a two-year contract in 1936 delayed inauguration of such standard Guild gains as the 5-day, 40-hour week and dismissal pay.

The contract includes for the first time all business office, circulation department and mailing room employees on the Capital Times, the overwhelming majority of whom receive pay increases under the new terms. The contract classifies all such employees and for the first time establishes minimum scales. (Continued on Page Two)

QUICK WORK HALTS FIRING OF LEADER

STOCKTON, Calif.—Within 24 hours after she had been discharged, Mrs. Florence Wycoff, society editor of the Independent and vice president of the Stockton Guild, was reinstated and the Guild had obtained a pledge from the management to expedite contract negotiations and bargain in good faith.

The Guild accused Eugene Evans, acting in the absence of F. H. Abbott Jr., publisher, of a deliberate attempt to decimate its membership. Although Mrs. Wycoff was told she was dismissed for "economy" reasons, she was immediately replaced on the staff.

A committee composed of Larry Coats and Deane Hobson of the Record and Gerald McDonald, business agent of the International Longshoremen-Warehousemen's Union, demanded Mrs. Wycoff's reinstatement within 24 hours and warned of action if the demand was not met.

Evans announced his decision the next morning and promised negotiations would be started and "carried through to agreeable culmination."

NLRB Action Taken Against AP

PHILADELPHIA—Charges of coercion, bargaining in bad faith, and refusal to bargain were filed by the ANG with the National Labor Board here last week against the Associated Press.

The charges grew out of the dismissal of two printer attendants during the course of bargaining conferences (GUILD REPORTER, July 18) in June, and subsequently, three more. The Philadelphia bureau management's refusal to discuss the firings or give a valid reason for them brought a suspension of negotiations and charges that the management attitude constituted a refusal to bargain.

The complaint, filed by Attorney A. J. Isserman, charged also that the AP "has further refused to bargain... by insisting that conferences be held in the city of Philadelphia, notwithstanding the fact that the officers of the respondent with power to conclude an agreement are located in the city of New York..."

AP Unit Asks Voice in Pension Fund

A question raised during a collective bargaining conference with the Associated Press general management in New York has disclosed that the AP's benefit, or retirement fund now amounts to "a little over \$4,000,000." The figure was given to ANG Vice President Morris Watson and Morris Iushewitz by L. F. Curtis, AP treasurer.

The management negotiators took under consideration a Guild request that employee representatives be permitted to examine and comment on any proposed change in the benefit plan before final adoption of the change by the AP board of directors. The AP had earlier indicated that it was contemplating a revision in view of the new social security laws.

The fund as it is now administered is entirely unilateral; employees may benefit from it only at the option of the management. The New York AP unit, however, has pointed out that the management allocations toward the \$4,000,000 accumulation comes from the pay- (Continued on Page Four)

Strikers Go Back With Pact, Security

HOLLYWOOD—The Citizen-News strike was settled on July 30 with a Guild victory which observers said may well change the entire future course of labor history in southern California. The five discharged Guildsmen, whose firings on the eve of the signing of a contract precipitated the strike, and the 18 who struck for their reinstatement have been returned to the payroll.

As a gesture of good will (and in order to have time to clear out the strikebreakers) Publisher Harlan G. Palmer has given the strikers their two weeks' vacation with pay, which they had coming, before they return to work.

The settlement included the following points:

Signing of the contract negotiated before the strike; guarantee against firings for economy before Jan. 1, 1939; recognition of the Guild's right to strike over future grievances (an unusual contractual recognition); disposition of pay demands for the strikers for the duration of their 10½-week fight, and the status of the five discharged and now reinstated employees to rest upon final action by the National Labor Board.

Could Have Settled Earlier

While Publisher Palmer has attempted to say in his editorials that he offered the Guild all of this prior to the strike, actually he refused to reinstate temporarily the five discharged Guildsmen, as the Labor Board suggested, the day before the strike started. Nor had he been willing to sign the other guarantees now obtained by the Guild.

The contract establishing minimum salaries and conditions of work was not at issue in the strike. The Guild had negotiated it in the usual manner with Publisher Palmer when, on May 17, the eve of its signing, he fired five members of the staff, including Roger C. Johnson, former Los Angeles Guild president; Elizabeth Yeoman, assistant drama editor for nine years, and Mel Scott, editorial writer. The contract had provided \$45 minimum editorial pay, dismissal indemnity ranging to 25 weeks' (Continued on Page Three)

Seller Stricken On ANG Tour

ANG Representative H. Richard Seller was stricken by appendicitis last Tuesday while on a visit to the Denver Guild. He underwent an operation the same day at St. Joseph's Hospital there, and his condition later was reported as good. ANG Vice President Morris Watson has taken over that portion of Seller's itinerary covering Oklahoma City, San Antonio and (Continued on Page Seven)

Board Orders Chicago Hearst Charge; Guild Wins Baltimore Sun Election

CHICAGO—The National Labor Board last week directed its regional office here to issue and investigate the local Guild's complaint of widespread unfair labor practices against the Hearst Herald & Examiner and American.

The regional office was also ordered to consolidate the complaints with the current representation case in which over a score of AF of L unions seek rights over eligible Guild departments, and to withhold action on the representation petition until disposition is made of the complaint.

The action placed the Guild in a strong position, giving it opportunity to first expose the many Hearst-AF of L "unions" as company inspired, and obtain reinstatement of fired Guildsmen, before holding the proposed election in which the Guild seeks to represent editorial and commercial employees as an industrial unit.

Word of the action resulted in an immediate upsurge of arrears payments by delinquent Guild members, some paying up as high as \$40 each. One of the largest meetings ever held by the local was addressed last week by ANG Executive Vice President Eddy. A series of skits and songs was presented before the meeting by the Chicago Repertory Theatre Group, burlesquing the company union episodes. Eddy suggested that the script be supplied for performance by Guildsmen before locals throughout the country.

BALTIMORE—The Baltimore Guild won a decisive victory last week when editorial department employees of the Sun, the Evening Sun and the Sunday Sun selected the Guild as their bargaining agent at a consent election under the auspices of the National Labor Board. The vote was 105 for the Guild, and 79 against. Only 21 of the 205 eligible failed to vote.

Local officials announced that negotiations for a contract covering all employees who were eligible for the vote will begin at once with the A. S. Abell Company, publishers of all three papers.

Meanwhile, organization work is proceeding in the other departments of the papers, in which Guild membership already exists.

GUILD CONTRACTS OF THE WEEK

New Pact Boosts Pay In Madison

Denver Gets 5-Day Week, Industrial Raises and Job Security

(Continued from Page One)

After 10 weeks of the most intensive negotiations, the bargaining committee, led by George A. Mann, president of the Milwaukee Guild, succeeded in boosting the editorial minimum pay from a top of \$37 to \$42.50 for four years' experience. Moreover, the Guild won the right to reopen negotiations for \$45 Oct. 1 when the expected business improvement is felt.

All pay increases in the new contract were made retroactive to June 27 for the editorial department and July 1 for the commercial department.

The contract also provides for a number of miscellaneous improvements, one calling for double pay on Sundays and holidays. In accordance with their request, the Guild obtained a clause requiring overtime payment in cash only for business department employees.

One of the most protracted bargaining battles was fought over the principle of lump-sum payment in dismissal indemnities. After many fruitless sessions the Guild emerged with a clause requiring payment of one week for each year of employment, up to a total of 15 weeks' pay, in a lump sum computed at the highest rate of pay ever received by the employee. The clause contains no restrictions or exceptions in the matter of discharge.

Overtime Provisions

Despite a long battle, the Guild was unable to obtain the punitive time and one-half in cash for overtime as a method of safeguarding the 5-day, 40-hour week. However, it did get a collateral agreement that the publishers will enforce strictly the provisions of the clause on hours.

The new overtime provision does represent a distinct advance in the membership's opinion. Time off can be given only in blocks of eight hours now, instead of four as in the past. All overtime of eight hours or less in any one week can be paid for in time off or cash, at the employee's prevailing rate, at the discretion of management.

Following are the salary minimums in the Times commercial departments, all ranging from the first year of experience to the sixth year:

Display and national advertising solicitors—\$35, \$38, \$42, \$45, \$50 and \$57.

Classified solicitors—\$16, \$17, \$18, \$20, \$22 and \$25.

Classified manager—\$25, \$28, \$30, \$32, \$35 and \$37.50.

Hand and machine bookkeepers

Schenectady Unit Rejects Bulletin Board Agreement

SCHENECTADY, N. Y. — A year behind the times the Schenectady Gazette management opened contract negotiations with the Tri-City Guild with the statement that it will not sign a contract with the Guild, but will only post a bulletin board statement of policy.

To sign a contract with the Guild, according to Dudley Hill, editor and spokesman for the owners, would be "contrary to policy."

When the Guild negotiating committee pointed out that it was the policy of the paper to sign contracts with mechanical unions, Mr. Hill said, "That's beside the point."

Cites a Wage Cut

It was not beside the point, in

DENVER, Colo.—The Guild and the Denver Post were ready to sign a contract last week that contains a strong security clause against economy firings and substantially improves wages and working conditions. The contract brings the 5-day week to Post employees for the first time.

The contract is the result of a long struggle with the publisher during which the local took a strike vote. The contract is for the editorial department.

The publisher agrees that no reduction shall be made in the working staff during the life of the Post.

Seek to Impeach Injunction Judge

Immediate assistance is needed from all locals in the vicinity of New York, and particularly in New York State, for the fight of United Sugar Workers Local Industrial Union No. 273 against a sweeping injunction issued by New York Supreme Court Justice Aaron J. Levy.

The local was conducting a powerful boycott campaign against a rum and soda shop, E. Popper & Company, a New York cigar firm at 40 East End Ave., when the justice issued the injunction. The shop had had a contract with the union, but when the time came to renew moved its plant to New Jersey.

The union charges the justice with "brazen indifference" to the terms of the new Guinn-Neustein Anti-Injunction Act. Allen S. Haywood, regional director of the CIO, has forwarded to all unions its request that all local unions Governor Lehman to investigate Levy's action with a view to impeachment.

and dispatch clerks—\$17.50, \$20, \$22, \$24, \$25 and \$30.

Business office and circulation stenographers and clerks, cashiers, collectors and telephone operators—\$15, \$17.50, \$19, \$20.50, \$22 and \$25.

Janitors—\$15, \$17, \$19, \$21, \$23 and \$25.

Proof boys—\$15, \$16.50, \$18, \$20, \$22 and \$25.

Mailing room—\$12.50, \$15, \$17.50, \$20, \$22.50 and \$25.

Mann Ledged

Members of the Madison Guild in voting unanimous acceptance of the new contract, gave a ringing vote of thanks to George Mann of Milwaukee after the bargaining committee reported that it could never have made the advances it did without his leadership.

The contract was signed in behalf of the publishers by William T. Evans, publisher of the Capital Times, and Don Anderson, assistant publisher of the State Journal, and in behalf of the Guild by Morris H. Rubin, Madison president.

Denver Gets 5-Day Week, Industrial Raises and Job Security

The management's viewpoint, to cite a 10 per cent wage cut at the General Electric Company, a heavy advertiser, as the basis for turning down Guild demands for higher minimum wages.

The Gazette unit promptly turned down the company's offer of merely continuing last year's bulletin board agreement. It pointed out that merely saying "No" to all Guild proposals was not bargaining in good faith and demanded either that Mr. Hill be vested with authority to negotiate for the company, instead of acting as messenger, or that the publisher or owners meet with the committee.

Henry Christman, John Blawie and Janet Scott comprise the Guild committee.

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THEATRES

1938 Pulitzer Prize Play OUR TOWN

by Thornton Wilder
with Frank Craven
MOHOSCO, WASSER (Air-Conditioned)
Even. 8:15—Mat. Wed. Thurs. Sat. 2:45
(NO PERFORMANCES MONDAYS)

Delight Deane Films Production
DENNIS VERA VIVIANE WALLER
KING ZORINA REGAL BLIZAK
to the ROGERS SHANT Musical Comedy
with Audrey Christie—Charles Walters
SHUBERT TREA. W. 45 St. N.Y. 45 St.
AIR-CONDITIONED

"The Best Show in Town"—Flicks
DUDLEY DIGGES in
ON BORROWED TIME
by Paul Oskar
LONGACRE W. 45 St. N.Y. 45 St.
Mat. Wed. & Sat. 2:45
AIR-CONDITIONED

"The most hilarious play to see in town"
A GEORGE ARBOTH PRODUCTION
WHAT A LIFE
A Comedy by Clifford Goldsmith
Biltmore W. 47 St. N.Y. 47 St.
(Air-Conditioned) Mat. Wed. and Sat. 2:45

JAN H. HARKIN presents
THE FOLLYER PAPER PRAY
YOU CAN'T TAKE IT WITH YOU
by Moss Hart & George S. Kaufman
BOOTH THEATRE, 49 St. N.Y. 49 St.
Even. 8:15—Mat. Wed. & Sat. 2:45
AIR-CONDITIONED

SEATS NOW FOR ALL PERFORMANCES
AIR-CONDITIONED THEATRE
New York's 33rd Musical Revue
"PINS AND NEEDLES"
by Moss Hart & George S. Kaufman
BOOTH THEATRE, 49 St. N.Y. 49 St.
Even. 8:15—Mat. Wed. & Sat. 2:45
AIR-CONDITIONED

MOTION PICTURES
Beg. Wed., August 10th
"ROCKET BUSTERS"
HUMPHREY BOGART—GEO. BRENT
A Warner Bros. Picture
STRAND • 25th St.
Even. 8:15—Mat. Wed. & Sat. 2:45

ROBERT TAYLOR
in
"The Crowd Roars"
An M-G-M Picture
CAPITOL
Even. 8:15—Mat. Wed. & Sat. 2:45

Irving Berlin's
"ALEXANDER'S RANTING BAND"
TYRON POWER—ALICE FAYE
DON AMBER
A GALE REVUE ON STAGE • 25th St.
Any Day 7:30—8:15 P.M.
Any Day 7:30—8:15 P.M.

8th ST. PLATONHOUSE • 8th St.
LAST TIMES TODAY
DANIELS' VARIETIES IN
"THE RAGE OF PARIS"
Even. 8:15—Mat. Wed. & Sat. 2:45
WOLFE BARBERS
CLAUDE RAINS • FAY BURNER
Even. 8:15—Mat. Wed. & Sat. 2:45
WE'RE GOING TO BE RICH
Victor McLAGLEN—GREGG FIELD
141 Madison Street—Evening 8:15—2:45

RADIO CITY MUSIC HALL
59 St. & Ave. Doors Open 11:30 A.M.
"MOTHER CAREY'S CHICKENS"
ANNE HILARY • FAY BURNER
On the Stage: "TROPIC"
A rhythmic cavalcade produced by Leopold Stokowski
141 Madison Street—Evening 8:15—2:45

Gathering Place of Guild Members
GUS & ANDY'S SOMERSET
"A Bar & Restaurant of Distinction"
140 West 45th St., New York, N.Y.
Across Cor. from 150 Broadway

Best Wines and Liquors Served
203 East 45th St., N. Y. C.
Barney Gallant
— A Gay and Friendly Place —
86 University Pl., Manhattan—STUYVESANT 9-3209

N.Y. Post Unit Hits at Firings

Reinstatement of Twenty Economy Victims Sought

The recent dismissal of 15 editorial and 5 commercial department employees on the New York Post brought a strong protest from the Post unit last week.

In addition to demanding the reinstatement of all those dismissed, among them several who had worked for the paper more than 10 years, the unit condemned the management for firing without warning or Guild consultation and called for assurance against further economy dismissals.

A conference between the management and representatives of the New York Guild have been arranged for early next week.

The economy axe hit three Guild unit officials—Richard Yaffe, controller; George Templeton, vice controller, and William Butler, delegate to the city-wide representative assembly. The last two had been employed in the accounting department, Templeton for 10 years, and their discharge brings to 36 the recent economy dismissals from the commercial departments. In three cases—those of Donald Pover, Betty Phillips and Leo Kashin—the Guild charged violation of the Wagner Act. A Labor Board examiner will hold an informal conference on those cases on Aug. 10. Publisher Stern will be present.

Unit's Resolution

Following is the unit's resolution on the dismissals:

Resolved, that the New York Post unit... expresses its deep opposition to the wave of economy layoffs in the commercial and editorial departments, on the grounds that such a method of meeting the paper's financial needs is both unfair and unsound, and that it undermines the substance of the Guild contract by forcing some employees for whom we negotiated to contribute their jobs toward the cost involved in the standards established in that contract.

That the unit demand the reinstatement of all employees laid off in the economy wave, together with an explicit assurance that there shall be no further economy discharges; and

That the unit condemn, apart from the ethics or soundness of the discharges, the method of consummating the mass layoffs without consultation or warning, holding that the action of the publisher constitutes an arbitrary refusal to acquiesce himself with the views of his employees or to investigate the possibility of alleviating the weight of the discharges.

PAY YOUR DUES AND ASSESSMENTS! THEY BUILD THE GUILD!

Early Guild Organizers: Let's Have Your Stories

Five years ago this month the idea of Guild organization got impetus which laid the foundation for the present ANG. During the succeeding few months up to Dec. 15, 1932, some 15 local organizations were formed and these sent delegates or proxies to the Washington meeting Dec. 15 at which the ANG was formed.

Some material on the Washington meeting is available at ANG headquarters, but not enough. The story of the formation of the first locals has never been collected. The fifth anniversary is a good occasion for running up the material on both phases of the ANG's origin.

The GUILD REPORTER has sent letters requesting this material to all the early members whose names are on file at headquarters. This list is undoubtedly seriously incomplete, and will all members who participated in the first formation of local Guilds five years ago send in the stories and all personal recollections of those days, and will any members who went to the Dec. 15 meeting in Washington and who have not already done so send in their recollections? It is urgently requested that all this material reach headquarters not later than Aug. 22.

ADVERTISING FILM CITY STRIKE

Boston Transcript Shift Builds Unit

Enrollments Grow After Shakeup in Management

BOSTON—A small civil war among creditors and others financially interested in the Boston Transcript, resulting in the election of a new, 31-year-old publisher, followed closely last week upon a joint and victorious stand by the Guild and two mechanical unions against wage cuts and mass firings.

The revelation to employees that the stockholders of the 108-year-old Transcript have been ousted from control by creditors, coupled with union success in resisting firings and wage cuts, caused a rush for Guild membership application cards. Organization of the editorial department passed the 90 per cent mark and Guild officers expected that a safe majority of commercial department employees would be on Guild rolls before the week was out.

The new publisher is Lincoln O'Brien, son of Robert Lincoln O'Brien, former editor-in-chief of the Transcript and more recently chairman of the Federal Tariff Commission. He replaces Powell M. Cabot, who will retain the corporate offices of two presidents and treasurer, but will retire from active management of the paper.

Precaution Condition

Trustees of the Transcript, managing the paper for the benefit of creditors, told Guild officers at the time they sought to win consent for wage cuts and wholesale firings that the paper's financial condition is extremely precarious. Major creditors, including the Great Northern Paper Company, the International Paper & Paper Company, an engraving company and a life insurance company holding a building mortgage, threatened to cut off further credit unless expenses were reduced drastically.

Members of the Guild, the Boston Typographical Union and the Boston Newspaper Printing Pressmen's Union went directly to officers of the creditor concerns to make it plain that neither wage cuts nor firings would be tolerated. The Transcript Guild unit, already many times decimated by wholesale discharges, voted unanimously to strike to prevent mass firings.

The election, for which the Guild petitioned last February, was ordered last week by the NLRB to be held on or before Aug. 13.

All employees of the editorial, advertising, circulation, accounting and administrative departments, except executives and persons eligible to the mechanical unions, will participate in the balloting. They will vote in two units—editorial workers in one group and all others in the second group.

Explains Division

While recognizing the close interrelationship of the various newspaper departments, the NLRB said that "employees of the editorial departments, excluding executives, may appropriately be included in the general unit (editorial, commercial and composing room employees combined) sought by the Boston Guild," but ruled that because of the conflicting claims of the three rival unions "the desires of the employees" shall determine whether there is to be an industrial unit or two craft units.

Boston Guild officers confidently prepared for the election because a substantial majority of commercial department employees are Guild members and membership in the editorial department has been increasing regularly for several months.

YOUTH CONGRESS

A book of welcome to the delegates to the Second World Youth Congress meeting at Vassar College Aug. 16-24, will contain the signatures of 250,000 Americans. Sidney Hillman, president of the Amalgamated Clothing Workers' Union, is among the signers.

Coast Local Set For Labor March

SAN FRANCISCO—Plans for a large Guild representation in the annual Labor Day parade were mapped last week by officers of the San Francisco-Oakland local. George Wilson, Guildman and president of the Industrial Union Council, CIO central body, has urged a large turnout for the CIO parade.

In line with ANG Convention actions, the local has named labor relations and labor press committees. Stanley Bailey is chairman of the labor relations committee and Miriam Allen De Ford chairman of the labor press committee.



One of the potent factors in the Hollywood Citizen-News strike victory was in never allowing public interest to lag during the 10½ weeks' struggle. Picketing stunts such as this one, held in front of a theatre, served as a powerful advertising weapon.

Hollywood Wins Strike; Aids California Labor

(Continued from Page One)

pay, and standard Guild working conditions.

Strike Makes History

The Guild's victory is the first for a CIO union in southern California, and is history-making in other ways. It was the first newspaper strike in California. It unified progressive and labor organizations up and down the coast as no other issue ever has. It gained united support from AF of L, CIO and independent unions as never before in this part of the country, or anywhere for that matter, since the split in the labor movement. It brought movie stars out on a picket line here for the first time.

In open-shop Los Angeles, the Guild set historical precedents by continuing secondary picketing despite a court order, distributing handbills, using a sound truck on Hollywood Boulevard, and in many other ways virtually nullifying restrictive ordinances which have in the past held labor shackled. Although Palmer agreed to drop all litigation arising from these activities, Judge Emmet ("Injunction") Wilson refused to dismiss the contempt cases, and has ordered new contempt proceedings for an article in the strikers' weekly paper which he characterized as an attempt to influence the court.

The 74-day strike relied much on attention-arresting stunts. High-point of the picketing was a Saturday night before Warner Bros.' Hollywood Theatre, when some 75 pickets marched all evening in every conceivable type of costume. The show was so effective that the police had to keep the bystanders moving—but never harried the pickets in any way.

When the end came, circulation of the paper had dropped between 25 per cent and 33 per cent; advertising was more than 50 per cent; the paper's good-will had been jeopardized seriously.

Final signing of the settlement was rushed by Palmer in order to call off the 2,000 pickets which the Guild planned to have on Hollywood Boulevard on semi-annual Dollar Day, a Citizen-News merchandising promotion. Had Dollar Day advertisers been picketed, Palmer would doubtless have forfeited any remaining good-will he still retained in the community. By his direct action to halt this picketing, even more than by the fact that he signed a Guild contract, he proved that the open-shop tradition of Los Angeles is a thing of the past.

SNAPPY DUES COLLECTOR.

CHICAGO—Development of an improved dues collection system has brought gratifying results here, putting "summer-slumpitis" on the run and bringing in heavy arrears payment. A considerable number of Guildmen were equipped with a pocket-size outfit for collecting and recording for from five to 15 men each.

DROVE EVERYBODY NUTS

Maybe it was the summer heat, or maybe the dizzy headline is here to stay. Anyway, the New York Journal-American greeted Corrigan with a page 1 screamer set in green, and the Post went completely haywire with a screamer reading, "Hall 'Wrong Way' Corrigan," and set back ward.

Unions Hit ANPA 'Trickery'

BUFFALO, N. Y.—Recognizing the American Newspaper Publishers' Association's campaign to thwart the Federal Trade Commission investigation of an alleged newspaper monopoly as a "publicity stunt for economy cries," the New York State Allied Printing Trades Council has called on the nation's publishers to assist in the probe.

A resolution scoring the ANPA bulletin advising that they need not cooperate with the Federal investigation was adopted unanimously at the council convention here.

Resolution Supported
The resolution was introduced by James A. Stiles of Albany Typographical Union No. 4, vice president and organizer of the State Printing Trades Council. It was supported from the floor by Marie Heffron of the Syracuse Typographical Union, who said: "This is an important matter. In Syracuse there was talk of a pay cut by publishers during our last negotiations, because of the increased cost of newsprint."

"We, the types, were to take it on the chin and pay that bill for the publishers. However, we succeeded in retaining our scale for another year."

Text of Resolution

Whereas, The Federal Trade Commission . . . has instituted an investigation of the newspaper manufacturing monopoly in an effort to learn the reason for the steady increase in the cost of newsprint; and

Whereas, The publishers . . . are continually using the increased cost of newsprint as an argument to offset wage increase demands . . . and

Whereas, The publishers of certain newspapers were allegedly furnished with a bulletin from the American Newspaper Publishers' Association which advised them that they need not comply with the requests of the Federal Trade Commission for certain information relative to the newspaper used by them;

Urged to Cooperate

Whereas, Should the newspaper publishers follow the advice of the ANPA and refuse to cooperate with the Federal Trade Commission . . . it will become evident that the publishers favor the high cost of paper and have not been sincere in using this factor as an argument to reduce wages; therefore, be it

Resolved, That the New York State Allied Printing Trades Council . . . go on record as urging the newspaper publishers of the United States to cooperate in every way possible with the Federal Trade Commission during its investigation to the end that should a newspaper monopoly exist it shall be exposed; and be it further

Resolved, That copies of this resolution be sent to the ANPA, Hearst, Gannett and Scripps-Howard headquarters.

Responding to the resolution, Herbert W. Cruikshank, secretary-treasurer of the Gannett Company wrote Stiles a letter clearly indicating that the publishing firm is following the dictates of the ANPA, though "of course, we are eager to see broken up any monopoly of the newspaper business."

Cruikshank Writes
Cruikshank's letter said:

"Apparently you and your associates have been misinformed and misled about the Federal Trade Commission's investigation . . . It is true that there appears to be a price agreement about newsprint paper. All publishers are paying practically the same price. This price is published from time to time in dispatches. We are not fortunate enough to get any concession below the prevailing established price."

Of course, we are eager to see broken up any monopoly of the newspaper business, and naturally we will do anything we can to

NEWSMAN'S NEWSMAN

Editor Oliver K. Bovard Quits St. Louis Post-Dispatch And the Reason Is No Secret

ST. LOUIS—A pencilled bulletin board note "To the Staff" last week announced the resignation of Oliver K. Bovard, as managing editor of the St. Louis Post-Dispatch because of "irreconcilable differences of opinion with Mr. Pulitzer as to the general conduct of the paper." Joseph Pulitzer is publisher of the Post-Dispatch.

Paul Y. Anderson, in a sketch of Bovard which appeared in the St. Louis Star-Times after his resignation, said the nature of the irreconcilable differences "is no secret. They are economic and political." Anderson received his newspaper training under Bovard and was employed by the Post-Dispatch for years. He insists that Bovard deserves part of the credit for the Pulitzer award, won by Anderson for stories which induced the Senate to reopen the Teapot Dome investigation. After Anderson had left the Post-Dispatch and joined its afternoon competitor, the Star Times, Bovard submitted Anderson's famous stories on the Chicago Memorial Day Massacre for this year's Pulitzer prize, and insists now that they are still his winners.

"One-Man Paper"

"The Post-Dispatch," wrote Anderson, "has been known to the trade as a 'one-man newspaper' and Bovard was the man. It is safe to say that virtually nothing of importance has appeared in its news columns for 30 years which did not bear, in some respect, the imprint of his singular genius."

"In fact, among newspaper men everywhere, to think of the Post-Dispatch without Bovard is like trying to think of the New Deal without Roosevelt. Something is left, but what is it? That is a question which only time can answer."

The Post-Dispatch abandoned its position as a great liberal newspaper in 1934, says Anderson. He describes Joseph Pulitzer's brothers, Herbert and Ralph, as absentee owners.

To what extent the absentee owners dictate the policies of the

paper has always been a mystery to its employees, he says. "There is no doubt, however, that all three brothers concurred in the decision to desert the New Deal. Since that time the policy of the paper has steadily become more conservative—more on the side of property rights and the vested interests."

Both Oppose New Deal, But—

"Curiously enough, Bovard did not quarrel with the Pulitzer brothers over the New Deal. If anything, he dislikes it more intensely than they do, but for opposite reasons. The Pulitzer brothers, in desperation, the applicant exclaimed:

The Sphinx Replies
"Mr. Bovard, I've got to live! Then the sphinx looked up."

"Not necessarily," he said. "Despite his 'hardness,' Bovard was extremely solicitous of the welfare of the men who worked for him. A reporter who risked his personal safety was roundly rebuked and he never allowed anyone to fly to an assignment."

Writing of the Pulitzer prize won by himself and another Post-Dispatch reporter, Anderson says, "Honor where honor is due. For most of the distinctions which have come to Post-Dispatch men, Bovard is entitled to a large share of the credit. He would show a reporter how to pull off a terrific story—and then insist that the reporter be given a salary increase for pulling it."

'Never Mislead Reader'
Concluding his sketch, Anderson says, "Twenty years ago he said one with characteristic impressiveness: 'Be very sure, Anderson, never to permit yourself or the newspaper which you serve to be used as the instrument for misleading the reader who depends on the paper for accurate information.'"

"What I have sought in my own feeble way to do, in the foregoing, was to give the St. Louis newspaper reader an intimate picture of that grave, sardonic, compelling and fiercely righteous man, under whose shadow a whole generation of St. Louisans have lived their lives."

Bovard was born in St. Louis. His father was telegraph editor of the Post-Dispatch and had been a printer—a union printer. He joined the Post-Dispatch in 1898. After a few years as reporter and columnist, he became city

editor, and in 1910, after a year on the World under Joseph Pulitzer, was made managing editor of the Post-Dispatch.

Austere and distant with his staff, Bovard was known as a "hard man." The legends of his "hardness" comprise a substantial chapter in the folklore of American journalism," says Anderson. "One of them concerns the tramp reporter who managed to get in, editorial, advertising and business departments, operating under a Guild industrial contract, received dismissal pay set forth by the contract—a week's pay for every eight months of service up to 24 weeks' pay. W. C. Courtney, business manager, said mechanical department employees had also received dismissal pay. He did not reveal the amounts, saying that the total paid out was between \$75,000 and \$80,000."

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Case Against Times Taken By NRLB

After a delay of more than nine months, the National Labor Relations Board in Washington has decided to transfer to itself the case of the Newspaper Guild of New York against the New York Times, when the complaint is issued. It is believed that this means taking the complaint out of the hands of the regional labor board, an indication that the Board regards the case as an important one.

The action of the Board in Washington was taken after the Guild, through A. J. Lassman, Guild attorney, had appealed the refusal of the regional director, Mrs. Elinore Herrick, to include allegations concerning the discharge of Fred Jaeger, Guild member, in any complaint the Board may issue. The Board reversed the regional director's decision.

The Guild is charging that the New York Times discharged Leonard Goldsmith and Jaeger because of their Guild membership, and that it has indulged in many other acts of discrimination and intimidation.

U. S. MARSHAL ACCUSED
SEYMOUR, Ind. (FP)—Charging that U. S. Marshal Charles W. Jackson, County Central Labor Union passed a resolution requesting his dismissal from office,

help the government in its prosecution of alleged monopolies, whether in newspaper or in any other print.

However, the Federal Trade Commission has said to publishers a questionnaire that requests a large amount of confidential, private information entirely irrelevant to the question involved, and immediate. The American Newspaper Publishers' Association and its members are opposed to this invasion of private enterprise and fear that information thus obtained may be used for other purposes. For that reason, many of them are not cooperating in this "fishing" expedition and so far we have thought it wise not to volunteer information which we consider private and confidential.

Union Films Plight Of Office Workers

Completion of a motion picture dealing with the exploitation of office and professional workers and the solution of their problems through union organization, was announced last week by the United Office and Professional Workers of America. The film is for showing by localities.

The title is "Tomorrow—Four Million," prophetic of the growth in membership anticipated by the union. Characters include the insurance agent who is fearful for his job; the stenographer who must forego seeing her boy friend because of working late; a manuscript reader working until she falls asleep at her desk. There is also an animated cartoon made by the United American Artists, affiliated with the UOPWA.

With four men missing from its normal staff of eight, the UP bureau, covering five New England states, was having difficulty handling newspaper and radio service on two major stories, one of national importance, the other national in interest. The national story was the Carroll murder trial

at South Paris, Me., which the UP covered through a string man while other services sent staff correspondents to handle the story. INS considered the story so important that it sent its star, James L. Kilgallen, to South Paris.

One of the discharges eliminated a sports editor, the other a radio rewrite man. At night only one man is in the bureau, and he must handle both newspaper and radio service. During August the UP must somehow cover three major tennis tournaments—the Davis Cup inter-zone finals, the National Doubles at Longwood, and the Essex County tournament.

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Suit Against CIO Called a Dodge

NEW YORK (FP)—The suit of the National Association of Industrial Life Insurance Agents against the CIO was characterized by Leon W. Berner, member of the general executive board of the United Office and Professional Workers (CIO) and general organizer of Local 50, Industrial Insurance Agents' Union. The plaintiffs claim damages on the ground that CIO officers have labeled the association a company union.

"This action is designed to cover the failure of the association to organize industrial insurance agents and seeks to gain notoriety by attacking the CIO," said Berner. "The absurdity of this suit is matched by Mr. Young's (Horace C. Young, counsel for the plaintiffs) claim that his organization has a membership of 10,000."

Five Day Week Nears, UP Fires Two in Busy Bureau

BOSTON—Despite imminence of the 5-day week as result of a Guild contract negotiated recently, two men have been fired from the United Press Boston bureau, which last week found itself considerably undermanned by the discharges and the fact that two other men were on vacation.

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News-Bee Suspends In Toledo

TOLEDO—The Scripps-Howard News-Bee last Tuesday suspended publication, announcing that "greatly increased production costs, due to mounting labor costs and rising newspaper prices" made continued operation unprofitable. Approximately 300 employees were thrown out of work.

About 100 employees in the editorial, advertising and business departments, operating under a Guild industrial contract, received dismissal pay set forth by the contract—a week's pay for every eight months of service up to 24 weeks' pay. W. C. Courtney, business manager, said mechanical department employees had also received dismissal pay. He did not reveal the amounts, saying that the total paid out was between \$75,000 and \$80,000."

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Advertising Has Strong Feet on the Ground

New Estimate of Its Volume Shows Its Firm Hold Despite The Calamity Howls

By NATHAN L. GOLDBERG

THE nation's 1937 bill for advertising was \$1,768,000,000, it has just been estimated by Dr. L. D. H. Weld, research director for the McCann Erickson advertising agency, and an outstanding authority on the subject.

Dr. Weld's calculations, published in Printer's Ink, go back to 1929 and provide the first general view we have had of the nation's total expenditures on advertising. They provide a basis of comparison by which to measure the importance of advertising in our economic life and specifically help to clarify the commercial function of newspapers.

The question of how much money goes into advertising has been a "hardy perennial." Printer's Ink says, asked constantly for the last 50 years. It is also, Dr. Weld warns, a question that cannot be answered exactly on the basis of presently known data.

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It let be understood from

Poll Lost On King Features

(Continued from Page One)

Connolly had said: "I won't give it to you!"

Now, let's suppose there had been no Guild, and therefore, no election. Does anyone believe that Mr. Connolly would have posted that new policy? To add to other policy already previously won by the Guild? Of course he would not. King Features was in existence for years and years with no labor policy of any kind—until the Guild came.

Every benefit of recent years on King Features can be traced directly to organizational activity on INS and INP and elsewhere in the Hearst Service. A long time ago, the Guild sought to bargain with the Associated Press. The general manager immediately spread word that if his employees would call off the Guild, he would give them the 5-day week. They called off the Guild. He gave them the five-day week. Then they grew apathetic about the Guild. They let their unit almost die. Whereupon, he took away the 5-day week.

Plans for Future

Now the AP has it again—has it because the Guild unit came back to life, never to be fooled again.

Now what do we do? First, we recognize victory in defeat in that we win for King Features employees the severance pay we wanted. Second, we clarify and organize.

The Guild and its members, who are the Guild, have no bitterness against those who voted "No." The great majority of

them will join the Guild in the end. The Guild will go on toward its goal—a democratic voice for employees in the determination of the conditions of their employment and betterment of those conditions.

In the end, we will win. How soon we win depends upon how soon all of us understand our common interests. We are continuing campaign to convince the staff that no change in ownership of King Features Syndicate, Inc., and the newspaper industry—in the Guild.

The New York KFS unit, which held its negotiations in abeyance during the election period, unanimously adopted the following resolution at its meeting:

Whereas, the King Features unit of the New York Guild is aware that an overwhelming majority of the editorial and photographic employees working in the INS and INP department of King Features Service throughout the country are members of the Guild, and

Whereas, this unit is determined to seek conclusion of a written agreement in behalf of INS and INP employees, be it

Resolved, that the Wire Service Committee of the ANG be asked and empowered to resume at once the contract negotiations with the management of King Features Service on behalf of INS and INP employees.

URGED TO 'SAIL UNION'

Before chartering a boat for a trip up the Hudson River, unions in the New York metropolitan area are urged by the National Maritime Union to be sure they sail on union-managed ships.

The NMTU Division, 125-11th Avenue, New York on planned outings.

The record shows just what will happen and we must judge the future by the past. It will mean a reduction in buying power which will be nation-wide, because the record shows that when the railroad workers took a cut in 1932 they used \$440,000,000 of their money, taken from their pockets, to pay the bondholders.

In every instance where wages have been slashed with the false promise of putting more men to work, the opposite has happened. Men and women have been laid off instead of hired. The money taken from the wages of railroad wage earners has gone in a large degree as interest to bondholders. The farmer, the merchant, the consumer and the laborer have never benefited by these wage cuts. They, along with the railroad workers, have carried the burden.

Help From Taxpayers

In the hour of your direst and deepest distress, you cravily crawled to the White House and asked for help to save your railroads. You received that help in the shape of hundreds of millions of dollars loaned to the railroads by the government.

That was not your money. It was the taxpayers' money, and you have to pay back your share of taxes to help feed and clothe the men and women you have put out of work.

The record shows that the New Haven Road, with all of the corruption and financial crookedness that surrounded it, has received from the RFC \$7,700,000; from the RFC \$3,030,000; and from the PWA \$7,000,000. This is the taxpayers' money, loaned to the railroads in an effort to restore this country to its feet.

The record of generous loans and contributions made by the government to the New Haven is paralleled by similar loans to scores of railroads. The amazing fact, yes, the disgusting fact, is that this administration, since President Roosevelt helped you in your hour of distress, practically every railroad official has studiously attempted to destroy the faith of the people in the President and discredit this administration. You have sought to belittle and hold up to ridicule every public official who has had the patriotism and the integrity to attack the

Indiana Publisher's Death Stirs Warning on Cuts

INDIANAPOLIS—Close upon the sudden death of Warren C. Fairbanks, publisher of the Indianapolis News, the Guild warned News employees of the possibilities of sale, merger, trust or estate operation, with attendant sweeping staff reorganizations, pay cuts and economy dismissals.

On the day the "Guildsman," local publication, was distributed in the News plant, the paper published a front page bulletin assuring the staff that no change in ownership of policy and no shifts in personnel were contemplated.

The News, which is known as a

low-pay sheet, has countered Guild organization by pointing to its prestige and to the "job security" it offers its employees.

Mr. Fairbanks had been publisher of the News since 1922 and made the News a Republican bulwark. He was the son of Charles Warren Fairbanks, former vice president of the United States.

His outside activities listed by the newspapers carrying Mr. Fairbanks' obituary included directorships in the Pure Oil Company, Metropolitan Gas and Electric Company, and Union Gas and Electric Company.

Guildsman Tells Why He's Liberal

ST. PAUL—Arthur U. Spear, president of the Twin Cities Guild, last week was a contributor to the symposium, "Why Are You a Liberal?" running in the Minnesota Leader, state Farmer-Labor newspaper.

"The word liberal," said Spear, "always has been associated in my mind with things progressive. The progressive must 'drive his mind constantly into new fields, to be ever curious, to be always alert to new ideas, even though they seem unacceptable at first."

The most difficult task of the liberal, it seems to me, is to keep abreast of the times in thought and action."

Spear is financial editor of the St. Paul Pioneer-Press and Dispatch.

PAY YOUR DUES

dis honest and corrupt financial control of your railroads. You have attempted to crucify every man who has dared to expose the dirty, crooked, financial tricks of those interests who would destroy this country.

Quotes ICC Report

I quote now from the report of the Interstate Commerce Commission in the investigation of the New Haven Railroad:

"This investigation has demonstrated that the monopoly theory of those controlling the New Haven was unground and mischievous in its effects. To achieve such monopoly meant the reckless and wasteful expenditure of money; it meant the attempt to control public opinion, corruption of government; the attempt to pervert the political and economic instincts of the people in insolent defiance of law. Through exposure of the methods of this monopoly the invisible government which has gone far in its efforts to dominate New England has been made visible. It has been clearly proven how public opinion was distorted; how officials who were needed and who could be bought were bought; how newspapers that could be subsidized were subsidized; how a college professor and publicist secretly accepted money from the New Haven while making as a representative of a great American university and as the guardian of the interests of the people; how agencies of information to the public were prostituted wherever they could be prostituted in order to carry out a scheme of private transportation monopoly imperial in its scope."

Were They Wrong?

Mr. Enoch complains about the speeches of Senators, Congressmen and other public men. Let me ask you if any of you gentlemen think Senator Norris was wrong when he said, "We should have the whole truth about the robberies which have taken place in the past"; or if Senator Borah was wrong when he said, "Five or six of these men behind the bars in stripes would have the most tremendous moral effect on this country that I can conceive"; or if Senator Lodge, of Massachusetts, a conservative, was wrong when he said, "If the charges were true, they showed that the stockholders of the company were

Unit Opens Drive for Guild Shop

PHILADELPHIA—Backed by a strong stand of the unit, Guild negotiators have opened the battle for a Guild shop on the Philadelphia Inquirer.

Negotiations, nearly completed for newly enrolled commercial department members, have been under way for some weeks in anticipation of the expiration on Aug. 2 of the editorial department agreement, which the Guild expects to supersede by an industrial contract.

Over 100 raises for commercial employees, retroactive 33 weeks, have already become effective.

Conditions already agreed upon include graduated severance pay up to 28 weeks for employees with 10½ years' service coupled with renewal of a job security clause providing there shall be "no dismissals except for good and sufficient cause." Last year severance pay ran to 13 weeks.

Won't Unless He Has To

M. L. Annenberg, Inquirer publisher, declared last year that he would not agree to a Guild shop unless "he had to." This year, Charles A. Tyler, president of the company, declared Annenberg still stood on that position, and brought Managing Editor John J. Fitzpatrick and City Editor E. Z. Dintelman to the negotiations to bolster that position with the well-known arguments that a Guild shop interferes with an editor's prerogatives.

The Times did a story a day, each averaging a little over a column, for a total of 324.2 inches' space. The Monitor ran 12 stories and 297.9 inches. The Worker ran 12 stories and two illustrations for a total of 222.6 inches. The Tribune ran five stories totalling 39.9 inches. Front-page stories were as follows: Times—2; Monitor—2; Worker—10. (Miss Clay doesn't say where the Tribune put its 38 inches.)

How Terror Story Fared

On April 15 witnesses spoke of terrorism in Harlan County. Only the Times recognized the new value of the story, says Miss Clay, running a headline: SENATORS ARE TOLD OF HARLAN TERROR.

The other three papers carried nothing that day. Two days later they broke of an alleged plot to assassinate Francis J. Gorman.

For this the Times again ran a headline and the Monitor took an opportunity to define "the fundamental aim of the committee's purpose—to ascertain to what extent reactionary and fascist groups have curbed liberals . . . and labor in its right to organize and to

robbed—that is the plain English of it."

Was Congressmen Withhold wrong when on May 20, 1933, on the floor of Congress, and gentlemen, this is not ancient history—said I quote:

"Contrary to the impression some people have, railroad employees are not well paid. More than 30 per cent of all railroad employees receive less than \$900 per year. More than 50 per cent receive less than \$1,000 per year, and more than 90 per cent receive less than \$1,800 per year."

"Men in the transportation service are compelled by the nature of their work to be away from their homes a great portion of the time. During this time they are subject to additional expense not incurred by the worker who is employed in a local locality and whose diet and living expenses are doing nothing to stop that kind of misrepresentation. Today all we have is a secret organization you have right to put into the public schools of our country textbooks carrying the same kind of railroad propaganda against the workers, putting into the minds of the children, who are growing up and who will be the future citizens of this country, the hideous philosophy enunciated by one of your attorneys in an address at Kansas City a short time ago, that the railroad workers 'should not have the right to strike' but that they should be subjected to the same kind of control as a man who enters the army."

Masters in Wall Street

Talk about regulation; talk about restriction of activities of railroad officials and railroad financing, we have here the philosophy that you gentlemen and your masters are willing to conspire the railroad workers of America and deny them the privilege to protect their homes and their families.

You say to us, "We are not responsible for the crookedness of the past. We cannot meet our payrolls." We say to you, "The railroad workers did not bring this condition upon you. They looted and the thieves, and the financial crooks of railroad finance have brought this condition upon you. Your masters are responsible for the crookedness of the past. We cannot meet our payrolls." We say to you, "The railroad workers did not bring this condition upon you. They looted and the thieves, and the financial crooks of railroad finance have brought this condition upon you. Your masters are responsible for the crookedness of the past. We cannot meet our payrolls." We say to you, "The railroad workers did not bring this condition upon you. They looted and the thieves, and the financial crooks of railroad finance have brought this condition upon you. Your masters are responsible for the crookedness of the past. We cannot meet our payrolls." 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The Guild Reporter

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"... It shall be the duty of the GUILD REPORTER, under the supervision of the IEB, to promote in every legitimate way the policies of the ANG as established in Convention, and to confine its editorial policies to that specific program. All notices printed in the REPORTER shall constitute notices to the entire membership."—From Art. XX, Sec. 1, ANG Constitution.

GUILD REPORTER deadlines: For letters and feature material, Tuesdays; for news, Wednesdays, and bulletins on Thursdays.

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August 8, 1938

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Vol. V—No. 35

A Labor Monument

WITH all its defects, the wages and hours act stands as a monument to the power of an aroused labor movement to win new standards of living for the working population.

And when we say "aroused" we mean "aroused." For without the CIO and its affiliates and Labor's Non-Partisan League, it is probable that there would have been no wage-hour legislation at the last session of Congress.

The American Federation of Labor, it may be recalled, was the original proponent of a bill to place a ceiling over hours and a floor under wages. But the "blow hot, blow cold" attitude of the AF of L's leaders on the subject had, by the time Congress met last January, come close to giving such legislation a final coup de grace.

In sharp contrast to the AF of L's strategy of criticizing the defects in wage-hour legislation each time it seemed likely to pass, the CIO and the League took the position that the need for a wage-hour law was sufficiently critical to overcome any objections to its minor provisions.

The CIO, at its Atlantic City conference last October, called for speedy enactment of such a measure to meet the fast-developing business crisis. When reactionary Congressmen, aided by William Green's latest pronouncement, sent the bill back into committee in December, the CIO forces redoubled their efforts to insure its passage at the next session.

Labor's Non-Partisan League arranged meetings between state Congressional delegations and leading labor officials from such important industrial areas as New York, Pennsylvania, New Jersey, Ohio and Massachusetts. These meetings are credited with having swung several doubtful votes into the "Yes" column.

The House Rules Committee, a Jack-the-Giant-Killer of progressive legislation, was bargained with telegraphic demands from local and international unions to take speedy action on the bill.

The climax of the entire campaign was reached when the Rules Committee decided, in the face of this expression of the popular will, to keep the bill in committee. In the course of a few days hundreds of communications, representing the feelings of thousands of CIO workers, were delivered to the legislators.

The ANG can be proud of having constantly assisted the campaign. When the fight on the Rules Committee came, John L. Lewis's telegram to CIO unions was relayed to all ANG locals by Executive Vice President Eddy, with an urgent request to them to press their Congressmen for action. The Toronto Convention suspended the rules on the opening day to pass a strong resolution submitted by Southern Guildsmen, backing the fight against discriminatory geographical features.

The success in this, the CIO's most important legislative campaign to date, brought home to Washington the fact that labor is a force to be respected. Increasing recognition of this fact may be expected when Congress reconvenes next January—and for a long time after.

HOW WAGES BILL WILL FUNCTION

Act Contains Flaws, But It Establishes a Principle

By A. J. ISSERMAN

WITH the passage of the Fair Labor Standards Act of 1938 (effective October 28, 1938), Congress has given belated recognition to the need for national legislation for the elimination of the oppressive labor conditions which have developed in our national economy under the free play of an unregulated competitive system.

Generally speaking, our business and manufacturing industries are established on a national or, at least, on an interstate basis. Unions' negotiating committees always hear the complaints of employers directed against competitors who, in states hostile to or remote from union organization efforts, have been able to undersell them through the exploitation of human resources. The term "runaway shop," applied to the marginal manufacturers seeking the areas in which workers can be exploited on the lowest levels, has become idiomatic in industry. However, a reluctant Congress and a Supreme Court juggling its self-created precedents to protect accumulated property against the needs of human welfare, have hitherto prevented the regulation of our national economy on the only basis possible—by national legislation. In the preamble of the Fair Labor Standards Act, Congress finally gives frank recognition to the interacting effect on each other, of commerce, labor conditions, and "the health, efficiency and general well-being of workers," and paves the way for governmental regulation of labor standards.

ACT DOES ESTABLISH A PRINCIPLE

The provisions of the act in themselves do not spell the end of the sweatshop, static or runaway. Its minimum wage provisions are too low and its maximum hour provisions are too high to accomplish this. But the act does establish a principle which, vigorously enforced and adequately extended, will ultimately bring all wages and conditions of work above subsistence standards.

It is estimated that 2,500,000 workers will be affected by the wage provisions and that about 750,000 will be affected by the hour limitations of the act. Many of the latter will be white collar workers.

The act provides for the establishment of a wage and hour division in the Department of Labor to be supervised by an administrator whose functions will be to carry out the provisions of the act and to establish the regulations required to accomplish "as rapidly as is economically feasible without substantially curtailing employment the objective of a universal minimum wage of 40 cents an hour in each industry engaged in commerce or in the production of goods for commerce."

To aid the administrator in his determination of wage minima within the top minimum of 40 cents, "industry committees" are to be appointed by him. These committees will be composed of an equal number of representatives of the employers and employees in the industry and of the public. To these committees will be referred data on conditions in the industry. After a study of these conditions and further independent investigation, the committees may recommend the fixing of a minimum rate by the administrator. The members of the committees will be paid on a per diem basis.

The wage provisions of the act (Section 6) are flexible, especially in the earlier years of its administration. Much of their efficacy to wage earners will depend on the energy and the determination of the administrator to establish the 40-cent minimum without unnecessary delay. In the first year, the minimum wage is fixed at "not less than 25 cents an hour." For the next six years, the rate is fixed at "not less than 30 cents an hour."

'CLASSIFICATIONS' PROVIDED FOR

During this seven-year period, the administrator may by a "wage order" raise the minimum to 40 cents an hour in any industry. These orders will be based on the recommendations of the industry committees, which the administrator may, however, reject and send back for further study to the same committee or to another committee appointed by him. The orders become effective only after notice and hearing before the administrator. An appeal to the Circuit Court of Appeals is allowed, but no stay from the operation of the order may be granted unless a bond is posted to cover the difference in wages of employees during the appeal period.

The fight of the Southern industrialists for wage differentials is not settled by the act. It will be settled by the administrator and the industry committees. They have the right to make "classifications" in the industry with varying minimum rates for the several classifications. While the law states that no minimum rate shall be fixed solely on a regional basis, there is room for creating such differentials under the rate fixing standards prescribed in the law. The industry committees and the administrator must, in fixing rates, consider "competitive conditions as affected by transportation, living and production costs." This leaves the door wide open for differentials within the industry to favor the South. There must also be considered in fixing rates, the minimum rates in collective bargaining contracts and those voluntarily established by employers in any particular industry.

After the expiration of the first seven-year period, the 40-cent rate automatically applies to all industries regardless of existing wage orders, with the right in the administrator and industry committee to lower the rate in particular industries to not less than 30 cents an hour by new wage orders. The effect is thus to put on the industry seeking an exemption from the 40-cent rate the burden of proving that it should be excused.

The hour provisions of the act (Section 7) are simple



—Courtesy Amalgamated Clothing Workers "Advance."

and without flexibility. The act provides for a 44-hour week in the first year, a 42-hour week in the second year and a 40-hour week after that time. In all cases, overtime is to be paid for at time and one half.

A serious deficiency in the act are the numerous exceptions or relaxations from its provisions both as to wages and as to hours. Chief among these exceptions are agricultural workers, seamen, persons engaged in the fishing industry, and persons engaged in the early steps of processing of foods or other agricultural products. Retail employees are also largely excluded, as well, of course, as all persons engaged solely in intrastate commerce. Newspaper employees engaged on weekly or semi-weekly newspapers having less than 3,000 circulation, principally in one county, are also exempted from the provisions of the act. Learners, apprentices, handicapped workers, and messengers engaged "exclusively in the delivery of letters and messages" may be exempted on special orders of the administrator.

The child labor provisions (Section 12) are inadequate and afford some opportunity for evasion. The shipment of products in interstate commerce is prohibited if within 30 days of shipment child labor has been employed on such goods. Generally the act applies to children under 16 years of age and in industries deemed hazardous by the chief of the Children's Bureau of the Department of Labor, the act applies to children under 18 years of age. Here, too, there are too many exemptions from the applications of the law. A start is being made, however, in the elimination of child labor, while the child labor amendment now out for adoption still needs ratification by twelve states.

ENFORCEMENT PROVISIONS EXCELLENT

The enforcement provisions of the act are excellent. Transportation or sale of goods intended for interstate commerce is prohibited. The direct violation of the hour and wage and child-labor provisions of the law is also prohibited. The falsification of records and discharge of employees for testifying or serving on industry committees is also made a direct violation of law. The penalties for any violation of the law is a fine not to exceed \$10,000 for the first offense and a similar fine and imprisonment not to exceed six months for subsequent offenses. In addition to these penalties, the U. S. District Courts are authorized to issue injunctions prohibiting future violations of the act. Enforcement of these provisions will be undertaken by attorneys appointed by the administrator acting under the supervision of the United States Attorney General. In the case of the child-labor violations, enforcement is by the Children's Bureau of the Department of Labor.

Lastly, and of especial interest to trade unions, are the enforcement provisions which give employees or their representatives the right to sue the employer for wages and overtime due under the act. Suit can be brought in any proper civil court, state or federal, on behalf of all of the employees of the same employer against whom there have been violations. In other words, on the complaint of one employee, a union in its own name could file a suit against the employer to protect all of his employees from violations of the law. In such a suit, the employer, if guilty, must pay as damages double the amount actually due and also a reasonable attorney's fee and costs of the proceedings. These provisions allow effective policing by unions which can thus do much to prevent chiseling. It is not too early for unions and central labor bodies to educate their memberships as to these provisions and to set up machinery for checking violations and for speedy court action.

With the appointment a few days ago of Elmer T. Andrews, former Commissioner of Labor of the State of New York, as the administrator under the act, effective enforcement by the government can be looked forward to. He said some time ago, in respect to the New York minimum wage law: "Once an order becomes mandatory, we will know the stubborn chiselers and proceed immediately against them in court action."

There remains the need of an alert and strong labor movement to watch over enforcement. Employers are not specifically prohibited from reducing wages above the minimums and increasing hours below the maximum; the law declares both practices "unjustified," but provides no penalties. Union action will be needed here.

Again, unions must be relied upon to obtain the upward adjustment of wages to avoid cuts for workers receiving above the minimum when hours are reduced. Lastly, the unions must push for more legislation so as to close the gaps of exemptions, to raise the floor over wages and to lower the ceiling over hours beyond the low standards fixed in the present act.