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Union's Job Not Done, Says Catholic Council

Welfare Organization Makes Effective Reply to Collier's Attempt to Prove Organized Labor is Obsolete

By International Labor News Service.

Washington, D. C.—An attempt by Collier's Weekly, which is the product of non-union printers, to spread the impression that the union's job is done and that the old-fashioned labor organization is already obsolete, is answered by the National Catholic Welfare Conference in a vigorous statement.

Wage figures, gleaned by various government and private sources, contradict Collier's, which in a current editorial asserts that "the wage struggle has been won—at least no longer are men compelled to fight for a living wage," says the National Catholic Welfare Conference, which declraes the figures indicate that great numbers of workingmen in the United States are not receiving wages high enough to support a family in decent comfort. The council goes on to say:

Section Men Poorly Paid

"About 200,000 section men on Class 1 railroads last year made an average of $73 a month; 56,000 extra gang men made $75 a month; 23,000 bridge and crossing tenders made $75 a month; 60,000 shop laborers made $80 a month. All of these worked an average of more than 8 hours a day and some much more than that. None of them made a living wage. Their number is greatly increased when other railroads are considered.

"Their wages were, for the most part, fixed by the railroad labor board on the basis of what is paid for similar work elsewhere. It is probable that the railroad labor board put the sum below what is paid in many other industries but it did not miss the amount more than $10 or $20 a month.

"A year ago unskilled men in 23 factory industries were making an average of about $22 a week, according to a report of a nemployers' organization, the national industrial conference board. This is four or five dollars a week more than the railroads give common labor. But even this amount is not a living wage. It is equivalent to about $650 a year in pre-war prices.

Millions Get Pittance

"A few months ago the United State bureau of labor statistics investigated workers in 92 cities and towns and found that over half of the men who were heads of families made less than $1,250 a year and about a fourth made under $1,050 a year. More than 60 per cent of the man in the cotton industry get under $20 a week, according to the same bureau.

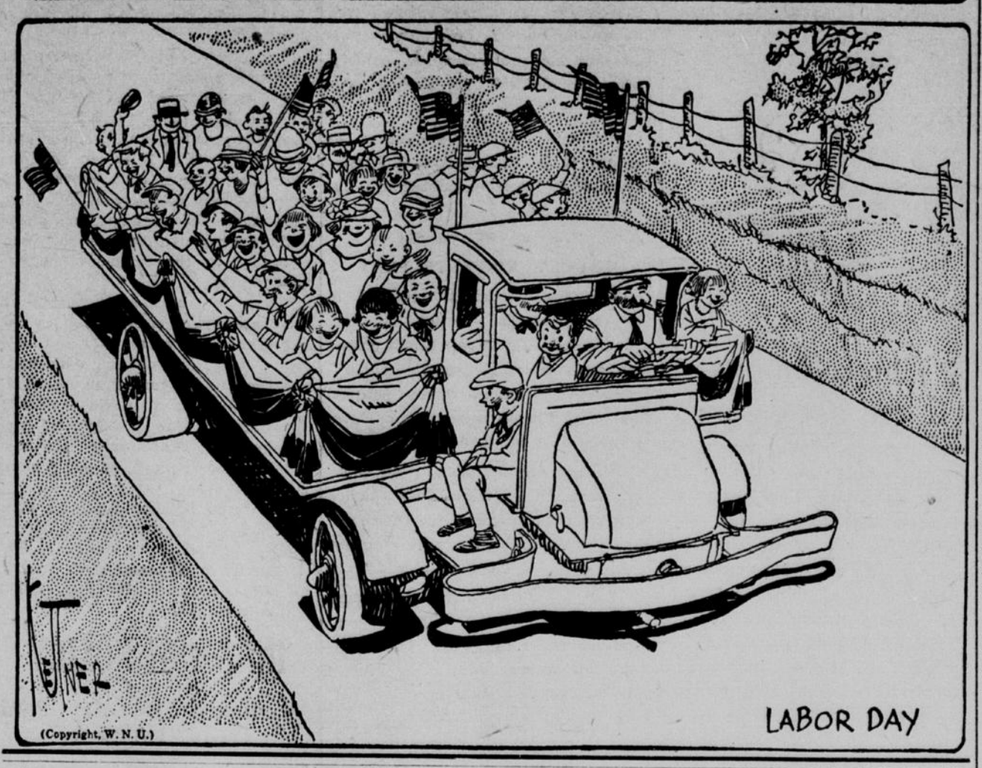
"There are something over ten million laborers in the United States and four and a quarter million semi-skilled workers. Close to another five million are skilled. Three and a half million are clerks and the like. Another three-quarters of a million are servants. Here are 23½ million wage and salary workers, all of whom are males. Relatively few of the laborers get $25 a week. Most of them get between $17.50 and $22.50 a week. Some receive less. Many classed as semi-skilled are in about the same position as regards wages. One would be not far wrong to estimate that about half of the men who work for wages do not get a family living wages."

Plenty of Work for Unions

Commenting on Collier's editorial and the answer of the National Catholic Welfare Conference, Labor, organ of the railroad workers, says:

"Labor hopes the editor of Collier's will permit those stupendous facts to soak in. So long as they remain facts, there will be plenty of work for 'old-fashioned' trades unions which insist on an American standard of living."

Loaded With Sunshine



Appellate Court of Illinois Decides Unions Can't Be Sued as Legal Entities

Decision Is Severe Setback To Labor-Hating Commission For Enforcing Landis Award

By JOSEPH A. WISE
Staff Correspondent, International Labor News Service

Chicago.—The appellate court of Illinois has handed down a decision holding that labor unions may not be sued as legal entities in this state. The court says that the decision of the United States supreme court in the Coronado case does not repeal the common law rule in Illinois, and that "it does not set a precedent for Illinois courts, nor does it furnish the slightest authority in support of appellant's claim that the common law rule in Illinois has been repealed by implication."

Besides being a highly important decision for organized labor, it is another severe setback for the citizens' committee to enforce the Landis award, which had projected itself into a dispute between John J. Cahill, a heating and plumbing contractor of Evanston, Ill., and Locals 93 and 769 of Plumbers, Gas and Steam Fitters and Helpers.

Sought to Sue Two Locals

The Landis committee sought to sue the two local unions for damages as legal entities. Hope Thompson, attorney for the unions, entered a demurrer which was sustained by the circuit court. The Landis committee then carried the case direct to the supreme court on the ground that constitutional questions were involved. The supreme court declared that constitutional questions did not enter into the case, and it then went to the appellate court.

The attorneys for Cahill and the Landis committee sought to convince the court that the United States supreme court decision in the Coronado case applied in intrastate cases. In reference to this point, Justice Thomas M. Jett, who wrote the opinion, held:

"The reasoning of the United States supreme court in the Coronado case is that the growth, power and statutory recognition of labor unions has brought about a condition which renders it necessary that they be regarded as legal entities in suits for damages. That court then proceeds to establish a new and far-reaching rule in federal courts.

Common Law Not Repealed

"The Coronado case does not repeal the common law rule in Illinois. It does not set a precedent for Illinois courts, nor does it furnish the slightest authority in support of appellant's claim that the common law rule in Illinois has been repealed by implication. The federal government has never enacted a statute so far as we know, as Illinois has done, making the common law the rule of decision in federal courts until repealed by legislative authority.

"In the Coronado case the following language is found:

"'Undoubtedly at common law, an unincorporated association of persons was not recognized as having any other character than a partnership in whatsoever was done, and it could only sue, or be sued, in the names of its members and their liability had to be enforced against each member.'

"Moreover, it is the rule in Illinois that in respect to questions of general law over which the state court has complete and final jurisdiction, the decisions of the supreme court of the United States are merely persuasive authority and not binding precedents, and if it would be necessary for the highest court of a state to overrule its former decisions in order to conform to the views of the United States supreme court on such questions, it is its duty to adhere to its former decisions."

Association Can't Be Sued

As to the common law rule in Illinois, the court said:

"The question raised on this record by the demurrer to the declaration is whether or not this suit can be maintained against the defendants, unincorporated associations, in their association or union names.

"By reason of Chapter 28 of the revised statutes of Illinois the common law is the rule of decision in this state in proceedings of this character and should be considered in full force until repealed by legislative authority. The question of parties to a law suit is always one of the first considerations, not as a mere matter of procedure, but as one of the basic elements of litigation going to the jurisdiction of the court. The rule of the common law on the subject of parties must control in this state, under the foregoing statute, unless the rule has been repealed by the legislature.

"At common law, a voluntary, unincorporated association can not be sued in its association name.

Pays Tribute to Attorney

Justice Jett cites many previous decisions of the appellate and other courts to uphold his opinion. The court paid a high compliment to Attorney Hope Thompson in using practically all of the citations he had used in his brief and by employing his language in large part in writing the decision.

Big Contract Giving Work To American Toilers Saved By Labor Men's Prompt Action

By International Labor News Service.

New York City.—The Central Trades and Labor Council and the International Molders' Union jointly can claim credit for saving a $340,600 contract for sewer pipe for American workers by their prompt action in appearing before the board of estimate of the city of New York in protest against awarding the pipe contract to a German syndicate, the low bidder by $36,000.

Mayor Hylan promptly took heed and overturned the recommendation of his purchasing expert and the contract will go to the lowest American bidder, the United States Cast Iron Pipe Company. The jobs thus provided and subsequent contracts safeguarded as the result of the precedent established will keep thousands of American patternmakers, molders and other crafts busy.

The men who accomplished this for American trade unionists are John Munholland, vice president of the Central Trades and Labor Council, and Joseph Stephenson, of the International Molders' Union. They acted on the spur of the moment when they heard the contract was about to be let to a foreign concern. It was for almost immediate delivery of miles of sewer pipe and water gates, valves, joints and other fittings.

Not only did the union representatives point out that the ethics of the matter required that American shops be given this work, but they showed that the advantage of a low bid of $36,000 was more apparent than real.

It is a requirement that the work be inspected by a city representative. This would mean a trip abroad for some one to supervise the German firm. Over there the methods are quite different; for one thing, they use more iron scrap in the metal, giving it an inferior quality, it was argued. And since the first shipment must be here in another month, it was regarded as impractical by the labor representatives to give a firm on the other side the job.

NO MINERS' STRIKE

Unless Soft Coal Operators Break Jacksonville Agreement

By International Labor News Service.

Indianapolis, Ind.—Newspaper reports of a threatened coal famine because of a probable strike of miners is branded as "pure bunk" by mine union officials. The contract made between the soft coal miners and operators at Jacksonville does not expire until 1927, and it has been the policy of the United Mine Workers to keep a wage contract religiously. The attempts of operators to repudiate this contract, after having signed it in good faith, is the only cloud on the horizon. The United Mine Workers are insisting that the operators keep to the letter of the agreement in order to avoid trouble.

The attempts being made in several parts of the soft coal fields to scrap the Jacksonville agrement is believed by the miners to be a part of a conspiracy to disrupt the union organization by putting a starvation wage into effect, as is now in force in West Virginia and other non-union fields, where workers are little better than slaves.

There will be no coal famine nor even a coal shortage if the operators who signed the Jacksonville scale keep to their part of the pact. The miners will keep their part of it.

DUNCAN GOES TO CANADA

Washington.—Vice President Duncan will represent the A. F. of L. at the Canadian Trades and Labor Congress convention.

Charles H. Moyer, president of the International Union of Mine, Mill and Smelter Workers, was elected to this position at the last convention of the A. F. of L. Because of his resignation, Mr. Duncan was chosen by the A. F. of L. executive council.

FOOD PRICES INCREASE

Washington.—During June the retail price of food increased 2 per cent, as compared with the previous month, according to the United States bureau of labor statistics.

For the year period, June 15, 1924, to June 15, 1925, the increase in all articles of food combined was approximately 9 per cent. For the 12-year period, 1913-1925, the increase was about 58.5 per cent.

STOCKHOLDERS

Approve Increase in Capital of Federation Bank

By International Labor News Service.

New York City.—Stockholders of the Federation Bank of New York at a special meeting in Washington Irving high school authorized an increase in the bank's capital and surplus to $1,500,000. This will bring the bank's capitalization above that of any labor bank and is an added safeguard to depositors, Peter J. Brdy, president of the bank, announced.

"The addition of another $1,000,000 in capital and surplus will give an opportunity to every labor organization and other groups sympathetic to organized labor to participate in one of the most constructive labor undertakings," said Brady in making the announcement.

The present shareholders have 30 days to exercise their options on the new issue of stock. Over 3,500 shares have already been applied for. The stock has been placed on an 8 per cent dividend basis and three quarterly dividends have been distributed. At the meeting the stockholders affirmed the limiting of their profits to 10 per cent on their investment and sharing profits above that with depositors in the special interest department.

MINER'S FINE

For Contempt Appealed To Higher Court

By International Labor News Service.

Indianapolis, Ind.—A few weeks ago Judge Lazelle, of the circuit court of Morgantown, W. Va., fined Van A. Bittner, international representative of the United Mine Workers in the West Virginia field, $500 and sentenced him to six months in jail, because, the court said, Bittner violated an injunction order and was therefore in contempt of court. The injunction was one issued by Judge Lazell to a non-union coal company, one of the many issued in this court against the United Mine Workers.

Bittner made all arrangements to go to jail and serve the six months' sentence because he felt that he had committed no wrong. Several days later Judge Little, of the West Virginia supreme court, granted a supercedas and writ of error in the case which appealed to the higher court.

The action makes it unnecessary for Bittner to serve a jail sentence pending the appeal in the higher court. The writs are returnable next January.

PHOTO ENGRAVERS GAIN

Baltimore.—Photo engravers have signed a three-year agreement with employers. Rates are increased $4 a week, or to $48, for two years and an additional $2 a week the third year.

BORAH TO LAY CHINA'S CASE BEFORE SENATE

Boise, Idaho.—The Chinese situation will be brought before the senate, at the next session of congress, Senator Borah declared in an address here.

"I will do so not because I want trouble, but because it is the only way to prevent trouble," the chairman of the senate foreign relations committee said. "The attitude of the foreign powers toward China is keeping that nation from progressing and maintaining order. Unless the foreign governments conform to new conditions, respect the territorial rights of China, treat Chinese labor with justice, and give the government revenue upon which she can live, we are going to have a condition in the Orient which everyone who loves peace will regret."

RENTS IN SLIGHT DROP

For First Time Since World War Outbreak

By International Labor News Service.

Washington, D. C.—For the first time since the world war began to drive the general level of prices upward, rents in the United States have taken a slight drop.

After 1920 the prices of most necessities fell but rents continued a gradual climb. They were a large factor in maintaining the general level of living costs. In the last year, according to a study made by the department of labor, there has been a turn in the poposite direction. The drop shown from the middle of the year 1924 to the same period in 1925 was slight, and it can not be predicted whether it is the beginning of a continuing descending trend.

In 1924 the rent level was 68 per cent above the year 1913. This year the level is 67 per cent above 1913. The present level still is above that of 1923, which was 63 per cent above 1913.

Most prices reached their peak in 1920, but at that time rents were only 35 per cent above 1913. The reason for the continued rise in rents was the shortage of housing. If the downward trend is continued it will indicate that record building of the past few years is making up this shortage.

PUBLIC DEFENDS EDITOR

Yuma, Ariz.—Fifty citizens have arranged to continue the publication of the Yuma Herald if George W. Lynn, publisher, is sent to jail on criminal libel charges. The charges grew out of an editorial written by Lynn in which he said formaldehyde was used as a preservative in a local dairy.

FIGHT RENEWED

For Child Labor Amendment By Washington Labor

Aberdeen, Wash.—The State Federation of Labor convention here voted to call a state-wide conference to plan a renewal of the fight for the federal child labor amendment.

Speakers representing the American Legion, the State Federation of Women's Clubs, the Parent-Teacher Association and other civic and welfare groups assured the trade unionists of their support.

The convention gave notice to Governor Hortley that the recall might be applied to him. The state executive was declared to be on unfriendly terms with everyone in the state but the timber and allied interests. The unionists called attention to the appointment of the wife of a large cannery owner as director of women in industry, charged with the enforcement of women's hour and wage laws, as a sample of the governor's interest in Washington's wage earners.

"His first public utterance, during his inaugural address, when he termed the wage workers and other supporters of the child labor amendment 'bolshevists' ond 'pusilanimous blatherskites,' was fully expressive of his mental attitude toward labor and its friends," the convention declared.

INJUNCTION JUDGE FAILS TO JAIL WORKER

Charleston, W. Vo.—The state supreme court of appeals has refused to confirm a sentence of six months in jail and a fine of $500 that Judge Lazelle, of Fairmont, inflicted on Van Bittner, international representative of the United Mine Workers.

The trade unionist has returned to the Fairmont district, and is again active in Judge Lazelle's jurisdiction.

Van Bittner told Judge Lazelle he did not know the injunction was issued. To the average judge this would be accepted as proof that contempt of court was not intended, but the court was determined to jail the trade unionist.

STILL OPEN

Teapot Dome Lease is Not Closed Case

Washington.—The refusal of Federal Judge Kennedy, at Cheyenne, to grant the government's request that the Teapot Dome case be reopened to hear new evidence makes it probable that this question will again be considered by the next congress.

Connected with the trial was the alleged transfer of $300,000 in Liberty bonds to former Secretary of the Interior Fall's account by the Continental Trading Company, a Canadian concern. Last February Judge Kennedy refused the government's request for additional time to secure verification of this charge. Proceedings were then started in Toronto to compel witnesses to testify and the supreme court of that city ruled that witnesses must testify. The main witness for the government fled to Africa. The government also started court proceedings in France, where other witnesses were located.

Almost to the hour that the trial ended in Judge Kennedy's court the government witnesses returned They are now in this country, and the government intended that they be held if Judge Kennedy would reopen the case.

PICTURE MEN GAIN

Duluth, Minn.—Motion picture operators have raised wages 10 per cent. The rate in first-class houses will be $50 for a five-day week. Other houses will pay $45 for a six-hour day.

PRISON-MADE GARMENTS MUST BEAR PRISON NAME

Los Angeles.—The state commission of labor wants California district attorneys to enforce the law which provides that prison-made garments must bear the name of the prison in which they were manufactured.

It has been discovered that exploiters of prison labor are paying little heed to this law.