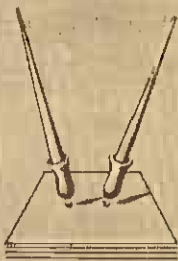




# WHITE

Official Publication of the



# COLLAR

Office Employees International Union



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"OFFICIAL PUBLICATION"

# OEIU Wins Reversal of NLRB Teamster Ruling in US Supreme Court



Joseph E. Finley, General Counsel of the OEIU, who argued the International's case before the United States Supreme Court.

## Reversal by High Court of NLRB Ruling Has Far-Reaching Import

**T**HE Office Employees International Union has won its long fight in the courts for the right to bargain for the thousands of employes who work for labor unions. The U. S. Supreme Court, on May 6, 1957, ruled in *Office Employees International Union, Local No. 11 v. NLRB*, that the Board must take jurisdiction over unions when acting as employers, thus guaranteeing to every person who works for a labor union the full protection of the national labor law.

Local 11 in Portland, Oreg., filed unfair labor practice charges against the International Brotherhood of Teamsters and several of its affiliates in 1953, charging that the Teamsters as employers had committed a whole series of unfair labor practices against the clericals who worked for them. An NLRB Trial Examiner found that the Teamsters violated every employer unfair labor practice provision in the law, and ordered full legal protection, with reinstatements and back pay, for the office clericals represented by Local 11. The NLRB, in a 3-to-2 vote in 1955, held that it would not take jurisdiction over unions when acting as employers, thus removing protection of the law from all the union employes represented by the OEIU.

### Instructions from the President

Because of the importance of this case to the OEIU and its members, President Coughlin instructed attorney Joseph E. Finley, General Counsel of the OEIU, to appeal to the courts to seek a reversal of this NLRB ruling. The case was taken to the U. S. Court of Appeals in the District of Columbia, and in 1956, that court upheld the NLRB, stating that the Board had broad discretion in deciding whether or not to hear cases brought before it.

"It looked like we were about finished then," said Mr. Finley, "since our only hope to reverse this improper ruling was in the Supreme Court of the United States. The Supreme Court is very selective about what cases it will hear and turns down about 13 cases to every one it accepts. Many labor attorneys told us we didn't have a chance of getting the Supreme Court to take our case. President Coughlin and I both felt we had a chance and we decided to go all the way."

The OEIU's next move was to file a petition in the Supreme Court asking the high tribunal to hear the case. Mr. Finley filed his brief last September, arguing to the Supreme Court that it ought to take the case because of its public importance. Last November, the Court granted the OEIU petition and placed the case on the docket for argument. Mr. Finley then wrote a legal brief stating that the NLRB and the Court of Appeals were wrong and then argued the case before the nine justices on March 28, 1957. The NLRB fought the case all the way, and the Teamsters filed a 105-page written brief in the Supreme Court arguing that they should not be covered by the law.

The Supreme Court decision was a total victory for the OEIU. A majority of five justices, in an opinion by Justice Tom C. Clark, held that the NLRB was compelled under law to take jurisdiction over cases where unions were the employers. This was the heart of the Court's ruling, and it was this holding that secures the legal rights of all the employes of unions who are represented by the OEIU.

### Point of Agreement by Justices

Four of the justices would not go so far as to hold that the Board was compelled under law to take jurisdiction, but even they agreed the NLRB and the Court of Appeals were both wrong in holding that jurisdiction could be declined over unions as employers because unions are non-profit organizations. This was the reasoning used by the NLRB when it originally decided the case, and a 2-to-1 majority of the Court of Appeals approved that standard. Thus, nine justices were unanimous in telling the Board and the Court of Appeals that this was improper.

"We were shooting to establish a very difficult legal point," Mr. Finley said. "There was not a single important case in the country to support us. The NLRB had won every significant case in the courts where its right to set up its own rules of jurisdiction was questioned. Now, for the first time, the Supreme Court has told the NLRB that it must take jurisdiction over a class of employers."

The Supreme Court opinion reflected the arguments presented by the OEIU. Section 2 (2) of the Taft-Hartley Act included unions as employers "when acting as employers." Despite this clear language, the NLRB said it could treat unions like any other employers and use its broad discretion whether to take a case or not. The Supreme Court pointed out that Congress, when the original Wagner Act was passed in 1935, indicated that it wanted union employers

## OEIU Supreme Court Victory May Open Door to Other Gains for Labor

**I**N winning its battle in the U.S. Supreme Court to bring protection of the law to the thousands of employes of labor unions who are represented by the OEIU, the door may be opened for a significant triumph for the entire labor movement, according to Joseph E. Finley, General Counsel of the OEIU. The National Labor Relations Board, loser in the Local 11 case from Portland, Oreg., which the Supreme Court decided May 6, 1957, has received its first important legal setback in its use of broad discretion in taking jurisdiction over cases.

The NLRB's current jurisdictional standards, where it sets certain dollar volumes for businesses as a measure of jurisdiction, have been under attack from labor for some time. The Board's yardsticks have been set so high that thousands of employes in many industries have been denied protection of

the law and have been left to the mercies of anti-labor employers. This has made new organizing very difficult and has seriously weakened unions in many plants.

"While we cannot be sure until a proper case comes along," Mr. Finley said, "the Supreme Court used language in its decision in the OEIU case that is causing many labor attorneys and possibly even the NLRB itself to seriously question the legality of the Board's jurisdictional standards. The Court pointed out that it was neither approving nor disapproving of this NLRB action, but the words it used indicated that it would want to think a long time before it would grant the Board the wide power it claims."

The refusal of the NLRB to take jurisdiction over thousands of employers engaged in interstate commerce has caused a

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## WHITE COLLAR

Official Organ of  
OFFICE EMPLOYEES INTERNATIONAL UNION  
Affiliated with the AFL-CIO

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## OEIU Convention

The Seventh Convention of the Office Employees International Union will be held in Minneapolis, Minn., at the Hotel Leamington, beginning June 10, 1957.

The OEIU prides itself in being a truly democratic organization. Our Constitution is a model for democratic unions. Long before the Taft-Hartley Act, our International Union supplied regular quarterly financial reports to its local unions. We conduct elections for International Union office by secret ballot. Any delegate who raises his or her hand at the convention is given the opportunity to discuss any subject under discussion. Our Constitution guarantees the rights of individual members. This was brought about by full participation in previous conventions. True democracy can only be continued and expanded by full attendance in conventions in the future. We therefore call on every local of the Office Employees International Union in the United States and Canada to be represented at the coming convention.

## Living Costs Rise

The Consumer Price Index published by the Bureau of Labor Statistics indicates another increase of 0.2 per cent for the month ending March 15, 1957. This marks the seventh straight month that the cost of living has risen. The Labor Department spokesman predicts another increase for the month of April.

While a number of workers will receive automatic increases by virtue of escalator clauses contained in their agreements, millions of office and clerical employes will not so benefit. This is particularly important because the Bureau of Labor Statistics has indicated that the purchasing power of American workers has declined in the same period ending March 15, 1957.

This happens to be the first time in two and a half years that the factory workers' buying power showed no gain over the previous year.

These figures would definitely indicate that workers' wages do not have the inflationary effect that certain public officials would lead one to think. Last year, for example, a major industry increased its prices almost three times the sum of the wage increases given to its workers.

While the cost of living continues to increase, it will be necessary for workers everywhere to insist on compensatory increases.

## Investigation Results

Recently a Senate Committee conducted extended investigations into the affairs of certain unions. These investigations have resulted in exposures which tend to embarrass the entire labor movement.

Under no circumstances does the Office Employees International Union condone the actions of certain labor officials. However, we are much concerned with the effects of these investigations insofar as reform recommendations are concerned. Ninety-eight per cent of the labor unions in the United States and Canada are good, clean organizations doing an excellent job on behalf of their respective memberships in the face of adverse conditions.

I am certain that these unions will agree with the OEIU when we say that every safeguard should be adopted to insure the true democratic functioning of labor unions. Most of these organizations have already effectuated such safeguards in their International Union constitutions.

Democratic elections, regular financial reports audited by independent certified public accountants should be the order of the day as it is in the OEIU.

In reading the newspapers recently, we note the tendency of

## OEIU Wins (Continued from page 1)

covered by the law. Justice Clark wrote that for the NLRB to put unions in the same class with other non-profit organizations was "entirely unrealistic." In summarizing its ruling, the majority said, "We therefore conclude that the Board's declination of jurisdiction was contrary to the intent of Congress, was arbitrary and was beyond its power."

Although the Trial Examiner had found the Teamsters guilty of almost every unfair labor practice known, and even one new one not ever before found against any employer, the NLRB did not rule on the merits of the unfair labor practice charges because it refused to take jurisdiction. As a result of the Supreme Court decision, the case now goes back to the NLRB for that agency to now make findings on the unfair labor practice charges. It is believed that the Board will have no hesitancy in finding for the OEIU on this score.

"The Supreme Court decision establishes the legal principle that we have always fought for," said Mr. Finley. "Employes of unions now have the full protection of the law and have the full strength of the OEIU to fight for them. Naturally we are all very pleased to win this victory for the OEIU."

## May Open Door

(Continued from page 1)

major controversy in the labor field today. State courts had attempted to fill the void by assuming jurisdiction, usually issuing anti-labor injunctions against union efforts. On March 25, 1957, the Supreme Court ruled that states could not take jurisdiction over labor activities which affected commerce, thus creating a vast "no-man's land" where no jurisdiction at all existed. Several bills have now been introduced in Congress to return jurisdiction to the states when the NLRB refuses to act, which, if enacted into law, would most likely be a serious blow against unions.

"If our legal victory forces or helps persuade the NLRB to accept its responsibility by taking jurisdiction over everything that affects commerce, we ought to have a good chance to forestall any action in Congress," said Mr. Finley. "In that way, we can keep protection of the national law and not be faced with the prospect of having state courts enjoin lawful union activities. If the Board does not change its standards, we believe that new legal attacks are now in order on the NLRB rules. We hope that the Supreme Court decision in our OEIU victory will be useful if



Joseph Finley, General Counsel for the OEIU (right), on the steps of the U. S. Supreme Court with OEIU Secretary-Treasurer Howard Hicks. In background is the Capitol dome.

these legal attacks have to be made."

The OEIU Supreme Court victory may be important to the entire labor movement, Mr. Finley added, for two specific reasons. First, it demonstrated that the NLRB does not have the unlimited power on jurisdiction that practically all

courts have previously given it. And second, the Supreme Court repeatedly referred to the fact that the Board had declined jurisdiction in purely local fields, leaving the implication that there may be serious doubt whether the Board can decline jurisdiction in industries that substantially affect commerce.

## 75 Percent of U S Workers Earn Below Today's Accepted Wage Standards

By ALEXANDER UHL

San Francisco (PAI) — The drum beat of charges that American workers, largely sparked by organized labor, are getting too big a share of the economic pie and so are responsible for today's inflation is far from dying down.

There are few issues of the

publications of the National Association of Manufacturers or the U. S. Chamber of Commerce or the Farm Bureau Federation that do not blame high wages for increases in the cost of living.

Yet analysis of the basic needs of American workers and their actual annual earnings shows that

the vast majority earn far from what might be called "commonly accepted" standards of living.

Indeed, from the viewpoint of labor economists, the average American worker, far from getting "too much," actually is by no means getting enough to support the kind of living standard that we like to believe most Americans have. In fact, statistics show that 75 per cent are not.

### Recent Proof

Latest proof of this is a report of the highly respected Heller Committee at the University of California which shows that a family of four, consisting of father, mother, and two children 8 and 13, and which rents its home, needs an income of \$5,592.59 a year or about \$107 a week to provide for the "commonly accepted" standard of living.

politicians to take the opportunity of the present investigations to call for a nation-wide ban against the union shop. It is difficult for us to understand how the union shop has anything whatsoever to do with the possibility of corruption in labor unions. Many features of the Taft-Hartley Act which obstruct collective bargaining were incorporated in this law under the guise of protection for the working men and women of the United States.

We are fearful that certain anti-labor politicians are determined to do the same thing in this instance. It will be important for our local unions to alert themselves to legislation which may be introduced to impair, obstruct and possibly destroy collective bargaining which, after all, is the main purpose of a labor union.

On the other hand, we should get behind any movement which will make our unions more democratic, cleaner and more representative of honest trade unionism.



## CONVENTION CALL

## OFFICE EMPLOYEES INTERNATIONAL UNION

American Federation of Labor and Congress of Industrial Organizations and Canadian Labour Congress

707 Continental Building, Washington 5, D. C.

## Minneapolis Convention Call

March 15, 1957

## GREETINGS:

You are hereby notified that, as provided by the Constitution of the Office Employees International Union, the 1957 Convention of our International Union will be held at the Hotel Leamington, Minneapolis, Minn., beginning at 10 o'clock, Monday morning, June 10, 1957, and will continue in session from day to day until the business of the Convention shall have been completed. It is anticipated that the business of the Convention will have been concluded by late afternoon, Friday, June 14, 1957.

**REPRESENTATION:** With respect to representation, Article VI of the International Union Constitution provides as follows:

"Section 1. Each local union in good standing shall have one (1) vote in convention for each one hundred (100) members or major fraction thereof, on which per capita tax has been paid for the twelve (12) month period ending the March 31 preceding a regular convention, . . . except that any local union having less than a major fraction of one hundred (100) shall, nevertheless, be entitled to one (1) vote.

"Section 2. No local union which has been chartered during the two (2) calendar months preceding the month of any regular . . . convention, or during the month of such convention, shall be entitled to representation at such convention.

"Section 3. Each local union shall be entitled to as many delegates as it has votes, except that no local union shall have more than five (5) delegates present at a convention. The delegate or delegates from each local union may cast the entire vote of the local union.

"Section 5. No local union may be represented at any convention of the International Union by proxy, nor may it delegate its voting strength to any other local union, and no delegate to any convention shall represent more than one (1) local union.

"Section 6. Each delegate to a convention must have been in continuous good standing with the local union he represents for at least twelve (12) months prior to the convening of the convention, unless the local union has been functioning (the period when a local union shall be deemed to be 'functioning' shall be that commencing with the first month for which per capita tax payments are regularly made) for less than one (1) year, in which case such delegate must have been in good standing during the period that the local union has been so functioning. Each delegate shall be selected by vote of the local union."

**CREDENTIALS:** Credentials in duplicate are herewith forwarded to all local unions in accordance with the number of delegates to which they would be entitled under the Constitution of our International Union, based on per capita tax payments received to date. All local unions sending delegates shall fill out such credentials and place the seal of the local union thereon. Make sure that each delegate's full address is written on the back of both the original and duplicate of his credential form. The original of each completed credential should be returned to the Secretary-Treasurer of the International Union at least four (4) weeks prior to the opening of the Convention. The duplicate should be given to the delegate and presented by him to the Secretary-Treasurer of the International Union upon his arrival at the Convention. Delegates whose credentials are not received within the time limit prescribed may be seated by action of the delegates seated at the Convention.

**RESOLUTIONS—TIME LIMIT:** All resolutions, petitions, memorials or appeals to be considered by the Convention, shall be written and submitted in duplicate signed copies to the Secretary-Treasurer of the International Union and received by him not later than twenty-one (21) days prior to the opening date of the Convention. Resolutions can be submitted only by local unions, Convention committees, and Convention delegates. Resolutions originating with the Convention's committees must have relevance to the committee's functions and can be submitted at any time prior to the submission of such committee's final report. Resolutions originating with individual delegates can be submitted at any time during the Convention with the consent of the Convention by a two-thirds (2/3) vote.

**CONVENTION FUND:** Local unions sending delegates to the approaching Convention will be assisted in meeting a portion of the expense through the International Union's Convention Fund. Article VII of the International Union Constitution provides in part as follows with respect to the Convention Fund:

"Section 2. Each local union eligible to participate in a regular convention by sending at least one (1) delegate to such convention shall be paid a portion of the total amount in this Fund, based on monthly payments received from local unions through the month of February of the regular convention year, and including any balance in such Fund, subject to the following provisions:

"Section 3. In determining the amount to be paid each eligible local union participating in such regular convention, the total amount in the Fund as defined in Section 2 of this article shall be divided by the total of all the straight map miles between each and every eligible local union's charter city and the convention city.

"Section 4. Each eligible local union participating in such regular convention shall be paid an amount equal to the result of the division defined in Section 3 of this article (figured to the next lower half cent) multiplied by the number of straight map miles such local union is from the city in which such convention is being held. Any local union contributing to the Convention Fund less than one (1) year prior to February of the convention year shall participate in the Fund at the rate of one-twelfth of a normal share for each month of participation.

"Section 5. Included in each regular Convention Call of the International Union . . . sent to each local union shall be a statement indicating the amount which will be paid from this Fund to local unions participating in such convention in accordance with Section 4 of this article.

"Section 6. Upon receipt of a properly executed delegate's convention credential, bearing the seal of the local union and signatures of its president and secretary-treasurer,

the International Union Secretary-Treasurer shall issue to the local union a check drawn on this Fund in the amount determined by Section 4 of this article, and subject to conditions in Section 7 hereof.

"Section 7. Local unions which are not represented at such convention or whose representation at such a convention is limited to officers and/or representatives of the International Union and whose expenses to such convention are paid for by the International Union, shall not share in this Fund for such convention, and any such local unions which may have been paid from this Fund for such convention shall refund to the International Union for redeposit in this Fund any such payments."

Local unions sending at least one delegate to the Convention, other than an officer and/or representative of the International Union and whose expenses to the Convention will be paid by the International Union, will receive the following amounts from this Fund:

No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.
1	\$84.32	57	\$157.91	130	\$76.89	209	\$170.28	284	\$166.65
2	154.11	58	162.69	131	113.85	212	120.62	286	167.48
3	261.36	59	39.27	134	230.84	214	72.93	288	159.39
5	115.50	60	173.42	135	158.73	215	108.74	290	110.88
6	185.30	61	99.83	137	139.92	216	52.80	291	130.02
7	74.58	62	190.08	139	252.78	219	52.47	293	34.65
8	230.18	63	184.31	140	251.46	220	161.54	294	165.00
9	49.34	64	120.45	141	167.97	221	51.48	295	207.90
10	89.60	66	171.93	142	166.82	225	141.41	296	239.42
11	235.46	67	124.58	144	130.68	228	173.58	298	172.10
12	76.89	68	235.46	147	113.36	230	50.82	300	239.25
13	162.53	69	246.35	151	107.25	231	236.28	301	154.94
14	162.53	71	169.13	153	167.97	232	199.65	303	131.67
15	236.78	73	196.52	154	114.68	233	180.18	305	251.46
16	1.32	74	16.83	155	94.05	236	50.66	306	133.98
17	103.95	75	107.25	157	150.32	237	220.77	307	131.67
18	142.23	76	184.31	158	54.45	241	173.58	308	112.53
19	89.10	77	46.20	159	166.32	243	260.04	309	78.38
20	166.65	78	118.64	161	103.95	246	112.20	310	184.80
21	149.66	79	45.38	165	149.82	247	172.92	311	62.37
23	231.33	80	181.50	166	98.67	251	162.20	312	130.02
24	162.03	81	50.33	167	63.53	254	278.03	319	213.84
25	184.31	83	243.87	169	169.62	255	294.03	320	68.15
26	253.28	84	160.38	172	98.34	257	150.48	321	62.37
27	178.86	87	167.81	173	106.43	258	164.18	324	46.20
28	58.58	88	35.48	174	251.46	259	182.33	325	81.02
29	260.04	89	164.51	177	101.48	260	191.07	327	55.77
30	251.46	90	170.28	179	132.66	261	122.43	328	165.83
31	162.86	91	165.83	180	147.68	263	116.82	329	174.24
32	166.65	95	28.88	182	115.01	264	293.54	330	103.29
33	122.60	96	162.86	184	122.93	265	165.83	331	51.12
34	130.02	100	206.58	185	88.44	267	62.37	332	22.44
37	38.78	104	161.70	186	122.27	268	130.68	333	94.83
39	38.61	105	116.82	187	192.39	269	173.25	334	146.41
42	89.60	106	180.68	191	179.03	270	173.58	335	97.98
44	16.50	110	142.23	192	196.68	272	174.08	336	38.98
45	142.23	112	164.18	196	187.61	273	98.34	337	152.46
46	217.31	114	213.18	199	143.22	274	117.98	338	38.57
48	70.46	119	132.66	200	36.63	275	127.05	339	80.69
49	103.95	120	183.15	201	157.08	277	143.72	342	26.81
52	126.06	123	172.59	202	154.77	278	174.08	343	47.44
53	47.85	125	137.28	204	157.30	279	165.33	344	55.99
54	149.16	127	14.36	205	167.97	281	149.33	348	4.74
55	89.10	128	249.32	207	218.63	282	107.58	351	11.85
56	211.20	129	174.24	208	250.80	283	165.83	378	236.78

**HOTEL RESERVATIONS:** Headquarters for the Convention and for the officers and Executive Board members of our International Union will be at the Hotel Leamington.

Hotel reservation requests should be sent to the Hotel Leamington, Minneapolis 4, Minn. For the convenience of delegates we are furnishing reservation cards so that they may promptly request the type of reservation they desire. Hotel reservations should be made as promptly as possible and if reservations are requested by letter, it should be pointed out that these are being made for delegates attending the Convention.

Room rates at the Hotel Leamington are presently as follows:

Single Room	\$8.00	\$8.50	\$9.00	\$9.50
Double Room, Double Bed.	10.00	10.50	11.00	11.50
Double Room, Twin Beds.	11.00	12.00	12.50	13.00 \$14.00 \$15.00 \$16.00
Suites	\$15 and \$25 for Single.	\$18 and \$30 for Double.		

(All rooms with bath. For air-conditioned rooms, add \$1.50 to above rates.)

Faternally yours,

J. HOWARD HICKS,  
Secretary-Treasurer.

HOWARD COUGHLIN,  
President.

Vice Presidents.

EDWARD BEAUPRE,  
J. O. BLOODWORTH,  
JOHN T. FINNERTY,  
GEORGE P. FIRTH,  
ARTHUR J. FRITZ,  
NICHOLAS JULIANO,  
JOHN B. KINNICK,  
MAX J. KRUG,  
JOSEPH P. MCCUSKER,  
MARIE MANN,  
A. H. O'BRIEN,  
EDWARD P. SPRINGMAN,

Local union secretary-treasurers will please read this call at the first meeting of their local union.



