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America awake -
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America Awake

by

Rev. Aubert, O.F.M.
Sacred Heart Franciscan Province



Strikes and the National Labor Relations Board

by

Rev. Chas. E. Coughlin



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America Awake!

Address by REV. AUBERT, O.F.M.
Sacred Heart Franciscan Province

INTRODUCTION

The theme of this discourse is embodied in the words of Our Divine Savior: "Render therefore to Caesar the things that are Caesar's and to God the things that are God's." (Mt. 22, 21)

In this materialistic age, when the dignity of man is flaunted and divine values are minimized or even utterly deprecated, it is of paramount importance that every religious and God-fearing patriot bear in mind that every citizen has a duty towards the state "to be subject to the princes and powers" (Tit. 3, 1) for, "there is no power but from God," (Rom. 13, 1) as says St. Paul in his epistles to Titus and to the Romans.

In serving the state, however, we must bear in mind to "seek first the kingdom of God and His justice;" (Mt. 6, 33) we must "obey in all things . . . not serving to the eye, as pleasing to men, but in simplicity of heart, fearing God." (Col. 3, 22)

We are passing through perilous times. Hatred, suspicion and confusion abound. Moral depravity runs rife over the world; irreligion is sapping the moral and religious strength of nations. We find a general drifting away from the safe moorings of religious belief and practice. In the social-political field we find a disregard for our traditional republic, our constitutional form of government.

Due to the departure of the American people from the practice of time-honored Americanism, that is, active participation in governmental affairs—leaving it to the elected politicians for the most part; due to a tendency to substitute for social charity and economic justice born of God, cold-hearted legislation, we have enmeshed ourselves into bureaucratic political entanglements. While the American people slumbered in comfortable repose, the enemy sowed the seed of radical Bolshevism, gory Communism and satanical anarchy. As a result, we, the people, have but a shadowy influence in public affairs. Such, at least, is the wish of the enemy.

The nefarious schemes for definitely eliminating the voice of the people from our legislative halls was well-nigh carried out to completion. At the eleventh hour, however, so it seems, a voice "crying in the wilderness" of an indifferent citizenry, has roused a goodly portion to action, warning them of the danger, showing them by example and encouraging words how to regain the priceless pearl of sovereignty. I refer to Father Coughlin.

It is important to remember "that the means of saving the world today from the lamentable ruin into which moral liberalism has plunged us, are neither the class-struggle nor terror, nor yet the autocratic abuse of state power, but rather the infusion of social justice and the sentiment of Christian love into the social-economic order." (Ency. Div. Re. par. 32) "Unless the Lord build the house, they labor in vain who build it. Unless the Lord keep the city, he watcheth in vain who keepeth it." (Ps. 126, 1-2.)

THE FOUNDING FATHERS

God brought our nation into existence through the will of the people. Whenever the people exercised their inalienable rights, our nation prospered, and there was a government "of the people, by the people, and for the people."

The liberties of peoples have always suffered when wealth was concentrated in the hands of a few. Our founding fathers fought the American Revolution to obtain economic freedom, and upon this freedom they built our republic. "Benjamin Franklin, in his autobiography, stated that the refusal of George III to allow the colonies to continue to operate an honest money system, which permitted freedom of the ordinary man from the clutches of manipulators, probably was the prime cause of the American Revolution." (Money Creators, p. 1.)

Thomas Jefferson wrote the following: "If the American people ever allow private banks to control the issue of their currency, first by inflation, then by deflation, the banks and corporations that will grow up around them will deprive the people of all their property." (America Awake, p. 196.)

On the same subject President Lincoln had this to say: "As a result of the war, corporations have been enthroned, and an era of corruption in high places will follow until all of liberty shall be lost and the republic destroyed." (ib. p. 82) Note that Lincoln speaks of our nation as a republic, not a democracy.

In 1787 John Adams wrote the following to Thomas Jefferson: "All the perplexities, confusion and distress in America arise, not



from the defects of their Constitution or Confederation, not from want of honor or virtue, so much as from the downright ignorance of the nature of coin, credit and circulation. (Money Creators, p. 6.)

As of yore, so today, economic strangulation manipulated by a few is the curse of democracy, which precedes the destruction of any legitimate government. The illustrious Pope Leo XIII warned of the present conditions when, with keen foresight, based on current events of his time he wrote: "The elements of a conflict are unmistakable . . . the enormous fortunes of individuals and the poverty of the masses. The momentous seriousness of the present state of things just now fills every mind with painful apprehension." (Rerum Nov.)

The late Pope Pius XI, in his encyclical, "Reconstruction of the Social Order," wrote: "When we speak of the reform of the social order it is principally the state we have in mind." Further on in the same encyclical the august Pontiff, with a few adroit strokes of the pen, depicts for us in bold relief, in vivid outline, the condition existing in the nations of the world, excepting the United States, we quote: ". . . it is patent that in our days not alone is wealth accumulated, but immense power and despotic economic domination is concentrated in the hands of a few. . . . This concentration of power has led to a threefold struggle for domination. *First*, there is the struggle for dictatorship in the economic sphere itself; *secondly*, the fierce battle to acquire control of the state, so that its resources and authority may be abused in the economic struggle; *finally*, the clash between the states themselves. . . . Free competition is dead; economic dictatorship has taken its place. . . . Furthermore, the intermingling and scandalous confusion of the duties and offices of civil authority and of economics has produced crying evils, and have gone so far as to degrade the majesty of the state. The state which should be the supreme arbiter, ruling in kingly fashion, far above all party contention, intent only upon justice and the common good, has become instead a slave."

The same Supreme Pontiff, in the encyclical, "Urged by the Charity of Christ," written in 1932, said the following: "In public life sacred principles, the guide of all social intercourse, are trampled upon; the solid foundations of right and honesty, on which the state should rest, are undermined; polluted and closed are the sources of these ancient traditions which, based on faith in God and fidelity to His law, secured the true progress of nations."

With respect to the relations among nations the same Pontiff, Pius XI, says in his encyclical, "Reconstruction of the Social Order," the following: "As regards the relations of peoples among

themselves a double stream has issued forth . . . on the other, a not less noxious and detestable internationalism or international imperialism in financial affairs, which holds, that where a man's fortune is, there is his country."

No one has spoken more fearlessly and in clearer terms than the two Pontiffs, Leo XIII and Pius XI. We also note by comparison, that their utterances and those of our own patriot Presidents, quoted earlier, have a marked similarity. The reason for this is, that they all were guided by faith in God and influenced by Christian principles. From the same principles we must draw the same conclusions.

Whenever gigantic social upheavals disturb the peace of nations we find the twin prime movers, namely, economic domination and a polluted state policy working hand in hand. It is erroneously asserted by traitorous historians and unchristian liberalistic writers, that our founding fathers built our constitutional government on the liberalism rampant in Europe at the time. That is a canard of history that should be definitely relegated to the dump-heap of propaganda. Authentic history teaches us that they followed Christian principles. In fact, recent historical research has brought to light that among Thomas Jefferson's private library books was one, much thumbed, worn and penciled, a book dealing with the relation of Church and State, written by St. Robert Cardinal Bellarmine. He taught that all authority originates with God but is vested in the people, who invest it in a government according to their choice. He opposed the divine right of kings, maintaining that they had only as much power as delegated to them by the people through the constitutional law of the land. He condemned absolutism of the State, whether in the person of an autocratic king, a self-appointed dictator, or a group of usurpers, as we find in the case of a democracy.

Our founding fathers were not radical revolutionists, with the set purpose of parting with the time-honored institutions of the past. When the form of government to be chosen for the colonists was under consideration, they deliberated between a monarchy and a republic. Benjamin Franklin was asked by a European friend: "Is your government a monarchy or a republic?" to which Franklin replied: "It is a republic."

When forming our system of government any thought of bolshevik democracy was definitely excluded. Let President James Madison, who took a lively interest in the discussions of the Constitutional Assembly that framed our Constitution, tell us what transpired: ". . . Democracies have ever been spectacles of turbulence and contentions; ever have been found incompatible

with personal security, or the right of property, and have, in general, been as short in their lives as they have been violent in their deaths.

"A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking."

Consonant with this utterance of President Madison is that of President Andrew Johnson: "From the moment of the establishment of our free Constitution the civilized world has been convulsed by revolution in the interest of democracy or of monarchy, but through all these revolutions the United States have wisely and firmly refused to become propagandists for republicanism. It is the only government suited to our condition; but we have never sought to impose it on others, as we have consistently followed the advice of Washington." (Inaugural address)

THE TRANSITION

A definite transition from a constitutional republicanism took place, generally speaking, some thirty years ago. Definite trends to establish bolshevik democracies in all countries of the world are noticeable in the last decade of the past century. The godless liberalism of the times was filling the minds of rulers and statesmen "with painful apprehension," to again quote Leo XIII. When we entered the last world war, we were induced to do so in order to "make the world safe for democracy." We were tricked into the belief that "democracy" meant our traditional constitutional republic. And we were made to believe that the time had arrived that we should disregard the words of Washington, to stay out of foreign entanglements, and bring the blessings of our system of government to other nations.

We helped to upset the monarchies of Austria, Russia and Germany.

We did not bring to their people our American republican form of government but all were saddled with the Marxian "democracy" system, the obnoxious system imposed upon ourselves. Unwanted radicals of other countries and revolutionaries designedly sent here, flooded our country since the World War. First they worked secretly selling us the idea of so-called "democracy." Soon after our recognition of the Soviet Russia Democracy, the arch-revolutionists came forth from the dark dens clean shaven, with pressed pants and surrounded with an air of respectability. Democracy became the incessant cry, "Democracy! Democracy! Make the world safe for democracy! Fight for peace and dem-

ocracy! Religion and democracy! Democracy! Mass Movements! The Democratic Front!" We literally ate, talked, played and slept "democracy," until now, by continuous usage, we have well-nigh made the term "democracy" synonymous with "constitutional republic." One thing is certain, though we may associate the two terms in our minds, in reality they do not work out the same. Ever since "democracy" became operative in our land as a more or less permanent institution, we have, as President Madison described it, "Turbulence and contentions." Behold the condition of labor; we have lack of "personal security or right of property." Behold the insecurity of jobs and the thousands of farms and homes confiscated during the past twenty years; we have "violent deaths." Behold the hundreds of working men slugged and murdered by the alien revolutionary, democracy-minded labor agitators! And last, but not least, behold the brazen contempt, on the part of many of our public officials, for the opinion of Mr. Plain American Citizen! We quote again Pope Pius XI: "In public life sacred principles . . . are trampled upon: the solid foundations of right and honesty on which the state should rest are undermined; polluted and closed are the sources of these ancient traditions."

You may ask: How did we come to veer off the road of a constitutional republic onto the rugged road of bolsheviki democracy? Here again we can go to the tombs of our patriots and learn our lesson. We will first stop at the tomb of the immortal Lincoln: Listen: "Our government rests on public opinion. Whoever can change public opinion can change the government practically just so much. Public opinion, on any subject, always has a central idea, from which all its minor thoughts radiate. The central idea in our public opinion at the beginning was (i.e. when the nation was founded) . . . the equality of men." (Dec. 10, 1856)

Very similar to the words of the immortal Lincoln are those of the present gloriously reigning Pontiff, Pius XII. In his first encyclical just issued he says: "The first of . . . pernicious errors widespread today is the forgetfulness of that law of human solidarity and charity, which is dictated and imposed by our common origin and by the quality of rational nature in all men. . . . To consider the state as something ultimate to which everything else should be subordinated and directed, cannot fail to harm the true and lasting prosperity of nations. This can happen either when unrestricted domination comes to be conferred on the state as having a mandate from the nation, people of even a social order, or when the state arrogates such dominion to itself as absolute master despotically without any mandate whatsoever."

Now let us in solemn reverence betake ourselves to the vault

wherein rest the remains of President William Henry Harrison. Listen: "The danger to all well established free governments arises from the unwillingness of the people to believe in its existence, or from the influence of designing men, diverting their attention, from a quarter whence it approaches, to a source from whence it can never come. This is the old trick of those who would usurp the government of their country. In the name of *democracy* they speak, warning the people against the influence of wealth, and the danger of aristocracy. History, ancient and modern, is full of such attempts." (Inaug. Address, Mar. 4, 1841)

Bolshevik democracy is the handmaid of revolution. Christian democracy is our friend. Revolutions today, as of yore, operate in the same fashion.

Let us go down the vaulted vista of time, back twenty-two centuries. We stand at a tomb in ancient Greece, where rest the remains of the historian, Thucydides. As I read his message slowly, compare conditions he describes with those in our own country, with which you are acquainted. You will note that revolutionary schemes have not changed. Listen: "And revolution brought upon the cities of Greece many terrible calamities . . . those who followed carried the revolutionary spirit further and further, and determined to outdo others . . . by their ingenuity and enterprises and the atrocities of their revenges. The meaning of words had no longer the relation to things, but was changed by them as they thought proper. Reckless daring was thought to be loyal courage; prudent delay was the excuse of the cowards; moderation was the disguise of an unmanly weakness; to know everything was to do nothing; the lover of violence was always trusted, and his opponent suspected. He who succeeded in a plot was deemed knowing, but a still greater master in craft was he who detected one. On the other hand, he who plotted from the first to have nothing to do with the plots was a breaker-up of parties and a poltroon who was afraid of the enemy." (Thucy. III, 32, "A Decade of Revolution," p. 302.)

THE SOLUTION

Fellow citizens, reviewing the events that have transpired for the past thirty or more years affecting our government and our national life, we find that we have been surreptitiously robbed of our heritage, namely, a constitutional republic. The causes are briefly: 1. "Despotic economic domination concentrated in the hands of a few"; 2. "The fierce battle" by the powers in control "to acquire control of the state, so that its resources and authority may be abused in the economic struggle"; 3. "Scandalous confusion of the duties of offices of civil authority and of economics

degrading the majesty of the state"; 4. "Influence of designing men diverting the attention" of the people from the true nature and origin of our government; 5. "Detestable internationalism which holds that where a man's fortune is, there is his country."

To my mind, godless, "detestable internationalism" is the quintessence of our national evil; in fact, it is the curse of the world today. From it flow all the other evils like the tentacles of the octopus from the central body. Whoever will try to solve national or international affairs, leaving out of account the existence and the maneuverings of an international secret world government, more powerful than any national government, or combination of governments, is beating the air and wasting his time.

To my mind, the soul of internationalism, its prime moving element, is to be found in the secret chambers of Communism. As far back as 1846 the saintly Pope Pius IX warned of it when he wrote of "that infamous doctrine of so-called Communism which is absolutely contrary to the natural law itself, and if once adopted would utterly destroy the rights, property and possessions of all men, and even society itself." (*Qui Pluribus*, Nov. 9, 1846.)

Therein are gathered a group of men who decide the rise and the fall of nations. "Three hundred men," said the arch-revolutionist Walter Ratheneau, speaking out of turn, "three hundred men rule the world and no one knows who they are, except the three hundred and they select their successors from their entourage."

Among the causes contributing to the world-wide spread of atheistic Communism, Pope Pius XI enumerates the following: ". . . deception skillfully concealed by the most extravagant promises . . . exploiting racial antagonism and political divisions . . . propaganda so truly diabolical that the world has perhaps never witnessed its like before . . . great financial resources; gigantic organizations; international congresses; countless trained workers . . . the conspiracy of silence on the part of a large section of the press." (*Div. Redem.*) "Merciless class warfare" and "the secret societies always ready to support war against God and the Church, no matter who wages it, do not fail to inflame ever more this insane hatred which can give neither peace nor happiness to any class of society, but will certainly bring all nations to disaster." (*Charit. Chri. Impulsi.*)

The evil forces of internationalism make rapid progress due to the supine indifference of some and the ignorance of others. The late Pope Pius XI expressed this same thought in the following words: "We cannot contemplate without sorrow the heedlessness of those who seem to make light of these imminent dangers and with stolid indifference allow the propagation far and wide of

those doctrines which seek by violence and bloodshed the destruction of society." (Quad. Anno.)

Fellow citizens, the time for action has arrived. Though late, the situation is not beyond redemption. We must set our own house in order. Internationalism, acting from behind the screen of secrecy, is pitting one nation against the other. It is childish to harbor the idea that Herr Hitler, independently of powerful foreign pressure, is leading the German nation to war in defiance of the rest of the world. Stalin, Hitler, Eden, Churchill, Belisha, Blum, and liberal leaders of other governments of the world, our own included, are all marionettes on the world's stage pulled by the strings operated by the same hidden hand.

In consequence of this abominable international situation, I cannot subscribe to the pronouncement that we have a moral obligation to come to the assistance of France and England, any more than I would feel that we have a moral obligation to attack Germany and Russia alone. The thing for us to do is to put our own house in order. In the first place let us round up all the alien radicals, and send them back to the countries whence they came. Next let us purge our governmental departments of all democracy-minded radicals, and replace them with real Americans. And while we are at it, let us make a good job of it. Impeach, if necessary, those officials who have any connection whatsoever with the international, radical organizations. The next step, after we have the government purged of undesirables, let us repeal all legislation imposed upon us by the international gang, beginning with the re-vamping of our banking laws, the Federal Reserve Bank, which is "able to govern credit and determine its allotment . . . supplying . . . the life-blood of the entire economic body . . . grasping . . . the very soul of production . . . so that none dare breathe against their will," that is, the will of the internationalists, and let us end "the fierce battle to acquire control of the state, so that its authority and resources may be abused" for our own destruction. Let us examine closely all legislation passed within the past twenty-seven years, repeal all laws enacted against the will and the welfare of the people.

To accomplish all this will be a tremendous task; it will require sturdy patriotism backed by prayer: "Put ye on the armour of God, that you may be able to stand against the deceits of the devil. For your wrestling is not against flesh and blood; but against principalities and powers . . . the rulers of this world of this darkness . . . the spirits of wickedness in the high places." (Eph. VI, 11-12.) Verily there is a plan of a diabolical nature to destroy all nations and all religion. As far back as 1886, the Hebrew scholar, Joseph Lemann, wrote: "There is a 'plan of hell' to disorganize

at one blow Christian society and the beliefs of the Jews . . . to bring about a state of things where, religiously speaking, there will be neither Christian nor Jew, but only men stripped of divinity. . . . At the hour in which we hold the pen, we see this plan unrolling itself in sombre horizons and great funereal lines." (Hidden Hand, p. 34.)

The time now is all-important; we have the double duty to "render therefore to Caesar the things that are Caesar's, and to God the things that are God's." Active patriotism and practical religion are the order of the day. "Unless the Lord build the house, they labor in vain that build it. Unless the Lord keep the city, he watcheth in vain that keepeth it."

Strikes and The National Labor Relations Board

By

REV. CHAS. E. COUGHLIN

During the time at my disposal I plan to offer you more information relative to the needlessness of strikes and to the National Labor Relations Board.

Let me begin by quoting for you an excerpt from Pope Leo XIII's "Rerum Novarum," which appertains to strikes, to labor organizations, to seizure of property and to firebrand leaders. As far back as 1891 this eminent leader said:

"It is expedient to bring under special notice certain matters of moment. It should ever be borne in mind that the chief thing to be realized is the safeguarding of private property by legal enactment and public policy. Most of all, it is essential, amid such a fever of excitement, to keep the multitude within the line of duty; for if all may justly strive to better their condition, neither justice nor the common good allows any individual to seize upon that which belongs to another, or, under the futile and shallow pretext of equality, to lay violent hands on other people's possessions. Most true it is that by far the larger part of the workers prefer to better themselves by honest labor rather than by doing any wrong to others. But there are not a few who are imbued with evil principles and eager for revolutionary change, whose main purpose is to stir up tumult and bring about measures of violence. The authority of the state should intervene to put restraint upon such firebrands, to save the working classes from their seditious arts, and protect lawful owners from spoilation.

"When working men have recourse to a strike, it is frequently because the hours of labor are too long, or the work too hard, or because they consider their wages insufficient. The grave inconvenience of this not uncommon occurrence should be obviated by public remedial measures; for such paralyzing of labor not only affects the masters and their work-people alike, but is extremely injurious to trade and to

the general interests of the public; moreover, on such occasions, violence and disorder are generally not far distant, and thus it frequently happens that the public peace is imperiled. The laws should forestall and prevent such troubles from arising; they should lend their influence and authority to the removal in good time of the causes which lead to conflicts between employers and employed.

“But if owners of property should be made secure, the working man, in like manner, has property and belongings in respect to which he should be protected; and foremost of all, his soul and mind. . . .”

The words of the eminent Pontiff are so clear that it is not necessary for me to discuss them. Strikes, so we may conclude from experience and from his teachings, are harmful to the community at large in many ways.

In the past few years the following is the disastrous record of strikes in the United States of America (“Congressional Record,” Oct. 11, 1939, p. 569):

“In 1928 we had 604 strikes. In 1929, 921 strikes. In 1930, 637 strikes. In 1931, 810 strikes. In 1932, 841 strikes. There is an average of about 760 strikes per year during the years 1929 to 1932.

“But let us see what happened beginning in 1933. Since the New Deal has operated our Government, in 1933 we had 1,695 strikes—more than double what we had on the average in the five preceding years. In 1934 we had 1,856 strikes in this country. In 1935 we had 2,014. Just note how they are increasing yearly from 1933. In 1936 we had 2,172 strikes in this country. In 1937 it jumped to 4,740 strikes. Think of it—six times as many as we had in the previous five years before this administration came into power. Are strikes a symbol of success? If so, then this administration is successful in that respect.

“In 1938 we had 2,772 strikes. From 1928 to 1932 there was a total of 3,812 strikes in this country. From 1933 to 1939 we had 15,247 strikes in this country—over 450 per cent increase in the number of strikes over the last five years preceding this administration’s coming into power.

“Does it not seem as if there was something wrong? Is it possible that labor is being benefitted by this great number of strikes, when there are the number of workers involved in these various lay-offs? Labor loses, manufacturers lose, capital loses, and the country loses.

"I want to insert in the 'Record' the number of man-days that were lost during those strikes and the workers involved. It certainly will convince the Members of Congress, and certainly ought to convince labor, that the method the labor unions are pursuing at the present time must be wrong.

STRIKES IN UNITED STATES, 1928-38

Year	No. of Strikes	No. of Workers Involved	No. of Man-Days Idle
1928.....	604	314,210	12,631,863
1929.....	921	288,572	5,351,540
1930.....	637	182,975	3,316,808
1931.....	810	341,817	6,893,244
1932.....	841	324,210	10,502,033
1933.....	1,695	1,168,272	16,872,128
1934.....	1,856	1,466,695	19,872,128
1935.....	2,014	1,117,213	15,456,337
1936.....	2,172	788,648	13,901,956
1937.....	4,740	1,860,621	28,424,857
1938.....	2,772	688,376	9,148,273

(Bureau of Labor Statistics, Apr. 10, 1939)"

As we know, strikes are not illegal in the United States. In fact, they are protected by law. But it has been my contention and still is, that the gains made by labor as a result of strikes are not commensurate with the losses sustained by labor. In voicing this opinion I wish to be understood as doing so in the defense of labor in particular and incidentally in defense of good government and the common welfare.

I do not wish to be understood as being opposed to any law which sustains the right of labor to organize and to bargain collectively. That right is expressed basically in the so-called Wagner Act, and is generally supposed to be safeguarded by the National Labor Relations Act. At this point, therefore, permit me to convey to you some thoughts relative to this Act, and obviously to the Labor Board itself. I will quote from a book entitled "The Labor Act," written by the eminent attorney, Thomas H. Slusser, of the Chicago Bar. Mr. Slusser says:

"Numerous supporters of the Act, and obviously the Labor Board itself, disagree with these views. The Labor Board, they say, is not like any other board; it was not created to provide a tribunal to enforce justice and equity between parties to labor controversies, but solely for the purpose of enforcing the rights of employees to bargain collectively, and

therefore the Act has nothing to do with the rights of employers or the rights of other employees.

"This view is expressed in the 1939 Report of the American Bar Association's Committee on Labor, Employment and Social Security, where it is said that, 'A fair understanding of the matter will not be approximated unless there is first a realization of the original objectives of the Act and the reasoning of those who have so far opposed amendments.' Continuing, the Report says:

"By a large part of the public it has been supposed that the National Labor Relations Board was created for the purpose of providing an independent and impartial tribunal for the redress of grievances and the prevention of improper practices in the field of labor relations—a tribunal to which employers and employees could go with complaints, as shippers and carriers go to the Interstate Commerce Commission or as consumer organizations and merchandisers go to the Federal Trade Commission. . . .

"The National Labor Relations Board was intentionally created as an agency to defend and protect the workers' rights of choosing freely their representatives for collective bargaining, to outlaw 'company unions' and company-dominated unions, to prevent and redress the discharge of workers for membership or non-membership in a particular union, and generally to prevent employer interference with each worker's right to belong to any union or to no union. The Act was not passed to prevent some employees from interfering with or coercing other employees in choosing whether they will belong to a union or no union. Still less was the Act designed to afford to the employer any right to petition for an election of employees or to receive any protection whatever from the Board as to improper labor practices by labor organizations or their members—the employer was left wholly to his remedies in the Courts.'

"This would seem to be clear enough, but to remove all doubt whatsoever, separate statements were submitted by two of the members of the Committee, still further emphasizing the supposed purpose of the Act. It is contended in these separate statements that any amendments to the Act, protecting the rights of employers or of other employees, would 'raise irrelevant issues in a hearing designed only for the purpose of securing the workers the right to bargain collectively and without coercion or intimidation by their employers'; that the

Act is designed solely to enforce the right of collective bargaining and 'amendments which do not serve this purpose have no place in this Act.'

"What does the Supreme Court say on the purpose of the Labor Act? And more important still, what has the Court done in recognizing and enforcing the 'rights of others' in proceedings under the Labor Act, those rights which, we are told, are 'irrelevant' to the true purpose of the Act? Ironically enough, we find the first definite answer in a struggle between two labor unions.

"In the case of *Consolidated Edison Co. v. National Labor Relations Board*¹, complaint was made by the United Electrical and Radio Workers of America (affiliated with the Committee for Industrial Organization) that the Consolidated Edison Company and its affiliated companies were interfering with the right of their employees to form, join or assist labor organizations of their own choosing. The Labor Board found that certain collective bargaining contracts, made by the companies with the International Brotherhood of Electrical Workers (an affiliate of the American Federation of Labor) were invalid, and ordered the companies to 'desist from giving effect to these contracts.' These contracts recognized the right of employees to bargain collectively, recognized the Brotherhood as the collective bargaining agency, and contained comprehensive provisions having to do with hours, working conditions, wages, etc.

"The Court pointed out that it was not contended that the provisions of these contracts were oppressive, but, on the contrary, that it was 'virtually conceded' that they were 'fair to both employers and employees.' The Brotherhood and its locals had a total membership of over 30,000, being 80 per cent of the Company's employees eligible for membership, but were not made parties to the proceeding, and on the hearing before the Circuit Court of Appeals, intervened as parties aggrieved by the invalidation of their contracts.

"In holding that the Brotherhood and its locals were indispensable parties to the proceeding, the Court said:
(1) 83 Law Ed. 131.

"The Brotherhood and its locals contend that they were indispensable parties and that in the absence of legal motive to them or their appearance, the Board had no authority to invalidate the contracts. The Board contests this position.' . . . 'We think that the Brotherhood and

its locals having valuable and beneficial interests in the contracts were entitled to notice and hearing before they could be set aside.' . . . 'The rule, which was applied' . . . 'to suit in equity, is not of a technical character but rests upon the plainest principle of justice, equally applicable here.

* * * * *

" 'The Board urges that the National Labor Relations Act does not contain any provision requiring these unions to be made parties; that Sec. 10 (b) authorizes the Board to serve a complaint only upon persons charged with unfair labor practices and that only employers can be so charged. In that view, the question would at once arise whether the Act could be construed as authorizing the Board to invalidate the contracts of independent labor unions not before it and also as to the validity of the Act if so construed.'

"Here it is clear as print can make it the curious view advanced by the Labor Board itself, that the Act is one-sided and concerned only with the rights of one party to the controversy. And the answer of the Court is equally clear. The 'rights of others' (in this instance the rights of the rival union) must be recognized and protected, else, says the Chief Justice, 'the question would at once arise . . . as to the validity of the Act.' Meaning, of course, that to destroy the rights of the Brotherhood and their locals in their contracts, without giving them a chance to be heard, would not be 'due process of law,' and would therefore be unconstitutional.

"Before accepting this decision with too much assurance, it should be remembered that it was not unanimous. Justices Reed and Black dissented, and, while paying 'lip service' to the majority view that 'the fundamental purpose of the Act is to protect interstate and foreign commerce from interruptions and obstructions caused by industrial strife,' expressed the view that, giving the Brotherhood and its locals notice and opportunity to be heard, by making them parties to the proceeding, was not necessary, contending that 'the evidence was clearly sufficient to support the conclusion of the Board that the Edison companies entered into the contracts as an integral part of a plan for coercion of and interference with the self-organization of their employees,' and that 'this justified the Board's prohibition against giving effect to the contracts.'

"Further insight into the views of the Court is furnished by

the recent case of *National Labor Relations Board v. Fansteel Metallurgical Corporation*.¹ In this case 'the rights of others,' which the Court recognized and protected, were the rights of the employer. The Fansteel Company discharged certain employees for participating in a 'sit-down strike,' in the course of which the company's buildings were unlawfully seized and occupied by force and violence. The Labor Board undertook to compel the reinstatement of these employees, insisting that their status as employees under the Act continued 'despite discharge for unlawful conduct.' In rejecting this contention, Chief Justice Hughes, who wrote the majority opinion, declared:

(1) 83 Law Ed. 469.

"We are unable to conclude that Congress intended to compel employers to retain persons in their employ regardless of their unlawful conduct—to invest those who go on strike with an immunity from discharge for acts of trespass or violence against the employer's property, which they would not have enjoyed had they remained at work. Apart from the question of the constitutional validity of an enactment of that sort, it is enough to say that such a legislative intention should be found in some definite and unmistakable expression. We find no such expression in the cited provision.

"Referring to the purpose of the Act, the Chief Justice said:

"We repeat that the fundamental policy of the Act is to safeguard the rights of self-organization and collective bargaining, and thus by the promotion of industrial peace to remove obstructions to the free flow of commerce as defined in the Act."

"Mr. Justice Stone filed a separate opinion, agreeing with the majority Court that the Labor Board had no authority to order reinstatement of employees who had been discharged for unlawful conduct. He said:

"The National Labor Relations Act, as its purpose and scope are disclosed by its preamble and operative provisions and explained by the reports of the congressional committees recommending its enactment' . . . 'is aimed at securing the peaceable settlement of labor disputes by the prevention of unfair labor practices of the employer and by requiring him to bargain collectively with his employees. Since one means adopted by the Act

to secure this end is the reinstatement, by the discretionary action of the National Labor Relations Board, of employees when unfair labor practices have caused them to cease work, it was necessary to provide that they should not lose their status as employees by reason of that fact.' . . . 'It does not follow because the section preserves this right to employees where they have ceased work by reason of a labor dispute or unfair labor practice, that its language is to be read as depriving the employer of his right, which the statute does not purport to withdraw, to terminate the employer-employee relationship for reasons dissociated with the stoppage of work because of unfair labor practices. The language which saves the employee status for those who have ceased work because of unfair labor practices does not embrace also those who have lost their status for a wholly different reason—their discharge for unlawful practices which the Act does not countenance.

"There is nothing in the Act, read as a whole, to indicate such a purpose, and there is no language in Sec. 2 (3) directed to such an end. I cannot attribute to Congress in the adoption of Sec. 2 (3), explained as it was in the Senate Committee Report, a purpose to cut off the right of an employer to discharge employees who have destroyed his factory and to refuse to reemploy them, if that is the real reason for his action. If a plainer indication of such a purpose had been given by the language of Sec. 2 (3), I should have thought it of sufficiently dubious constitutionality to require us to construe its language otherwise, if that could reasonably be done, leaving it to Congress to say so, in unmistakable language, if it really meant to impose that duty on the employer.'

"Justices Reed and Black dissented, taking the position that, 'disapproval of a sit-down does not logically compel the acceptance of the theory that an employer has the power to bar his striking employee from the protection of the Labor Act.' The views of Justices Frankfurter and Douglas, newcomers on the Court, on this important question of 'rights of others' under the Act, are still to be learned.

"And where does this leave us, inquires the practical business man? Well, the best that can be said is, that the majority of the Court, in rendering these two decisions, refused to accept the theory of those who contend that the Labor Act is a new sort of law, creating an administrative agency, different

in kind from all those which have gone before, and construed the Act as creating a board of the old familiar type, charged with the duty of recognizing and protecting the rights of all parties concerned, just as is done by the Federal Trade Commission and other kindred bodies.

"It is significant that the Court, in deciding, as it did in these two cases, that the 'rights of others' must be recognized and protected, suggests the doubtful constitutionality of any other conclusion. Even Justice Stone, who is accounted as one of the 'liberals' of the Court, in his separate opinion in the *Fansteel* case, follows the same reasoning, suggesting the 'dubious constitutionality' of a construction of the Act which would deprive employers of their right to discharge employees for just cause. In other words, notwithstanding the absence of express language in the Labor Act, requiring the rights of others to be considered, *the Court reads into the Act such a requirement* in order to avoid an unconstitutional meaning, which it could not approve. The Court might just as well have said that its conclusion was reached to avoid an impossible meaning which it could not believe. For unconstitutionality is merely another way of saying that the Court does not believe validity of a particular act is possible, consistent with the requirements of the Constitution.

"'But,' continues the practical business man (who naturally wants something definite on which he can rely), 'what assurance do we have that the Court will not reverse its ruling and conclude that the Act means something else, and that, after all, Congress knows best?' The answer is, that there is no assurance that this will not happen. And if proponents of the Act, who believe it to be a new departure in legislation, creating an administrative agency different from all previous agencies, should assert that the Court, as now constituted by accretion and attrition (meaning the addition of new members and 'softening up' of the old), will later reach such a conclusion, we would not care to debate the issue. *We may as well recognize the fact that while the Supreme Court may act as a brake on sudden changes, the 'brake' has been slipping of late and we must largely look to Congress for protection of the American system of freedom. It is futile to suppose that we will permanently have any system which is disapproved by a majority of the people. In the end we will have the kind of love and the kind of protection of human rights and the kind of freedom that the majority of the people want.*

"The recent revision, by the Labor Board, of its rules is the

best evidence of the effectiveness of the pressure of public opinion. Two outstanding changes were made in the rules: One giving to the employer the right to petition for an election to determine the proper collective bargaining agency, and the other requiring that when the legality of any contract with a labor organization (other than one making a complaint before the Labor Board) is put in issue, such other labor organization must be made a party to the proceeding.

"The change giving to employers the right to petition for an election, was obviously made to relieve the intolerable situation existing where an employer, who was willing to bargain collectively, nevertheless found himself in the midst of a war between labor organizations, with no way of settling the issue. The other change, requiring all labor organizations whose rights are affected to be made parties to proceedings before the Labor Board, was clearly made to meet the ruling of the Supreme Court in the Consolidated Edison case. Both of these changes were brought about through pressure put on the Labor Board by Congress, and of course the pressure exerted by Congress reflected the force of public opinion. The fact that the Labor Board has now made these amendments is clear evidence that to this extent, at least, it has restricted the theory that the Act deals only with certain selected human rights.

"It seems regrettable that the theory as a whole was not frankly abandoned by the Board. A candid statement by the Board, to the effect that it recognizes that the rights of others are inextricably involved in the human relations it is called upon to administer, and that it proposes to protect such rights, would go far to restore public confidence in the Act and in the proceedings of the Board. In the light of the rulings of the Supreme Court and the unquestionable weight of public opinion, it would seem a dis-service to the cause of labor itself to insist on the Act as an innovation in the field of legislation, creating a board charged with the duty of protecting only one set of human rights."

Definitely, it will be the business of Congress to smooth out, as far as possible, the industrial difficulties which impede our progress—difficulties which, according to many minds, tend to breed class conflict partly through the multiplication of strikes. Meanwhile, an impartial National Labor Relations Board must be reconstructed for the benefit both of labor and industry. Firebrands such as referred to by Leo XIII must be liquidated for the self-preservation of unions. The direct and indirect seizure of prop-

erty must be abandoned as a moral weapon used by labor leaders in this nation. Social peace instead of social warfare between capital and labor must be striven for. Without social peace prosperity is impossible.

And, in parting, may I pass this thought on to you:

It has been reported to me that a Communist gathering in Detroit recently went on record to renew their efforts to disqualify me in the eyes of the public because I am militating against needless strikes. It seems that if the weapon of strikes is removed from their hands, their chances to create further national unrest will be lessened.

