Labor

September 18, 1945

Mr. M. D. Wallingford
Attorney at Law
National Bank of Tulsa Building
Tulsa 3, Oklahoma

Dear Mr. Wallingford:

I am in receipt of carbon copy of your letter of August 30th addressed to Senator James E. Murray, referring to Senate Bill 1171 relating to labor relations.

I am very much impressed with the suggestions you offer in your letter, most of which are only minor amendments that you suggest, requesting that the members of the Oklahoma delegation support this bill. I assure you that I appreciate your bringing this to my attention, and I believe that some such measure is very much needed. I don't know just what we can do with these New Dealers, for they seem to be sticklers for the old program, and the more bureaucratic it works the better they seem to like it. But I am in hopes that the New Deal program will be modified, for I believe public sentiment is being so felt here that it will be reflected in the acts of Congress. At least, I hope so.

Please do not hesitate to write me at any time when I can be of service to you, and let me have your ideas on the issues of the day.

Sincerely yours,

George B. Schwabe, M. C.

GS:LW

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August 30, 1945

Hon. James E. Murray
United States Senate
Washington, D. C.

Re: Senate Bill 1171
relating to Labor Relations

Dear Sir:

Shortly after the above bill was introduced, I wrote to the Honorable E. H. Moore and secured a copy of it. I am quite interested because I have had some contact with the application of the National Labor Relations Act, and realize some of the deficiencies and injustices of the present laws governing the relations between employers and employees. Bill S. 1171 would correct many of the injustices and deficiencies presently existing and I sincerely recommend that it be enacted into law. It is positively necessary to make labor organizations and their representatives responsible for their actions and to make them accountable for failures to abide by their agreements. I believe that Bill S. 1171 would accomplish that purpose. The recognition which that bill gives to the laws of the states and to the interest of the states in labor matters also impresses me very favorably.

A study of said bill has, however, revealed a few matters ranging from the technical to matters of general policy which I wish to call to your attention.

First, Section 2, Subdivision (a), in line 12 on page 5, refers to Section 14 of this act. The act, as printed, has no Section 14, and Section 13 is apparently the one to which it was intended to refer.

Second, the act does not provide the procedure to be followed in cases where a member of a Commission, Board of Adjustment, or Board of Arbitration becomes incapacitated or disqualified to act. Some method of substitution should be provided or it should be clearly set forth that the particular organization is to be reactivated. If such provisions are added, precautions should be taken to prevent the intentional upsetting of such commissions and boards, particularly arbitration boards.

Third, Section 10, Subdivision (c), Provision (1) limits the right of appeal from an arbitration award to ten days after the filing of the award. Ten days would be a short period of

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time in which to prepare a petition to impeach the award if the parties having the responsibility for preparing that petition and the authority to make the decision to file it were all in the immediate locality where the award was filed. If those parties were scattered about this vast country so that they must rely upon the mails for notice and for transmitting the petition, it would be practically impossible to prepare and file a petition in so short a time, and I do not even see a provision authorizing the court to extend the time in which such a petition could be filed.

Fourth, Provision 2 of the section and subdivision last mentioned provides that the award shall be final unless such a petition is filed within said ten-day period even though the award was procured or affected by fraud or corruption. Such a provision is contrary to the principles and policies of American justice which almost invariably allow defrauded parties some period of time after discovery of the fraud in which to seek readjustment and restitution. It is no doubt desirable to have arbitration awards become final without any avoidable delay, but this remedy is much more serious than the defect it seeks to cure.

Fifth, the proposed Section 8, Subdivision (a), Provision (1) of the National Labor Relations Act includes the word "influencing". This word is not defined and could be interpreted or extended to cover almost any activity with highly undesirable results.

Sixth, Provision 5 of the last-mentioned section and subdivision mentions existing written agreements or other legal requirements. This, too, should be limited to written agreements or legal requirements regarding labor matters.

As you see, these matters vary in importance and most of them should not be allowed to impede the passage of this bill. It is an important piece of legislature and very essential to the country, particularly during this

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period of reconversion and readjustment. No doubt, experience under the act would bring to light desirable amendments, but the act is so well drawn that provision is even made to take care of that matter.

Yours very truly,

M D Wallingford

MDW:mm

cc: Senators:
Hon. Carl A. Hatch
Hon. E. H. Moore
Hon. Elmer Thomas

Congressmen:
Hon. George B. Schwabe
Hon. Ross Rizley
Hon. William G. Stigler
Hon. Victor Wickersham

Donald L. Richberg, Esquire

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