

# ORGANIZING FOR ONE WORLD

By JOSEPH NORTH

London (by cable).

"It's a small world," the Arkansas traveller must certainly have remarked somewhere along his itinerary, and London I felt is mighty nigh Chicago. My memory cut back to the CIO convention along Chicago's lake shore a few fleeting months ago when Philip Murray articulated the need for a new world trade union organization. I happen to have carried across the Atlantic a copy of the resolution he inspired, a resolution unanimously adopted by the CIO convention endorsing his action in accepting the invitation by the British Trades Union Congress to attend the congress. The resolution said: "The CIO supports the project of a new single powerful international labor body that will include unions of free countries on the basis of equality, excluding none and relegating none to a secondary place, and that will be capable of defending the interests of the common man." The foresight of Murray and his followers has been amply demonstrated. It was my privilege to see the process of history at work. A few short weeks ago I heard the words of the CIO resolution: here at London I watched the words quicken into flesh and blood.

You will be interested to know that most of the delegates carried home a glowing account of the Americans at the Congress. I spoke with many from the forty-two lands represented here and can attest that the CIO leaders were genuine ambassadors of good will. Men of all lands put a high value on the labors of America's delegation, particularly those of Sidney Hillman; of Reid Robinson, the latter's report on strengthening the war effort proving one of the congress' highlights; of R. J. Thomas, whose powerful speech for unity during the troubled period of the first week brought the delegates to their feet; of A. J. Fitzgerald's first-rate work on the Standing Rules Committee; and of Joseph Curran's eloquent plea to bar forever practices of racial discrimination and the exploitation of weaker peoples. Another American—this one from south of the Rio Grande—came in for high praise: Lombardo Toledano, who had been chosen one of the congress' vice presidents. His labor statesmanship was undeniable and he truly emerged as a world figure. Another non-European, Ernie Thornton of Australia, proved his

mettle here. The significance of all this lies in its great contrast with the pre-war International Federation of Trade Unions, which had been merely a Western European body corroded by anti-Soviet bias. Now men were heard from every continent; these people meant One World when they said it. And the spirit of unity ran even higher at the close of the convention than at the beginning. An instance: it was decided to have one delegate from India sit on the Continuations Committee. But representatives from two union organizations were present. Which would represent India? Though the delegates from the two bodies were markedly cool to each other at the convention's outset, at the close they put their heads together and chose M. Dange from the All India Trades Union Congress to represent his land. This is significant: it happened to several other split delegations and betokened the future.

Last week I outlined the sessions of the general body. This week the Continuations Committee concluded the following business: they chose an administrative body, in reality an executive committee, consisting of two representatives each of France, Great Britain, the United States and Latin America; and one from China, one from the IFTU and one from the International Trade Union secre-

tariats. They issued a statement entitled "Call to All Peoples," eloquently outlining the program. Finally the committee decided to reconvene the World TUC in September. Though all the congress proposals have yet to be ratified by their constituent unions, everybody is positive of the result. It is significant that the Frenchman Louis Saillant was chosen secretary of the administrative body, thus focussing attention on the continental unions which have been revitalized by their unified underground work against fascism.

Attending sessions of the Continuations Committee were representatives from ex-enemy countries who arrived in time to present their views and problems: Italy, Finland and Bulgaria. Most were cut to the same mold as the Bulgarian delegate who told me that after his country was liberated, some thirty unions sprang up and now number 400,000 members. "We'll play a big part in the reconstruction of our country," he said. He himself had been a member of the supreme staff of the Partisan Army for three years and was sentenced to death by the Bulgarian government, but managed to elude arrest. Such are the men of the World Trade Union Congress: the people's tribunes determined to implement their governments' agreements for lasting peace and a prospering world.

This realization is common here in London. I find the congress aftermath most significant. Practically every articulate segment of Britain—the powerful *London Times*, the liberal *News Chronicle*, the *London Daily Worker*—voice similar refrains: that labor unity is good not only for labor but for the world. This conclusion was perhaps most forcibly presented in the principal British newspaper, the *Times*, which spoke this week in a leading editorial in words which reverberate like Big Ben's chimes. I will cite it at some length for I believe it is an indication that the majority of British capital is aware of labor's contemporary and decisive role and has gone a long way toward realization that the world's future depends upon reconciling differences amicably.

The *Times* wrote, "It can be said with assurance that the determination by all sides to overcome the outstanding obstacles has been demonstrated with un-

## War Babies



London Daily Worker

"E's one ahead of his intuition this time."



An Apt Pupil.

expected force. The remarkable advance registered during the sessions of the conference provides the best promise for the future. . . . The war has brought the workers of Britain and Russia and the United States into a new, close and mutually respectful relationship. The Labor Confederation of Latin America has come to represent a powerful anti-fascist factor on the Allied side. But the politics of wartime has provided no solution in itself for the basic problem of world federation. The task of the conference was to seek a method of permanent alliance on an industrial and trade union basis, in spite of the wide difference of constitutions and without abandoning the fundamental principles of the various sections. The spirit in which they faced it was shown by the rapid abandonment of the view that the conference was only qualified to act in a consultative and exploratory capacity and a determination to take concrete measures for the reconstruction of a world trade union organization. The issue had political implications extending beyond the special trade union interests giving rise to it. The conference's quest for a practical recipe for world cooperation mirrors

the wide preoccupation of the peoples which in different forms has appeared both at Dumbarton Oaks and Yalta and the outcome of which will shape history's cause.

"If emphasis in either diplomatic or labor relations is laid upon the undoubted differences in national organization among the United Nations, progress is impossible. If, on the other hand, those differences are deliberately ignored or denied, the consequences must be a pretence which can afford no foundation for realistic policy.

"The only sensible and fruitful course is to concentrate on the wide area of agreement and common interest existing among these nations; and this counsel is as apt for world's workers in their quest for higher living standards as it is for the diplomats."

THIS comment embodies a deep understanding of today's imperatives. It augurs well for the resolution of labor's day-to-day problems as well as for long range political objectives in their homelands. Capital is coming to realize that it cannot operate in the old ways—that national interests are intertwined with the welfare of the many. And the many are being banded together primarily in unified labor setups.

I am eager to cite the *Times* editorial for another reason. I recall arguing with some friends back in America who hold a dark outlook on the postwar world and who said, "Wait till the war's over." They forecast union-smashing and an offensive against the people's living standards. I do not deny that some employers hold archaic views and dream of 1919. But the majority are being impelled by the new forces working in the world and the London *Times* is on the witness stand. I don't know how the American press editorialized on the World Congress; it might be well if they read their revered ancestor, the venerable London *Times*, for the latter evidently understands, as do the labor delegates, that the concords of Teheran

and Yalta depend in the final analysis on labor's concerted, energetic and ceaseless championing of them, acting in concert with all other classes. In my opinion, this spirit—searching for "the widest areas of agreement" and operating from there—is dominant here in Britain. It has caught on among all classes and varieties of democratic political opinion, barring none. All hindrances and old-fashioned thinking on this score are being uprooted by the hurricane of current political and military events. Further confirmation of this fact is pending and I will have occasion to deal with it in subsequent dispatches.

I do not imply there is a monolithic agreement here on all the crucial issues of the day: the cabal of reactionary Tories seeking to undermine the Crimean decisions cannot be laughed off. Nor can the endeavors of those who decry the agreements of Bretton Woods and who manifest no confidence in the possibility of reconciling Anglo-American economic differences. But the majority feel otherwise, and that majority is decisive. And among them there is common agreement that victory won't come automatically. There's hard campaigning before us. I have spoken with a number of trade union leaders and some leading publicists like Kingsley Martin, editor of the *New Statesman and Nation*, Gordon Schaeffer of *Reynolds Weekly* and I gather from a complex of their reactions that the tides are running out for those who would do business in the old ways. After all, Winston Churchill has put his weighty signature on the Yalta document: the Prime Minister's voice is more than that of one eloquent man.

IN CONCLUSION I must pass this on to you: the spirit in London is high, and the rapid conclusion of the European war is awaited with painful eagerness. Few delude themselves that the end will come without hard fighting; most expect that, and you can hear armadas of planes hurrying out across the Channel every night. They know fascism's grave was deeply dug at Yalta. Today is Red Army Day here and you can gauge the end of an era and the beginning of a new one by the numbers of buttons being sold to aid Red Army wounded. Nearly everyone on the streets is wearing one, including some six-foot bobbies who were directing traffic. A British soldier I saw pinning one to his lapel commented to the lass selling them on a street corner: "Blimey, you ought to sell a lot of these Red Army buttons. Those lads are deserving."



# SUPREME COURT: LAWS AND MEN

By LOUIS L. BYRD

THE Supreme Court presents an interesting case history in the growth of a political institution. The Court of 1937 had succeeded in establishing itself as a bulwark of reaction against the social and economic reforms which an entire country required. By 1944 it had developed into a genuine force for American liberalism and democracy.\*

The explanation of this significant political growth certainly does not lie exclusively in the change of personnel of the Supreme Court. The new members of the Court have been, rather, the media of that growth. The Court has come to assume a new role in American government and that role does not find its definition in its personnel any more than in any formal, legal document. For a real understanding of the Court today, therefore, it is necessary to trace the power of the Court to its source rather than to dwell upon its personnel.

The Constitution provides only the broadest outlines and not the specific sources of power for the Court. Few absolute or specific compulsions are exerted upon the Court by the Constitution. In fact, the Court has so shifted and expanded its "constitutional" functions that it is impossible to believe that the Court has not been moved in its delineation of its functions by some forces not articulated by the exact language of the Constitution. The Constitution provides no conclusive clue as to why the Court will act vigorously in some fields and not in others.

The popular will does, of course, supply the outermost limits of the Court's power. After 1937 the Court could not, in the face of an aroused public opinion, persist in its obstruction of urgent liberal legislation. But, within the framework and limits of the Constitution and the popular will, there still remains a tremendous area within which the Court's discretion is exercised. This article suggests that, apart from the influence exerted by the social welfare views of the members of the Court, the exercise of that discretion has had one very discernible drive: *The Court today*

*appears to be motivated by its own evaluation of its own special competency.*

The Supreme Court is acutely aware that, as compared to the executive or legislature, it operates under the limitations incidental to the judicial process. The most important limitation, of course, is the fact that a court does not look out over the troubled world and pick out the evils that require treatment. Courts do not move on their own initiative. They must wait until a case is brought to them. They must accept the case in the context in which it is brought, and they must decide only the particular case presented. In addition, a fair trial requires that the proof be confined to the exigencies of the individual case. As a result, the presentation of social and economic facts to a court is heavily restricted. Finally, in those instances where a court is reviewing legislation, the court that strikes down legislation is faced with the anomaly which results from judicial inability to fill the gap created.

The limitations described have convinced the Court that legislators and administrators are more competent than the Court to handle complex, modern economic problems, and it also appreciates that the President clearly enjoys a more favorable political position to handle foreign affairs. Formerly the due process clause of the Constitution was interpreted by the Court to permit it to pass on the wisdom or expediency of economic legislation. But today, influenced by its notion of its own competence, economic legislation is favored with a "presumption of constitutionality" and the Court recognizes that it has little or no justification in the due process clause or otherwise for preferring its ideas of sound legislative policies or techniques to those of Congress or the state legislatures. As a result, the Court devotes less of its energy to testing whether economic legislation conforms to the due process clause of the Constitution, and its main preoccupation is to implement the statute by interpreting it in a manner consonant with the legislative intent.

The interpretation and application of legislation in litigation is no mean task and provides ample room for full expression of economic and political ideologies. Similarly, the tendency has been to find the exercise of the executive power constitutional without scrutinizing the actual merits or content of the executive action, particularly in matters pertaining to the prosecution of the war. Here too, the main inquiry is that of determining what the executive wants to achieve and assisting him. In foreign affairs, the Court has, at least since the *Curtiss-Wright* case of 1936, completely abandoned any pretense of ability to control the executive.

The Court's new interpretation of the due process clause has allowed administrative agencies to acquire considerable freedom from judicial review in regard to both findings of "fact" and of "law." Thus, Mr. Justice Rutledge, in the *National Labor Relations Board v. Hearst Newsboys* case of 1944, held that the Court would not review the National Labor Relations Board's determination that an individual is an "employee" within the scope of the National Labor Relations Act. In *Dobson v. Commissioner of Internal Revenue*, decided in 1944, the Board of Tax Appeal's determination of a matter of "law" was also held to be final and non-reviewable.

YET this general disinclination to review economic legislation under the due process clause has not been indiscriminate. The Court has continued to require that the *mode of procedure* employed by executive and administrative agencies conform to certain minimum procedural standards which the Court derives from the due process clause. This explains the close scrutiny which the Court applied in *Yakus v. United States*, 1944, to the question of the constitutionality of certain criminal prosecutions by the Office of Price Administration. The establishment of these procedural standards entails judicial "legislation" just as surely as the testing of the wisdom of economic legislation under the due process clause by the pre-New Deal Court entailed judicial "legislation." The difference between the two types of judicial "legislation" lies in the relative expertise of the Court in

\* See the article by Leonard Boudin in *NEW MASSES* of Aug. 29, 1944 for a full discussion of the recent decisions of the Supreme Court.

