

(The following is adapted from the Jeffrey Brandon Morris history of the courts of the District of Columbia Circuit, "Calmly to Poise the Scales of Justice," pages 120-123. The book is available from the Historical Society.)

An Historic Judicial Smackdown

As the nation moved from World War II to a peacetime economy, industry sought the removal of wartime price and production controls. Labor, freed from a freeze on pay and a ban on strikes, sought wage increases averaging 30 percent. Strikes broke out like a contagion. Within a year, five million workers were involved in work stoppages.

In May 1946, 400,000 soft-coal miners went on strike. By mid-May the strike was crippling industrial production. The government responded by seizing control of the mines and negotiated an agreement for increased wages and other benefits. The workers returned to the mines. Nonetheless, six months later United Mine Workers leader John L. Lewis announced the agreement would end in five days after the Secretary of the Interior refused to reopen the contract.

Lewis, the son of a coal miner, was the mercurial leader of the mine workers – a forbidding, hulking lion of a man with dark, baleful eyes, menacing eyebrows, a scowl of "Olympian ferocity," and a white mane. He had no fear of the President of the United States, Harry Truman.

But Truman was not intimidated. Mindful that coal heated more than half of the nation's homes, produced the majority of electric energy, powered the country's locomotives and fired its great steel-making furnaces, Truman directed the Attorney General to seek a temporary injunction to keep the UMW from striking again and a declaratory judgment that the termination of the contract was illegal. Truman refused to take any phone calls from Lewis, saying he would not confer with that "son of a bitch."

On November 18, 1946 Attorney General Tom Clark brought the matter to the U.S. District Court in Washington where the union was headquartered. It came before Judge Thomas Alan Goldsborough, a 69-year-old Marylander who had served in Congress for 20 years before his appointment to the court by Franklin Roosevelt.

Judge Goldsborough issued a temporary restraining order commanding Lewis to cancel the strike on the ground that he was violating the War Labor Disputes Act of 1943 which barred strikes against government-seized facilities until the President proclaimed an end to hostilities, a formality which had not yet occurred. Still the miners walked off the job. The union contended the judge's order violated the anti-injunction provision of the Norris-LaGuardia Act. Not so, said Goldsborough, who ruled that the strike could be enjoined in order to prevent "a public calamity."

When that failed to bring the miners back to work, the government pressed for a contempt citation. Summoned before the District Court to show cause why he should not be held in contempt, Lewis defiantly declared he would not acquiesce in "government by injunction."

Lewis' response infuriated Judge Goldsborough. "This is not the act of a low law-breaker," he said, "but it is an evil, demoniac, monstrous thing that means hunger and cold and unemployment and destitution and disorganization of the social fabric." He said, "If actions of this kind can be successfully persisted in, the government will be overthrown." Holding the UMW and Lewis in civil and criminal contempt, Goldsborough fined the union \$3,500,000, based on the government's estimate of daily losses of \$250,000, and a fine of \$10,000 on Lewis.

Three days later Lewis retreated, announcing that he had called off the strike to avert a national coal shortage and to permit the Supreme Court to hear an appeal without economic pressure. To hasten a final decision the government joined the union in petitioning the U.S. Supreme Court to hear the case immediately, bypassing the Court of Appeals.

On March 6, 1947, the High Court sustained the fine against Lewis but ordered the fine against the union cut to \$700,000 on the condition that Lewis restore that 1946 labor agreement he had reached with the government. Chief Justice Fred Vinson characterized Lewis' defiance of Judge Goldsborough's order as "the germ center of an economic paralysis which was rapidly extending itself .. into practically every other major industry of the United States." The Court ruled that the Norris-LaGuardia Act did not apply when the government was the employer, and that the War Labor Disputes Act governed the situation when the president, as commander-in-chief, declared a national emergency.

The coal companies came to terms with Lewis in 1947 to regain their property. The case and the outcry against Lewis' conduct contributed to an important consequence of the postwar labor strife, the Taft-Hartley Act, which curtailed union power in emergency disputes, allowed states to enact "right-to-work" laws, and revived the use of injunctions to restrain strikes and other union actions.