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LABOR LAW - JURISDICTIONAL DISPUTE - VALIDITY OF DISPOSITION BY THE A. F. OF L.

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LABOR LAW — JURISDICTIONAL DISPUTE — VALIDITY OF DISPOSITION BY THE A. F. OF L. — Both the Brewery Workers Union and the Teamsters Union, members of the American Federation of Labor, demanded jurisdiction over drivers of brewery wagons and trucks. In 1933, the Federation decided the controversy in favor of the Teamsters Union. The Brewery Workers Union refused to abide by this decision and filed suit for an injunction to restrain the Teamsters Union and the Federation from carrying out the decision. The lower court [1] granted the injunction, construing the certificate of participation granted the Brewery Workers Union by the Federation as giving a contract right of prior and exclusive jurisdiction over the disputed group of workers. *Held*, the lower court had no jurisdiction to issue the injunction, because a labor dispute under the Norris-La Guardia Act existed and the conditions of that act had not been satisfied; [2] as to the merits, the decision of the Federation did not breach its contract with its member union. *Green v. Obergfell*, (App. D. C. 1941) 121 F. (2d) 46.

The frequency, bitterness, and wastefulness of interunion jurisdictional disputes make it desirable to find a means of settlement—a tribunal or agency to define union jurisdiction.[3] When the disputing unions are members of the same federation, a logical tribunal is the federation. Relatively seldom has a union sought judicial relief from such a federation decision.[4] When it does, questions of the legal relations between a federation and its member unions arise. In the solution of these problems, the nature of the charter or certificate of participation given by the federation to its member union is important. Most of the law has been written in cases involving relations between worker-members and their unions. In these cases, courts have felt it desirable that there be some control over the treatment of members by their unions, and have found the legal theory for this control largely in the principles of contract law.[5] Although denomination of the relations between members and a union as contractual has been criticized [6] the courts nevertheless uniformly speak in terms of contract.[7] As further protection, the law requires that the intra-union relations conform to natural justice and be in good faith.[8] Similarly, it would seem desirable that there be remedies for protection of a member union from certain action of the federation. Here also, the contract theory offers a convenient expression of the legal relations involved, and one which the courts seem to have adopted without

[1] Obergfell v. Green, (D. C. D. C. 1939) 29 F. Supp. 589. The case is noted in 49 YALE L. J. 329 (1939).

[2] This portion of the opinion is beyond the scope of this note.

[3] See generally Jaffe, "Inter-Union Disputes in Search of a Forum," 49 YALE L. J. 424 (1940).

[4] Id. at 447.

[5] Id. at 445 et seq.

[6] See Chafee, "The Internal Affairs of Associations Not For Profit," 43 HARV. L. REV. 993 (1930); also 45 YALE L. J. 1248 (1936).

[7] Robinson v. Dahm, 94 Misc. 729, 159 N. Y. S. 1053 (1916); 31 AM. JUR. 856 (1940); 63 C. J. 662 (1933).

[8] Stivers v. Blethen, 124 Wash. 473, 215 P. 7 (1923); Chafee, "The Internal Affairs of Associations Not For Profit," 43 HARV. L. REV. 993 at 1014 et seq. (1930).

question.[9] The contract consists of the certificate of affiliation and the constitution of the federation.[10] Once the legal relations are determined to be contractual, the problem of remedies for breach of the contract becomes important. An action at law for damages seems to be a possible remedy.[11] However the worker-member or member union will usually desire the more virile remedies of equity, and the equity requirements of inadequacy of remedy and irreparable injury enter the picture.[12] Once there is jurisdiction, then, from the oft-repeated judicial expressions of unwillingness to interfere in the affairs of voluntary associations,[13] it would seem to follow that the court would favor a construction of the contract relations looking toward the lessening of judicial interference. In the principal case, the certificate of affiliation granted autonomy to the affiliate union. Nevertheless the court felt this grant to be limited by general language of the Federation's constitution requiring compliance with the rules and regulations and giving the executive council of the Federation power to legislate concerning matters not covered in the constitution, and by further general statements of the purpose of the Federation to benefit labor, secure unification of all labor organizations, and the like. In its opinion the court tends toward the view that interunion jurisdictional disputes require political decisions based upon considerations outside the purview of judicial tribunals.[14] It is unlikely that courts will frequently take jurisdiction over federation decisions of jurisdictional disputes,[15] and even more unlikely that when a court does take jurisdiction, it will grant relief from the federation's decision for anything but a flagrant violation of the contract relations or of natural justice.[16] This reluctance appears to be a step toward judicial implementation of federation decisions. Onerousness of jurisdictional disputes to the public and employers as well as to

[9] Brownfield v. Simon, 94 Misc. 720, 158 N. Y. S. 187 (1916), affd. without opinion, 174 App. Div. 872, 159 N. Y. S. 1102 (1916); Green v. Brophy, (App. D. C. 1940) 110 F. (2d) 539.

[10] See cases cited in note 9, supra.

[11] It is generally held that a member unlawfully suspended or expelled from his union may sue for damages thereby occasioned. 62 A. L. R. 315 (1929). But see Chafee, "The Internal Affairs of Associations Not For Profit," 43 HARV. L. REV. 993 at 1010 et seq. (1930).

[12] Robinson v. Dahm, 94 Misc. 729, 159 N. Y. S. 1053 (1916); Simons v. Berry, 240 N. Y. 463, 148 N. E. 636 (1925); OAKES, ORGANIZED LABOR AND INDUSTRIAL CONFLICTS, § 67 (1927).

[13] See 63 C. J. 701 (1933).

[14] For a discussion of this view see Jaffe, "Inter-Union Disputes in Search of a Forum," 49 YALE L. J. 424 at 447 et seq. (1940).

[15] When the relief sought is injunctive, the effect of the Norris-LaGuardia Act and its counterparts should be borne in mind.

[16] "Decisions reached by labor unions according to their own constitution and by-laws of procedure are not to be invalidated by a court of law, provided that all parties have had an opportunity to be heard, that the decision has not been arbitrary, and that the fundamental law of the association has not been violated." California State Brewers' Institute v. International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers, (D. C. Cal. 1937) 19 F. Supp. 824 at 824-825.

labor would seem to recommend even affirmative aid in enforcement of federation decisions. To the extent that the Norris-LaGuardia Act restricts injunctive support of federation decisions, further legislation would seem to be desirable.

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