

U.S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

TEXTILE WAGE ORDER NOT GENERALLY ENJOINED

Only three cotton textile manufacturing companies are affected by the action in New Orleans against the application of the Textile Wage Order which goes into effect tomorrow, according to a statement made today by George A. McNulty, General Counsel of the Wage and Hour Division, U. S. Department of Labor. All other textile companies under the order must pay their employees at a rate of not less than 32-1/2 cents an hour beginning tomorrow, he said.

This statement contradicts wide-spread reports arising from the New Orleans court action that the Wage and Hour Division had been generally restrained from enforcing the Textile Wage Order by an injunction.

Mr. McNulty's statement:

"A stay of the 32-1/2 cent minimum wage order for the Textile Industry in so far as such order applies to three cotton textile manufacturing companies -- the petitioners -- was entered in New Orleans, Louisiana, October 20, 1939, by Judge Rufus E. Foster of the United States Circuit Court of Appeals for the Fifth Circuit. The stay was entered in a proceeding pursuant to Section 10 of the Fair Labor Standards Act, which provides for review of wage orders issued by the Administrator of such Act. Such review may be obtained by any person alleging himself aggrieved by such order upon petition filed in the Circuit Court of Appeals for the United States for any Circuit wherein such person resides or has his principal place of business. The petition in question was filed by the Opp Cotton Mills, a corporation whose principal place of business is in Opp, Alabama, and intervening petitions were filed by the Aponaug and Sanders Mills, respectively, both of Jackson, Mississippi. The stay was conditioned upon filing of a \$10,000 bond by each petitioner. All petitioners were represented by the same counsel,

being Tyre Taylor, 1627 K Street, N.W., Washington, D.C., Gordon McKelvey, Stahlman Building, Nashville, Tennessee, and Ben Cameron, Meridian, Mississippi.

"The petitions, which were substantially identical, alleged that the Committee was not properly constituted; that the order was not in accordance with law for the reason that the Committee and the Administrator had failed to consider certain factors required to be considered under the statute; that the order was not supported by the evidence; that the 32-1/2 cent wage had been arbitrarily fixed, and that enforcement of the order would deprive the petitioners of their liberty and property in violation of the Fifth Amendment to the Constitution of the United States. Needless to say, the Wage and Hour Division will contest the proceeding. The matter should come on for hearing during the first two weeks of December.

"It should be noted that the stay signed by Judge Foster applies only to the three textile companies involved in the particular proceeding. The employees of the three textile companies are protected against payment of less than 32-1/2 cents an hour in the interim in the event that the Textile Wage Order is affirmed by the court by the \$10,000 bonds. The operation of the wage order is not stayed as to any other member of the Textile Industry and will be in full effect as to such other members on October 24, 1939."

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