

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

DIVISION WILL APPEAL DALLAS NEWS CASE

Dismissal of an overtime charge against the Dallas News as an employer will be immediately appealed, Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, announced today. This newspaper was the defendant in a civil suit brought by the Division.

Colonel Fleming was in receipt of a copy of the opinion in the case, handed down by Judge William H. Atwell in the United States Court for the Northern District of Texas at Dallas. Colonel Fleming said he had requested the Solicitor of the Labor Department to file an appeal as soon as possible with the United States Court of Appeals for the Fifth Circuit at New Orleans.

"This decision, if allowed to stand, would largely destroy Section 7, or the 40-hour week which has been doing so much to increase employment in this period of increasing production," Colonel Fleming said.

"With all due respect to Judge Atwell, a reading of his opinion inclines one to believe that he regarded our Act as a minimum wage law rather than a wage and hour law. He did hold it clear that the newspaper and radio station were in interstate commerce and covered by the Act.

"Another important reason for immediately appealing this case is the determination of the Division to protect the complainant. We cannot disclose the identity of an employee who calls the Government's attention to the fact that his employer is violating the law. Although the law itself prohibits discharge or discrimination against an complaining employee, it is obvious that that protection is not enough where there is no organization.

"There are few principles more salutary or better established in law than the one which requires law enforcement agencies not to disclose the names of those who informed them concerning violations.

"In 1883, the United States Supreme Court in Vogel v. Gruaz upheld the principle 'that it is the duty of every citizen to communicate with Government any information which he has of the commission of an offense against its laws; and that a court of justice will not compel or allow such information to be disclosed, either by the subordinate officer to whom it is given, by the informer himself, or by any other person, without the permission of the Government . . .'

"The principle becomes doubly important for the protection of a worker calling his employer's violation to the attention of the Government."

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