

**U. S. v. LOCAL 807 OF INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, STABLEMEN & HELPERS OF AMERICA**

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

Civil Action No. 4-423.

UNITED STATES OF AMERICA, PETITIONER,

vs.

LOCAL 807 OF INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, STABLEMEN & HELPERS OF AMERICA: WILLIAM DEVERY; THOMAS L. HICKEY; SAMUEL BRENNAN; JOHN FLAHERTY; WILLIAM CAMPBELL; AUSTIN FUREY; THOMAS CLARKE; THOMAS KEHOE; MICHAEL MURTAGH; J. NOONAN, correct name Cornelius J. Noonan; CHARLES HOROWITZ; A. SLACTA, correct name Alex Slacta; "JOHN" ACKALITIS, correct name Joseph Ackalitis; GEORGE BAGLEY; JOSEPH BOLTON; JOSEPH BENDER; JOHN BROWN; MICHAEL CAHILL; HENRY CASEY, correct name Harry Casey; JOHN CELECIA; JOSEPH DEEGAN; VINCENT DEL DUCA; HENRY DELGADO; JOSEPH DEVLIN; ROBERT DILLON; FRANK DOWNS; JOSEPH DUFFY; JAMES FITZGERALD;

J. FLANAGAN, correct name James Flanagan; EDWARD FRANZ; JOHN GAUGHAN; FRED HARRIS; FRANCIS J. HEARN, correct name Francis J. Henn; JOHN HORAN; ANDY JAKAKAS; HARRY JARVIS; SAM JONES; M. KATZ, correct name Max Katz; ABRAHAM KLENOFSKY, alias "Red Klein"; LEONARD LA MARNE; "JOHN" LACEY; LOUIS LA ROSE, alias "Louis La Rosa"; CARL MACOMBER, correct name Carrol Macomber; MANUEL MAGAN; THOMAS MOLLOY; "MOSELY" MULQUEEN, correct name Michael Mulqueen; JOSEPH MURPHY, correct name James Murphy; GEORGE NEEDLEMAN; JOHN NICOLELLIS; GEORGE O'NEIL; WILLIAM PELKER; ELI POLLOCK; "FRENCHIE" POWERS, correct name Francis Powers; MURRELL PROCTOR; BERNARD L. RANDAZZO; GEORGE REGAN; SAMUEL REICHLER; MORRIS REICHLER; RICHARD SAVAGE; EMIL SCHWARZ; EMANUEL SCHWARTZ; THOMAS SHARKEY; WILLIAM SIMPSON; FRANCIS SINCLAIR; FRANK STOLOWITZ, correct name George Stolorowitz; DAVID TELFER; TONY VENDITTI; PETER WASKIEWICZ; FRANK WEICK; EDWARD WEINHEIMER; JOHN WEINHEIMER; FRANK WEST, DEFENDENTS.

FINAL DECREE

The United States of America having filed its petition herein on the 17th day of July, 1939, and each of the defendants having duly appeared by their respective counsel and filed their answer herein; and having consented to the entry of this decree, without contest and before any testimony had been taken, upon condition that neither such consent nor this decree shall be considered an admission or adjudication that any of said defendants (except defendants Campbell and Furey) have violated any statute; and the United States by its counsel having consented to the entry of this decree and to each and every provision thereof, and having moved the court for this injunction.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

I. That the Court has jurisdiction of the subject matter hereof and of all persons and parties hereto and that the

petition states a cause of action against the defendants under the Act of Congress of July 2, 1890, commonly known as the Sherman Anti-Trust Act.

II. That the defendants and each and all of them and each and all of their respective officers, representatives, delegates, members, agents, servants, employees and all persons acting or claiming to act on behalf of the defendants or any of them be and they hereby are perpetually enjoined and restrained:

1. From carrying out or continuing to carry out, directly or indirectly, expressly or impliedly, the combination and conspiracy to restrain interstate trade and commerce alleged and described in the petition herein through the use of any one or more of the following means, to wit:

(a) Threatening physical violence against shippers or persons, firms or corporations owning, operating or controlling over-the-road motor trucks or their respective employees;

(b) Forcibly detaining or damaging or threatening forcibly to detain or damage over-the-road motor trucks engaged in conveying merchandise from shippers to consignees or others; or forcibly detaining or damaging or threatening forcibly to detain or damage the merchandise contained in such trucks;

(c) Assaulting operators of over-the-road motor trucks or their helpers;

(d) Forcibly preventing or obstructing deliveries of merchandise to consignees and pick-ups of merchandise for the return trips of over-the-road motor trucks;

(e) Any means similar to the foregoing which involve the use of force, violence or threats thereof.

2. From interfering, by any of the means described in sub-paragraphs (a) to (e), inclusive, of Paragraph 1, with the interstate trade and commerce described in the petition herein, in accordance with, or pursuant to any understanding or agreement between any of them:

(a) To prevent, hinder or restrain the operators of over-the-road motor trucks or their helpers from de-

livering merchandise to the places of business of the consignee to whom it has been shipped within the State of New York or from picking up merchandise within the State of New York for the return trip of said trucks, or from transporting or delivering the same to the consignees thereof in states other than the State of New York;

(b) To coerce or to compel the operators of over-the-road motor trucks or their helpers to conduct said trucks to terminals owned, operated or controlled by said shippers or operators or any of them or elsewhere within the State of New York and there to transfer, turn over and deliver said trucks or the merchandise contained therein to members of the defendant Union and to permit said members of defendant Union exclusively thereafter to conduct said trucks or the merchandise contained therein to the places of business of the various consignees to whom it had been shipped within the State of New York and in other respects to complete the transportation and delivery of said merchandise, and to pick up merchandise within the State of New York, for the return trips of said trucks and to conduct said trucks and the merchandise contained therein back to said terminals within the State of New York.

3. From coercing or compelling, by any of the means described in sub-paragraphs (a) to (e) inclusive, of Paragraph 1, any person, firm or corporation operating or controlling over-the-road motor trucks to employ any member or members of the Defendant Union.

4. From coercing or compelling, by any of the means described in sub-paragraphs (a) to (e) inclusive of Paragraph 1, any persons, firms or corporations or their respective representatives, to continue in effect agreements or understandings with the Defendant Union or its representatives.

5. From coercing or compelling, by any of the means described in sub-paragraphs (a) to (e) inclusive, of Paragraph 1, any person, firms or corporations, or their

respective representatives, to pay money to the defendant Union or to any of its officers, representatives, delegates, members, agents, servants or employees.

6. From interfering with, impeding, hindering or restraining, by any means whatever, the entrance into New York City of over-the-road motor trucks, or the transporting of such trucks to the terminal or first place of consignment in New York City, or the unloading of merchandise from such trucks at such terminal or first place of consignment; provided, however, that the defendant Union may use lawful and peaceful means to secure or enforce general labor agreements or arrangements with owners, lessees, or operators of over-the-road motor trucks for the employment of members of the defendant Union or of an affiliated labor union, or to give otherwise lawful support to the lawful activities of other labor unions.

7. From aiding, abetting, inducing or assisting, individually or collectively, others to do any of the things which the defendants are herein restrained from doing.

III. That this decree shall not be construed to prohibit the defendants, their officers, representatives, delegates, members, agents, servants or employees, singly or in concert, from doing or performing: (a) any or all of the acts described in sub-divisions (a) to (i) inclusive, of Section 104, Chapter 6, Title 29 of the United States Code (said chapter containing the act commonly known as the "Norris-LaGuardia Anti-Injunction Act"); or (b) any or all of the acts declared to be lawful in Section 52 of Chapter 5, Title 29 of the United States Code (being Section 20 of the Act commonly known as the "Clayton Act"); or (c) from seeking, securing, entering into or using lawful means to enforce lawful agreements or arrangements with owners, lessees, or operators of over-the-road motor trucks or other motor trucks covering wages, hours and working conditions, or from lawfully seeking to bargain collectively or from lawfully bargaining collectively for employees, or from lawfully and peacefully picketing, lawfully striking or lawfully refusing to work;

or (d) from otherwise lawfully seeking to attain or carry out the legitimate and proper purposes and functions of a labor union, provided, however, that nothing contained herein shall be construed to authorize any practice that would be unlawful but for the entry of this decree.

IV. That jurisdiction of this cause is retained for the purpose of enforcing or modifying this decree and for the purpose of granting such additional or supplemental relief as may hereafter appear necessary or appropriate.

V. That for the purpose of securing compliance with this decree, authorized representatives of the Department of Justice shall, at the request of the Attorney General, or an Assistant Attorney General, be permitted access, within the office hours of defendant Union, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of defendant Union, relating to any of the matters contained in this decree; and, any authorized representative of the Department of Justice shall, subject to the reasonable convenience of defendant Union, be permitted to interview officers, employees or members of defendant Union without interference, restraint or limitation by defendant Union; and defendant Union, on the written request of the Attorney General shall submit such reports with respect to any of the matters contained in this decree as may from time to time be necessary for the proper enforcement of this decree.

VI. It is further ordered and decreed that plaintiff have and recover from the defendant Union its costs herein.

Dated: July 17, 1939, New York, N. Y.

JNO. C. KNOX  
*United States District Judge*