

# Public-Private Electric Squabble to High Court

WASHINGTON (AP)—The Supreme Court Monday agreed to rule on at least one phase of the red-hot issue of public vs. private power development.

Specifically, the high tribunal said it will decide whether private industry or the federal government should build a hydroelectric plant on the Roanoke River at Roanoke Rapids, N. C.

The ruling was asked by Secretary of the Interior Chapman in an appeal from a decision by the U. S. Circuit Court in Richmond.

The circuit court approved the granting of a Federal Power Commission license for the project to the Virginia Electric and Power Company.

Chapman has fought development of the project by the Virginia Company on the ground that Congress approved a plan for development of the Roanoke River basin which included a federal dam at Roanoke Rapids.

The circuit court said that until the federal government actually begins construction of such a project, the Secretary of the Interior has no more responsibility in connection with it than has the postmaster general.

# Court Upholds Libel Against Union, Paper

WASHINGTON (AP)—The Supreme Court Monday let stand a \$6,000 libel judgment against a labor union and a newspaper for publishing an advertisement saying an employer was unfair to labor.

The high tribunal refused to review a Kentucky Court of Appeals decision upholding the \$1,000 libel judgment against the Paducah (Ky.) Sun-Democrat and the \$5,000 libel judgment against the Paducah Central Labor Union.

The judgments were won by Gerald Wise, operator of a restaurant. Shortly before opening his place on June 4, 1949, Wise had a casual employe paint a small section of the front. The employe, a Negro, was not a union member. The job took less than one hour.

As a result of the incident, the Central Labor Union a month and a half later placed the advertise-

ment in the newspaper. It was headed, "notice, members of labor," and said Wise's restaurant was "unfair to you."

Wise sued in the McCracken County (Ky.) circuit court for \$20,000 damages.

A jury awarded him the \$6,000. In upholding the award the Kentucky Court of Appeals said: "We do not decide that the publication was libelous as a matter of law. What we do declare is that labor unions, as others, may be civilly liable when they falsely charge an employer with being 'unfair,' where there exists no controversy or other circumstance which would reasonably justify the intentional damage of the employer's business."

Therefore, the published statement was not privileged, and the determination of whether or not it constituted libel was properly submitted to the jury.

Wise said he was not told by the union that it objected to the Negro doing the painting.

His brief filed with the Supreme Court said if the contents of the union and the newspaper were upheld, "then a union or any organization remotely connected therewith, may publish damaging statements concerning a small business man without any attempt to bargain with him, without confronting him with their grievance, or in any manner informing him of their displeasure, regardless of how ridiculous or groundless it may be."

The appeal by the union and the newspaper contended the awards violated the federal constitution's guarantees of free speech and free press.

The appeal cited an earlier Supreme Court decision upholding

the right of union pickets to carry signs which called an employer "unfair."

The Kentucky constitution has a provision that "every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty."

He added: "If Congressionally-approved comprehensive plans do not preclude the licensing of their constituent project units, then it is to be expected that private power companies will seek licenses for the development of those project sites which are economically most advantageous, leaving the federal development only the infeasible or the last feasible projects."

The Virginia Rural Electrification Administration Association and its members cooperatives filed a companion appeal opposing licensing of the project to Virginia Electric.

The Virginia REA and its cooperatives would buy power from the Interior Department if the Roanoke Rapids plant were built by the government.

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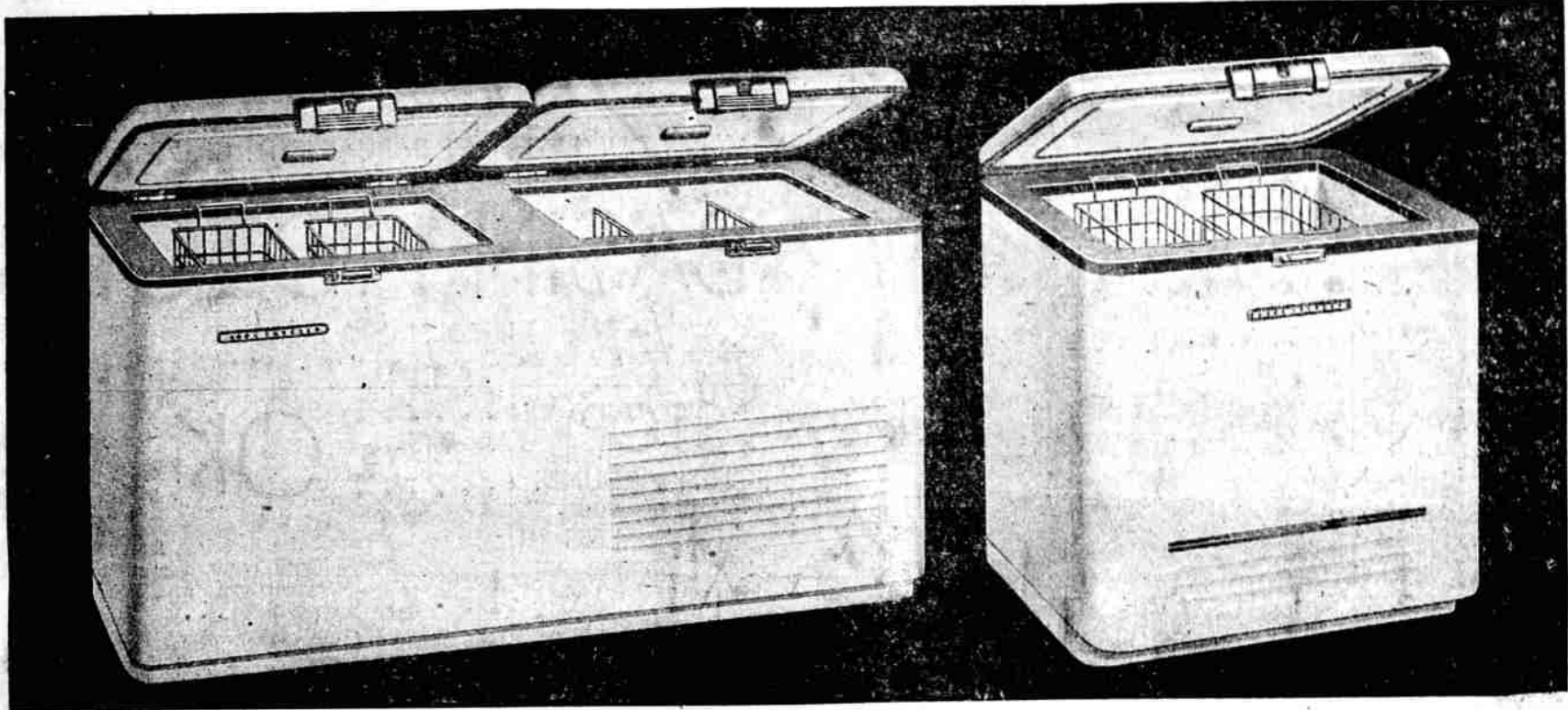
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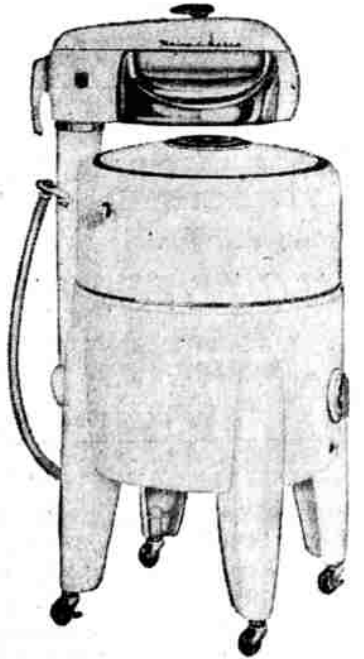
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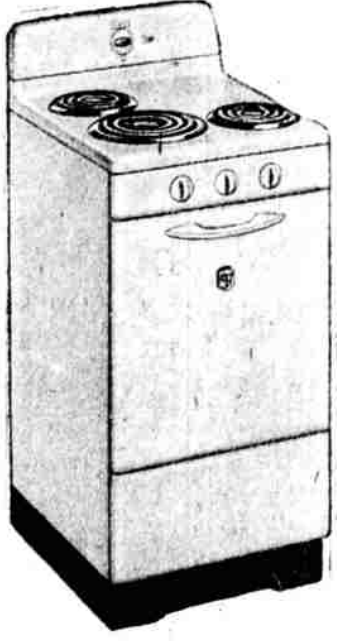
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