

**UNITED STATES OF AMERICA vs. JOURNEYMEN
STONE CUTTERS ASSOCIATION OF NORTH
AMERICA, ET AL.**

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

In Equity No. E-40-345.

**At a Stated Term of the United States District Court for
the Southern District, held in the Court House and
Post Office Building, Borough of Manhattan, City of
New York, on the 15th day of October, 1927.**

Present—HON. WILLIAM I. GRUBB, District Judge.

UNITED STATES OF AMERICA, PETITIONER,

VS.

**JOURNEYMEN STONE CUTTERS ASSOCIATION OF NORTH
AMERICA, JOURNEYMEN STONE CUTTERS ASSOCIATION**

OF NEW YORK AND VICINITY, JOURNEYMEN STONE CUTTERS ASSOCIATION OF NEWARK AND VICINITY, MACHINE STONE WORKERS RUBBERS AND HELPERS ASSOCIATION OF NEW YORK AND VICINITY, LOCAL UNION NUMBER 84 OF THE BRICKLAYERS MASONS AND PLASTERERS INTERNATIONAL UNION, DERRICKMEN AND RIGGERS ASSOCIATION OF NEW YORK AND VICINITY, BUILDING TRADES COUNCIL OF WESTCHESTER COUNTY, MICHAEL W. MITCHELL, JOSEPH BLASEY, JOSEPH WALL, RICHARD F. BROOKS, THOMAS P. HAGAN, JOHN CRONIN, PETER McNULTY, GEORGE J. GARBER, EDWARD DILLON, JOSEPH KENNEY, FRANK F. DONNER, THOMAS O'LEARY, HENRY F. JOHN, EDMUND W. GRIFFIN, OWEN J. O'BRIEN, WILLIAM J. McGEORY, and HENRY WILDBERGER, JR., *Defendants*.

FINAL DECREE.

This cause came on for final hearing at this Term and was tried to the Court, all defendants having duly answered herein and being represented by counsel throughout said hearing (except that the defendants Building Trades Council of Westchester County, William J. McGeory and Henry Wildberger, Jr., were represented by counsel on the opening day only of said hearing and have offered no further defense), and said cause was argued for the petitioner by Alexander B. Royce and W. Houston Kenyon, Jr., Special Assistants to the Attorney General, and for the respective defendants by Jeremiah A. O'Leary, Esq., and Jacob H. Gilbert, Esq.; Now, THEREFORE, it is ORDERED, ADJUDGED and DECREED as follows:

I. Definitions.

When used in this Decree—

A. The term "Union Defendants" shall mean

1. Journeymen Stone Cutters Association of North America; Journeymen Stone Cutters Association of New York and Vicinity; Journeymen Stone Cutters Association of Newark and Vicinity; Machine Stone Workers Rubbers and Helpers Association of New York and Vicinity; and their respective successor or successors.

2. All individuals, whether or not in this cause impleaded by name, who are now members, or who though not now members do hereafter become members of any of the foregoing, and also any and all other persons who, as officers, agents, employees, servants or otherwise, at any time act through, for, under, or in behalf of, any of the foregoing.

B. The term "Building Trade Council" shall mean Building Trades Council of Westchester County, its successor or successors, all individuals who as representatives of union organizations or otherwise now are or hereafter may be members of said Building Trades Council, and also any and all other persons who, as officers, agents, employees, Committee or Board members, or otherwise, at any time act through, for, under, or in behalf of, said Building Trades Council.

C. The term "Individual Defendants" shall mean the following both in their individual capacities and as representatives of any of the Union Defendants and/or said Building Trades Council

Michael W. Mitchell
Joseph Wall
Thomas P. Hagan
John Cronin
Peter McNulty
Edward Dillon
Frank F. Donner
Thomas O'Leary
William J. McGeory
Henry Wildberger, Jr.

D. The term "Metropolitan District" shall mean

(1) that geographical area which comprises all of Long Island, that portion of the Southern District of New York which includes the City of New York and territory within 25 miles of the boundaries of the City of New York, and that portion of the State of New Jersey which includes the City of Newark and territory within 25 miles of the boundaries of the City of Newark;

(2) any similar geographical area including all or a part of the City of New York, whether or not also including additional adjacent territory, which from time to time may come to be regarded by builders, architects, building trades unions or others, as substantially the equivalent in the trade for that territory described in the next preceding sub-paragraph (1).

II. That the conspiracy in restraint of interstate trade and commerce described in the petition herein and hereby found to exist is hereby declared to be illegal and in violation of the act of Congress, approved July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and Acts amendatory thereof and supplemental or additional thereto.

III. That the following defendants herein are found to have been, and now to be, parties to said conspiracy in restraint of interstate trade and commerce:

Journeyman Stone Cutters Association of North America; Journeyman Stone Cutters Association of New York and Vicinity; Journeyman Stone Cutters Association of Newark and Vicinity; Machine Stone Workers, Rubbers and Helpers Association of New York and Vicinity; Building Trades Council of Westchester County; Michael W. Mitchell; Joseph Wall; Thomas P. Hagan; John Cronin; Peter McNulty; Edward Dillon; Frank F. Donner; Thomas O'Leary; William J. McGeory and Henry Wildberger, Jr.

IV. That the defendants named in the next preceding paragraph III, and any and all other persons and organizations coming within the definitions of Union Defendants, Building Trade Council and Individual Defendants contained in the preceding paragraph I (hereinafter sometimes referred to as Said Defendants), and each of them are perpetually enjoined, restrained and prohibited, collectively and individually, from directly or indirectly further engaging in or carrying into effect the said conspiracy, or any like combination or conspiracy, or entering into or carrying out any agreement, express or implied, the effect of which may be to restrain trade and

commerce in cast or artificial stone from points outside the Metropolitan District to points within the Metropolitan District, and from doing any of the acts described in said petition as the means or methods employed in carrying out said conspiracy, or any like acts the effect of which may be to prevent the free and unrestrained flow of such trade and commerce.

V. That Said Defendants and each of them are perpetually enjoined, restrained and prohibited, from directly or indirectly:

(a) Suggesting or urging, either directly or by innuendo, upon any ground or pretext whatsoever, that any person, firm or corporation interested in the use of cast or artificial stone on any building or building structure within the Metropolitan District, should not make use of cast or artificial stone fabricated and/or finished in whole or in part outside of the Metropolitan District;

(b) Suggesting or threatening, either directly or by innuendo, to any person, firm or corporation interested in the use of cast or artificial stone on any building or building structure within the Metropolitan District, that any Union Defendants or the members of other unions will or may go on strike against any employer or against any product, or refuse to work for any particular employer or upon any particular product, on account of the use or contemplated use in the Metropolitan District of cast or artificial stone fabricated and/or finished in whole or in part outside of said Metropolitan District;

(c) Making, communicating or circulating to persons contemplating the use of cast or artificial stone on any building or building structure within the Metropolitan District, oral or written statements to the effect that the product of any particular manufacturer of cast or artificial stone whose plant for the manufacture thereof is located outside of the Metropolitan District is inferior as compared with the product of any cast or artificial stone plant located within the Metropolitan District;

(d) Publishing, circulating, selling or giving away any further copies of a pamphlet entitled "A List of Union Firms in the Stone Industry," or any like pamphlet or list, in connection with any of the acts in this paragraph enjoined; or publishing, circulating, selling or giving away any further copies of said pamphlet, or any like pamphlet, unless the same shall bear a notice in substantially the following words, to wit: Pursuant to order of the U. S. District Court this union does not oppose the use of any cast or artificial stone wherever made;

(e) Inducing, or attempting to induce, any person or persons whomsoever, whether or not members of Defendant Unions, to decline employment under, or to cease work for, any person, firm or corporation, because such person, firm or corporation may have purchased or used or proposes to purchase or use cast or artificial stone fabricated and/or finished in whole or in part outside the Metropolitan District, or because such person, firm or corporation is engaged, or proposes to engage in the production of building materials to be sold to or used by a person, firm or corporation using, or proposing to use, in a building or building structure within the Metropolitan District cast or artificial stone fabricated and/or finished in whole or in part outside of the Metropolitan District;

(f) Coercing or compelling, persons, firms or corporations who have entered into contracts for the purchase of cast or artificial stone fabricated and/or finished in whole or in part outside the Metropolitan District to cancel, modify, abrogate or ignore the same, or to substitute therefor cast or artificial stone fabricated and/or finished in whole or in part within the Metropolitan District;

(g) Entering into any agreements express or implied with, or soliciting or accepting any promises or statements of intent of, persons, firms or corporations, binding or purporting to bind, such persons, firms or corporations to refrain from purchasing or using cast

or artificial stone fabricated and/or finished in whole or in part outside of the Metropolitan District;

(h) Agreeing with one another or with other individuals or unions engaged in the building trades, not to set, handle, cut, fit or install, or to induce or compel others not to set, handle, cut, fit or install buildings being erected within the Metropolitan District cast or artificial stone fabricated and/or finished in whole or in part outside the Metropolitan District;

(i) Inflicting, or attempting to enforce or inflict, or threatening to enforce or inflict, any injury, penalty or liability, whether in the nature of a fine, assessment, suspension or expulsion from any labor organization or otherwise, against any person because such person (1) works upon cast or artificial stone fabricated and/or finished in whole or in part outside the Metropolitan District, or (2) works for an employer who has purchased or proposes to purchase such cast or artificial stone, or (3) works upon any building or building structure where such cast or artificial stone has been, or is intended to be, installed, or (4) works upon materials for a building in which such cast or artificial stone has been, or is intended to be, installed, or (5) works upon material intended to be installed in a building being constructed by or under the supervision of an owner, contractor, builder or architect who at the time is using or contemplates using in another building cast or artificial stone fabricated and/or finished in whole or in part outside the Metropolitan District;

(j) Compelling, suggesting, or requesting, either directly or by innuendo, any person, firm or corporation to give employment at a plant outside the Metropolitan District to members of a designated labor union as a means of avoiding loss, delay or injury in connection with the sale and/or shipment into the Metropolitan District of cast or artificial stone fabricated and/or finished in whole or in part outside the Metropolitan District;

(k) Inducing, or attempting to induce, any person or persons whomsoever, to decline employment under or to cease work for, any person, firm or corporation engaged in fabricating and/or finished cast or artificial stone, in whole or in part, at a plant located outside the Metropolitan District because such person, firm or corporation has entered into, or proposes to enter into, a contract for the sale and/or shipment of such cast or artificial stone for use within the Metropolitan District.

VI. That the Building Trades Council is perpetually enjoined, restrained and prohibited, from directly or indirectly, doing or giving any support whatsoever to the doing of any of the acts in Paragraph V enjoined, including among other things, the voting or calling sympathetic strikes among other trades in support of any alleged grievance, whether or not filed with it, based in whole or in part upon the use or contemplated use in any building located within the territorial jurisdiction of the Building Trades Council of cast or artificial stone fabricated and/or finished in whole or in part outside the Metropolitan District.

VII. That this decree shall be read at a regular meeting of the Building Trades Council and of each of the Union Defendants, other than the Journeymen Stone Cutters Association of North America, to be held within thirty (30) days from the date of the entry hereof, of which meeting due notice shall have been given to all the members thereof; and a copy of this decree shall be sent by registered mail by the Building Trades Council and by each of the Union Defendants other than the Journeymen Stone Cutters Association of North America, to each of the respective members thereof who fail for any reason to attend such meeting..

VIII. That an officer of the Building Trades Council and of each of the Union Defendants other than the Journeymen Stone Cutters Association of North America, having knowledge of the facts, shall, within forty-five (45) days of the date of the entry hereof furnish the

United States Attorney at New York with an affidavit setting forth the following facts regarding the respective meetings referred to in Paragraph VII hereof: (a.) the fact and the date of said meeting; (b.) a list of the names and address of the members present at said meeting; (c.) the fact of the reading of this decree at said meeting; (d.) the fact of the mailings required in Paragraph VII hereof; (e.) a list of the names and addresses of the persons to whom copies of this decree were mailed pursuant to the provisions of Paragraph VII hereof; and (f.) the fact that the lists referred to in sub-paragraphs (b.) and (e.) above include all known members of said organization.

IX. That the Journeymen Stone Cutters Association of North America shall, within thirty (30) days from the date of the entry hereof, cause a copy of this decree to be sent by registered mail to each local union affiliated with said Journeymen Stone Cutters Association of North America other than the New York and Newark locals thereof, and shall within forty-five (45) days of the date of the entry hereof furnish the United States Attorney at New York with an affidavit, executed by an officer of said union having knowledge of the facts, setting forth (a.) the fact of said mailings; (b.) a list of the names and addresses to which said copies of this decree were mailed; and (c.) the fact that said list includes all known local unions affiliated with said Journeymen Stone Cutters Association of North America.

X. That as to the defendants Local Union Number 84 of the Bricklayers Masons and Plasterers International Union, Derrickmen and Riggers Association of New York and Vicinity, Henry F. John, Edmund W. Griffin, and Owen J. O'Brien, the petition is dismissed on the merits.

XI. That to the extent that Joseph Blasey, Richard F. Brooks, George J. Garber, and Joseph Kenney are sued in their individual capacities, the petition as against them is dismissed on the merits.

XII. That the United States shall recover costs against

each of the defendants herein except those named in Paragraphs X and XI hereof..

XIII. That this Court shall retain jurisdiction of this cause for one year from the date of the entry.

W. I. GRUBB,
United States District Judge.