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FORTIETH ANNIVERSARY OF STEELE AND TUNSTALL

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The Black worker is making economic progress in America. This is so, by and large because of the freedom of the Black worker to join, participate and be fairly represented by labor unions. The right to participate and to be fairly represented by unions is a concept, which during 1984, celebrates its fortieth anniversary.

Forty years ago, the United States Supreme Court decided Steele v. Louisville & Nashville R. Co., 323 U.S. 192 (1944) and Tunstall v. Brotherhood of Locomotive Firemen and Enginemen, 323 U.S. 210 (1944). These cases established that a union designated as bargaining representative, under provisions of the Railway Labor Act similar to those in the NLRA, was under an implied duty to represent in good faith and without hostile discrimination a non-union Black minority within the craft. These cases were brought and successfully pursued by Charles Hamilton Houston and Arthur Davis Shores. Steele and Tunstall and their progeny may well be the most important cases enlarging economic liberty of Blacks in America. In Steele, the court stated, "The Constitution voices its disapproval whenever economic discrimination is applied under authority of law against any race, creed or color. A sound democracy cannot allow such discrimination to go unchallenged. Racism is far too virulent today to permit the slightest refusal, in the light of a Constitution that abhors

it, to expose and condemn it wherever it appears in the cause of statutory interpretation." Steele at 209 (Murphy, J., concurring); Tunstall at 214 (Murphy, J., concurring).

Houston and Shores and a host of Black lawyers dating back to 1900 were responsible for cracking the doors to economic opportunities for Blacks in the American workforce. By their participation in unions, today, Blacks and others similarly situated influence industrial democracy in a host of ways, including the election of national officers in the largest unions in the nation. However, the mandate of Steele and Tunstall as far as economic opportunities in labor is yet unfulfilled. With rising unemployment of Black adults and staggering unemployment of Black youth, the economic liberty for minorities faces new barriers as the final days of this century closes. Nevertheless, Black Americans must never forget that advocacy and civil rights planning was the cause of Steele and Tunstall. Renewed advocacy and planning by persons of the Houstonian school are needed to open the new century.

In this the Thirtieth Anniversary of Brown v. Board of Education, 347 U.S. 483 (1954) and the Twentieth Anniversary of the passage of the Civil Rights Act of 1964, let us jointly commemorate the meaning of Steele and Tunstall -- all of which the groundwork was laid by persons such as Charles Hamilton Houston, and Arthur Davis Shores.