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FEB 5 1974

cc: Files
Mrs. Gauf
Miss Lawton

out 5:55 pm 2/5/74

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Actions which may be taken in connection with truckers

INFORMATION MEMORANDUM

Civil Rights

18 U.S.C. 241 prohibits a conspiracy of two or more persons to deny to others a constitutional right. This extends to interferences with the right to travel interstate if the primary purpose of the conspiracy is to prevent such travel. United States v. Guest, 383 U.S. 745.

Civil

Economic Stabilization Act violations. The facts of the truckers dispute as shown to date do not indicate any violation of the Economic Stabilization Act. Thus, neither the penalty nor the injunction provisions of that Act would be available.

Emergency Petroleum Allocation Act. There is no evidence that the truckers have violated any of the regulations issued by the Federal Energy Office under the Allocation Act. Thus, its sanctions (which are the Economic Stabilization Act sanctions) are not available.

Taft-Hartley Act. The national emergency provisions of this Act relate to strikes in the labor dispute sense. The refusal of independent contractors to accept contracts is not a strike within the meaning of that Act.

General injunctive authority. Actions which forcibly obstruct interstate commerce and the carriage of the mails may be subject to the same sort of injunction as that issued in In re Debs, 158 U.S. 564 (1895), but there is no evidence that any general obstruction such as existed in the Debs case is present here.

Interstate Commerce Act. We do not have the facts to determine whether these contract carriers would be subject to any ICC action.

Mary C. Lawton
x 2059

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Assistant Attorney General
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