Albany. In a statement at Albany, State Senator Thomas C. Desmond, of Newburgh, commented on the recent decision of the United States Supreme Court which held the New York State Wald minimum wage law to be unconstitutional. He asserted that the Desmond minimum wage bill, passed by the 1933 legislature but vetoed by Governor Lehman, would have been more likely to be upheld by the Courts, because of its emergency period provisions. He asked Governor Lehman to call a special session of the legislature so that the Desmond minimum wage bill could be passed again.

"At the 1933 regular session of the legislature," said he, "both the Wald and Desmond minimum wage bills were passed. The Wald bill, which finally became law and which the United States Supreme Court has recently declared unconstitutional, applied only to women and minors and contained permanent provisions. The Desmond bill, vetoed by Governor Lehman, applied to men as well as to women and minors and contained provisions keeping it in force only during the present emergency period of unemployment.

"At a public hearing before Governor Lehman on these bills, on April 27, 1933, I predicted that the Wald bill would be held unconstitutional for almost precisely the same reasons given this week by the United States Supreme Court. I urged then, moreover, and I urge now, that the Desmond bill is much more likely to be held constitutional because of its different and wise emergency period provisions.

"The vetoed Desmond bill had also other advantages over the
Wald bill, especially because it guarded men as well as women and children. In present abnormal emergency times of unemployment, with some unscrupulous employers willing to take full advantage, men also should have minimum wage protection. The inclusion of both men and women in my bill brought it earnest support from women's organizations, as helping to prevent discrimination against women in industry.

"At the public hearing other speakers, as well as I, asked Governor Lehman to sign both bills, pointing out that they did not legally conflict. I realize Governor Lehman's sincere interest in this difficult problem. If, in signing the one bill and vetoing the other, he made an honest mistake of judgment in 1933, I know that he will do all he can, at an early opportunity, to correct the error.

"Last week I suggested that a special session of the legislature ought to be called soon to take up work left unfinished at the close of the recent regular session, including the Byrne mortgage commission bill and the Buckley and Desmond optional forms of county government bills. This week's voiding of the minimum wage law by the Supreme Court is an additional and imperative reason for such special session. At such session I will introduce again the 1933 Desmond minimum wage bill, confident that a new examination of its provisions will prove its superiority over the unconstitutional Wald law."

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