

# Labor's New Magna Charta—the Clayton Antitrust Law

In a late issue of the Chicago Herald, William L. Chenery tells the story of labor's fight against "government by injunction" and the meaning of its final triumph through the passage of the labor section of the Clayton antitrust bill. The article follows:

"The labor of a human being is not a commodity or article of commerce." That sentence written into the law of the land through the Clayton anti-trust bill marks a turn in the industrial development of the nation. The paragraph which it introduces is more significant for millions of Americans than the Magna Charta or the Declaration of Independence. It is indeed a declaration of freedom, and asseveration that never again can men be treated as inanimate objects of commerce, that never again can men be debased to the level of things.

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"The labor section of the Clayton bill has been won, subject always to the approval of the supreme court—at the end of an enormous struggle. Once before it passed through both houses of congress only to be vetoed by President Taft. More than any act of the government within years it is a peace measure. It gives to labor the liberty to struggle peacefully for the upbuilding of millions. It gives to men much the same rights in industry which their fathers secured centuries ago in politics. It is a mark of the new epoch.

#### THE COURTS AND LABOR

"Every one even faintly in sympathy with the labor movement long has been aware of the aloofness between law courts and labor. Rightly or not, labor has felt that the courts have not seen its point of view nor appreciated its urgencies. This separation between working men and judges has been perhaps an inevitable development in the history of courts whose foundations were laid and whose limits were determined generations before the modern doctrine of collective bargaining was formulated.

"Every one knows the way in which the injunction has been used against labor unions. The injunction was of course an emergency device invented to prevent the loss of property rights which could not be protected by ordinary litigation. The injunction has grown in theory and in practice until it shoots as broadly as a gatling gun. The Sherman anti-trust act had grown similarly into a weapon against labor. Its ineffectiveness against trusts had been proved abundantly; its effectiveness against labor unions as generously had been demonstrated.

"Through its terms the officers of the United Mine Workers were indicted in West Virginia, in Michigan and in Colorado during strikes. Through these court proceedings blows were struck at the very vitals of the labor movement and indeed at the heart of free institutions. The simplest civil rights in these states were attacked and suspended. Even the right to a trial in some cases by jury was taken from the strikers.

"The constitutional guarantee of the habeas corpus was denied them. Constantly military rule was superseding civil government. The men's organization was their only bulwark of defense against these encroachments and the organizations were being outlawed by the Sherman act. The situation was acute.

#### A FAR-REACHING CHANGE

"The Clayton bill remedies this situation. Here are the memorable words: 'That the labor of a human being is not commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural or horticultural organizations instituted for the purpose of mutual help.' The section continues providing in detail and generally against the kind of action which was begun against the United Mine Workers in three states.

"The right of federal courts to issue injunctions is specifically limited. The general injunctions through the operation of which men were driven to positive acts belong now to the limbo of dead powers. The property which is being protected by injunctions in the future must be described with 'particularity' and sworn to. No injunctions can be issued for many of the reasons which

### NEW TRUST ACT A REDEMPTION OF DEMOCRATIC LABOR PLEDGE

The 34th annual session of the American Federation of Labor convened in Philadelphia, November 9. A press dispatch contains the following reference to the passage of the Clayton antitrust bill, a provision of which is regarded by labor leaders as a complete redemption of the labor pledges contained in democratic national platforms:

"Pronouncing the passage of the Clayton trust bill as organized labor's greatest single accomplishment for the last year, the executive council made its report to the federation. The voluminous document covers every question which has affected labor during the year, including the European war.

"Of the Clayton bill the council's statement says that 'it contains the most comprehensive enunciation of industrial freedom found in any legislative act in the history of the world,' and that it was obtained through 'the organized economic power' represented by the workers of the United States."

were once the frequent occasions of the court orders. Some of these exemptions are as follows:

"No injunction can be issued to prohibit people from ceasing work, singly or in concert, or from urging others to cease.

"No injunction can be issued to prevent the holding of union meetings.

"No injunction—in effect—can be issued to prevent boycotts or, to state it more circumspcctly, "to prohibit anyone from withholding their patronage from any party to a labor dispute, or from recommending, advising or persuading others by peaceful and lawful means to do so."

"No injunction may be issued to prevent any act which would be lawful if no strike existed."

#### LABOR'S RIGHT TO JURY TRIAL

"Trial by jury is so fundamental a part of our civilization that at first utterance it appears absurd to say that labor unions have had to struggle to regain this basic right. Yet such has been experience. This condition has arisen through contempt proceedings. In industrial struggles contempt of court has come to mean a variety of things.

"In practice to disobey a court order has been a more serious offense than the breaking of actual laws. The law-breaker is entitled to a jury of his peers. The violator of a court order has been 'in contempt.' He had no recourse to a jury. The judge who issued the order alone had the power of hearing the case and passing sentence on the prisoner.

"In this way courts gained a power greater than that of any other branch of government. The acts of a legislature can be vetoed by a governor. Except in the most unusual cases the legislature can not mete out punishment for the violation of its laws. A judge, however, up to the passage of the Clayton bill, could make a law—technically issue an injunction—and then exact penalties for its violation.

"Jury trials are now provided for offenses of this kind, 'indirect contempt.' The law applies to all fed-

eral courts. Its enforcement will mean that labor struggles can be less volcanic, that by discussion rather than by violence, working agreements can be reached. The Clayton bill is another step away from war—a step away from the most cruel of all wars, that between blood brothers."

#### PROHIBITION AND BIG BUSINESS

Apropos of Mr. Bryan's recent declaration that the democratic party can not afford to remain in partnership with the brewers, the Omaha World-Herald calls attention to an editorial of regret in the Johnstown, Pa., Democrat, whose editor is a radical democratic member of congress. The Democrat fears that an excursion against the brewers would leave a free field to the monopolistic interests which radical democrats have been opposing in the past. It says:

"That big business would be glad to have this issue the paramount one is not to be doubted. With liquor at the center of the stage, there would be no room in the popular mind for consideration of monopolistic combinations and the other vital matters which for a score of years have engrossed the thought of the country and shaped the course of political parties. It is not for a moment to be conceived that Mr. Bryan is animated by big business considerations in espousing the cause of prohibition. Nothing could be further from the fact. Yet the effect is precisely the same. No matter what the purpose or the inspiration, the inevitable and necessary consequence of forcing this issue to the front in national politics is to divert attention from all the other great issues and so to complicate the

#### MESMERIZED

A Poisonous Drug Still Freely Used

Many people are brought up to believe that coffee is a necessity of life, and the strong hold that the drug, caffeine, in coffee has on the system makes it hard to loosen its grip even after one realizes its injurious effects.

A lady writes: "I had used coffee for years; it seemed one of the necessities of life. A few months ago my health, which had been slowly failing, became more impaired, and I knew that unless relief came from some source I would soon be a physical wreck.

"I was weak and nervous, had sick headaches, no ambition, and felt tired of life. My husband was also losing his health. He was troubled so much with indigestion that at times he could eat only a few mouthfuls.

"Finally we saw Postum advertised and bought a package. I followed directions for making carefully, and added cream, which turned it to the loveliest rich-looking and tasting drink I ever saw at any table, and we have used Postum ever since.

"I gained five pounds in weight in as many weeks, and now feel well and strong in every respect. My headaches have gone, and I am a new woman. My husband's indigestion has left him, and he can now eat anything."

Name given by Postum Co., Battle Creek, Mich. Read "The Road to Wellville," in pkgs.

Postum comes in two forms: Regular Postum—must be well boiled. 15c and 25c packages.

Instant Postum—is a soluble powder. A teaspoonful dissolves quickly in a cup of hot water and, with cream and sugar, makes a delicious beverage instantly. 30c and 50c tins.

The cost per cup of both kinds is about the same.

"There's a Reason" for Postum.—sold by Grocers.