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AN OPEN LETTER TO CONGRESSMAN ERNEST M. POLLARD

Lincoln, Nebr., August 18, 1908.—Ernest M. Pollard, M. C., First Nebraska District: I read with great amusement, not unmixed with surprise, your speech on "injunctions" in particular and the labor question in general, at Havelock last night. After carefully reading the Journal's synopsis of that speech, I am forced to the conclusion that either you are so ignorant of labor history and the injunction record that you were foolish to undertake a discussion thereof, or else you hold that the average union man is so ignorant that it matters not at all what a candidate for office says in advocating his own position.

Quoting the democratic platform's approval of the measure which passed the senate in 1896, relating to contempts in federal court, you said:

"They say they are in favor of the bill that passed the United States senate in 1896. What that bill is no one seems to know. When I first read the platform I immediately wrote a letter to the document clerk of the house of representatives requesting him to send me a copy of that bill in order that I might know just what they meant in their platform. I received a reply from this official stating that the copies of this bill were all exhausted and he could not comply with my request. To this day I do not know what the bill provides. If the democratic party wants to be honest with the laboring man, why did they not state in their platform the principle involved in this bill so the people might know what they meant?"

If you will pause and think consecutively for a couple of minutes you will doubtless object to having your mental ability measured by the above quotation. The mere fact that the document clerk reported the exhaustion of copies of the particular bill is proof that a great many people have informed themselves concerning that proposed measure. But had you been one-half as anxious as you pretend to ascertain the provisions of that bill, you would not have been deterred by the inability of the house document clerk to provide you with a copy. There are, I believe, files of the Congressional Record at the state house, at the University of Nebraska library, at the Lincoln city library, and in the possession of several ex-congressmen from this district. I am only a workingman, making no pretense of deep knowledge of political history and economics, but I had no trouble at all in informing myself concerning the contents of this particular bill. Neither will any man, who has brains enough to consult an index to the Congressional Record and then turn to the pages mentioned, have any difficulty in informing himself. The bill in question, which passed the senate on June 10, 1896, merely provided that in cases of contempt committed outside the presence of the court, the accused could, if he so desired, have a jury trial. The sentiment in favor of the bill was so nearly unanimous that it passed the senate without roll call, although a call of the house immediately afterwards revealed the presence of a quorum, including the republican leaders of the senate.

This is the bill which the democratic platform commends, which the republican house of representatives refused to pass, and whose provisions are bitterly and sarcastically assailed by Judge Taft in his speech of acceptance.

Representative Pollard, you then quoted the democratic platform plank which declares that "injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved," and proceeded to say:

"Every one knows who is at all familiar with judicial procedure that that is the case now. This plank in their platform means nothing, as under the law as it is such temporary injunctions are not issued except where it is shown that irreparable injury will result.

I strenuously object to having my mental ability or my knowledge of judicial procedure measured by the Pollard standard as exhibited in the above quotation from that Havelock speech. Mr. Taft's judicial record proves the exact contrary of your statement, for it was Judge Taft who, as judge of the United States circuit court, in 1894 issued an injunction that would not have been issued, nor even asked for, had there been no industrial dispute involved. The case referred to is the celebrated case of Frank W. Phelan, an organizer of the American Railway Union. Acting under orders from his union, Phelan went to Cincinnati, Judge Taft's home, to organize the employes on the Cincinnati Southern railroad, the famous strike of 1894 then being in its infancy. The manageemnt of the Cincinnati Southern applied to Judge Taft for an order restraining Phelan from further attempts to organize its employes, and without giving Phelan a hearing, Judge Taft issued the order. Phelan disregarded the order and continued his work. He was thereupon haled before Judge Taft and senteneed to six months in jail for contempt of court. Because of the then growing strike of the American Railway Union on other roads, Judge Taft issued this order. He said that he sent Phelan to jail because he was inciting a "peaceable strike among employes of one railroad in order to help employes of another railroad," and declared that while Phelan had a right to organize a strike for a wage increase, he had no right to organize for the purpose of promoting a sympathetic strike. In other words, had there been no industrial dispute no injunction would have issued in this case. I am unwilling to accept even your own admission of your inability to grasp the real inwardness of these facts. I prefer to believe that you would rather admit ignorance than to make any admission calculated to injure your standing as a thick-and-thin supporter of the republican party.

Representative Pollard, you then proceeded to tell us that you and other republicans endeavored during the last session of congress to secure the enactment of a law providing that no injunction should issue without a hearing, except where irreparable injury would follow delay, and that where temporary injunction was granted final hearing should be had within five days. I cheerfully admit that would be pretty good, but when you attribute the failure of that bill to pass to the fact that there was a street car strike on in the city of Cleveland, you presume entirely too much upon the ignorance of the union men of this country. The failure of other relief measures asked for by organized labor can not be attributed to a strike that did not take place until after the measures were turned down, and when you attribute the failure of this measure to the Cleveland strike you merely convict yourself of a species of petty demagogy that illy becomes a representative in congress.

Representative Pollard, you concede the right of laboring men to quit work either singly or in a body if the wages they receive are not satisfactory and say that the courts have so held. And, too, the courts have held directly the opposite. I cite for proof the order of the federal judge in St. Louis who enjoined railroad men from quitting work to resist a reduction in wages; also the well-remembered Union Pacific case wherein the federal judge enjoined the men from striking to resist a wage reduction. But I would call Representative Pollard's attention to the fact that wages are not all that we are contending for. We insist upon our right to strike against intolerable working conditions, against too long hours, against discrimination—against a hundred and one things in which the matter of wage cuts no figure.

"Injunctions are always issued to prevent illegal acts," says Representative Pollard.

This is so absurdly false that you, Representative Pollard, ought to be ashamed to father its utterance. The injunction writ is purely an equity writ—meant to be used only in extraordinary cases. Equity is meant to supply that wherein the law, by reason of its universality, is lacking. As union men we do not now, and never have, opposed the writ of injunction as an equity measure. It is the prostitution of the writ of injunction to base and selfish ends to which we so strenuously object.

"It seems to me," you said, "that it is the duty of every man who belongs to a labor union, which is engaged in a strike, to protect human life and private property." That is quite correct, and labor unions so teach. The fact that unions are made up of fallible men is responsible for the fact that sometimes the union's members yield to the impulses of human nature. But you continued and said: "When a strike is conducted in this manner it is not interfered with by the courts." That is a statement so utterly at variance with the facts that you had no earthly excuse for making it. I again cite Judge Taft's injunction in the Phelan case as proof that you misstated the facts. In addition I call your attention to Judge Taft's interference with the strike of the Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen, in 1893, against the Toledo, Ann Arbor & North Michigan railroad. This was purely a case of an injunction in an industrial dispute that would not have been issued had there been no industrial dispute at issue. In the case in point Judge Taft issued an order compelling Grand Chief Arthur of the Locomotive Engineers and Grand Chief Sargent of the Locomotive Firemen to "refrain from issuing, promulgating or continuing in force any rule or order of any kind under the rules of the association known as the Brotherhood of Locomotive Engineers, or the rules or regulations of the association known as the Brotherhood of Locomotive Firemen, or otherwise, which shall require or command any employes of any of the defendant railway companies to refuse to receive, handle or deliver any cars or freight in course of transportation from one state to another, from and to the Toledo, Ann Arbor & North Michigan Railroad company," etc., etc. Further, the order restrained there Brotherhoods from enforcing the rules of the said Brotherhoods and compelled them to rescind such rules as did not meet with the approbation of Judge Taft. The order goes on to say: "In the manner customary and usual to the Brotherhood of Locomotive Engineers," the officers of that organization "shall cause to be known and published that the law, by-law, rule or regulation of said Brotherhood requiring its members to refuse to handle the cars of the Toledo, Ann Arbor & North Michigan Railroad company is not in force and effect against the said railroad." In other words, seizing upon the pretext that there is an industrial dispute, Judge Taft issued an order in which he usurps the functions of a great organization and compels its officers to use the machinery of their organization to set aside the organization's laws and execute the will of a federal judge. In that now famous case Judge Taft decided in effect that men engaged in a quasi-public occupation had no right to quit work in a body, although the employers had a right to discharge without notice or explanation. Grand Chief Sargent of the Brotherhood of Locomotive Firemen, writing in the May, 1893, North American Review, said:

"It has hitherto been conceded that railroad employes possessed all the rights as citizens which attached to their employers; that is to say, that if the employers possessed the right to discharge employes when it pleased them to exercise such authority, the employe also possessed the right, unchallenged, to quit work when he elected to exercise that right. If a judge of the United States court may abolish this right of an employe, he remands him, unequivocally, to a servitude as degrading as the Spartans imposed upon their helots, and it is this phase of the strike which aroused such intense concern and alarm."

I have quoted Judge Taft in opposition to the "sympathetic strike," but I desire at this point to call your attention to a "sympathetic strike" which no judge interfered with, and which everybody applauded. Our war with Spain was purely and simply a "sympathetic strike," and not all the sophistry of a Pollard nor the ingenuity of an injunction judge can make anything else out of it.

Representative Pollard, you concluded your remarkable Havelock speech by this still more remarkable utterance:

"In this connection I desire to call your attention to the fact that the injunction issued by Judge Taft was so favorable to the rights of labor and set forth so clearly the true rights of labor, that ever since that time this decision has been quoted by lawyers representing labor unions. The law as handed down by Judge Taft in that decision contains the principles for which organized labor is contending today."

By what authority or right do you, Representative Pollard, speak for organized labor? What union claims you as a member? How much dues do you pay to support the cause of organized labor? Your declaration in this connection is absolutely untrue—a fact which you could have easily ascertained by studying the record. "When a labor dispute is taken into the courts," said Representative Pollard, "It is the attorneys for the labor unions that refer to the decision of Judge Taft, and not the attorneys for the corporations." And this statement from a congressman who has at hand the records of the case! The contrary is true, and the record proves it. I cite the case of Moore & Co., vs. the Bricklayers Union of Cincinnati. Moore & Co., asked Judge Taft for an order restraining the Bricklayers' Union of Cincinnati from interfering with their business by "picketing," "persuasion," or "interference with employes." Judge Taft issued the restraining order without a hearing. Later he awarded Moore & Co., damages to the amount of several thousand dollars, which the Bricklayers Union had to pay. Did the attorneys for the Danbury hatters quote this decision of Judge Taft's in their argument before the supreme court of the United States in the now famous—or infamous—case of Lowe vs. The United Hatters of North America? Not at all—it was the attorneys for the corporations who quoted it, and upon this precedent set by Judge Taft the supreme court issued its order against the United Hatters and virtually decided that a trades union was an organization in restraint of trade—thus outlawing the organizations which you claim Judge Taft loves so well. It was Judge Taft's decision and restraining order in the Phelan case that was quoted at length in the case of Bucks Stove and Range Co., vs. the American Federation of Labor—not by the attorneys for Gompers, Morrison, Mitchell, Duncan, et al., but by the attorneys for the Buck company, and upon this Taft precedent was based the opinion of the court of the District of Columbia that an organization's officials had no right to inform the organization's members through its official journal that certain firms were unfriendly to the organization. In other words, avenues of information are closed to union men if that information is calculated to interfere with the profits of a corporation.

"Judge Taft is a true friend of labor," declared Representative Pollard.

Let the ghost of the imprisoned Frank Phelan make reply. Let the ghost of P. M. Arthur answer the claim. Let the record in the Ann Arbor case, the Bricklayers' case, the Danbury hatters' case and the American Federation of Labor's case make answer. Let the dismal record of injunctions restraining organized labor from exercising the privileges of citizenship guaranteed by the constitution—all founded upon the injunction precedent set by Judge Taft—stand out to refute the false claim of the statesman who, according to the Congressional Directory represents the intelligent people of the First Nebraska district.

WILL M. MAUPIN.

NOW FOR LABOR DAY

The parade on Labor Day will move promptly at 10 a. m., and will form on South Eleventh street, between K and M streets.

The Tailors' Union, many of whose members are now locked out, will be given the post of honor at the head of the parade. All other unions will be given positions by lot, the three Havelock unions being bunched in one section of the procession at their own request.

There will be two bands of twenty pieces each in the procession, one at the head and one in the center. They will be union bands, too.

There will be no speechmaking at the celebration.

A grand basket picnic supper will be held at Capital Beach in the evening, and everybody is urged to come with well filled baskets.

The above are some of the matters of general interest that were decided upon at the meeting of the Labor Day committee last Monday evening.

The committee on sports made a report which was accepted. The following contests have been decided upon:

Ball game between picked nines from Havelock and Lincoln.
Fat Men's race—75 yards.
Sack race—50 yards.
Novelty race—50 yards and return.
Boys' race, over 12 and under 17—75 yards.
Misses' race, under 15—50 yards.
Married Women's race—50 yards.
Single Women's race—50 yards.
Shoe lacing contest.
Watermelon eating contest.
Pie eating contest
Baseball throwing, for women.
Boat race, double.
Boat race, single.
Swimming contest.
Yacht race.
Tub race.

In addition special contests will be pulled off as time permits. The list of prizes has not yet been arranged, but the prize committee gives assurance that the prizes will be well worth contending for.

It should be understood that all these contests are limited to union men and women, or the members of the families of union men. Every effort will be made to provide contests in which children may take part. As a matter of fact, the committee is using every effort to make such arrangements as will give the good wives an opportunity to enjoy the day. The space set apart for the land contests will be roped off so that everybody will have an opportunity to see what is going on, while the contestants have ample room for a display of their abilities. There will be no crowding.

In making up the formation of the procession the positions will be assigned by lots. The names of all unions announcing an intention to participate will be thrown into a hat, and positions will be awarded as the names are drawn, except as above noted in the case of the Tailors' Union.

Next week the prize list will be announced. In the meanwhile the advertising committee will get busy and have the big colored posters out in Lincoln and all surrounding towns. The marshals will ride prancing steeds and wear pretty sashes, and the committeemen will wear appropriate badges.

If hard work will make the Labor Day celebration a success, just count upon success—for the members of the committee are hustling to beat the band.

The committee will meet again Monday evening at the hall at 1034 O street, and all members should be present.

Secretary-Treasurer Norton was prevented by illness from attending the meeting Monday night, and T. C. Kelsey officiated in that dual position.

Speaking of the secretary-treasurer calls to mind the interesting fact that not all of the unions have come across with the 10 cents per capita asked as a guarantee fund. This is important and should be attended to at the next meeting.

UNFAIR PRINTING.

Model License League Does Business With "Rat" Louisville Shop.

The attention of the union bartenders of the country is called to the fact that the printing sent out by the Model License League, in which an especial appeal is made to union men, is done by the unfair shop of the George C. Fetter Co., Louisville, Ky. In writing to labor papers the Model License League uses envelopes and letterheads bearing the label but the "copy" accompanying the letter, which the labor papers are asked to publish, is printed by "rats." This is a matter that should be considered by the bartenders.

The Photo-Engravers' International Union has adopted a label, and hereafter it should be demanded upon all classes of that work. The label will be found on the bevel of the plate or on the base. A list of the houses entitled to use this label fails to disclose the name of any Omaha or Lincoln firm.