# THE WAGEWORKER

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# Under Which Flag, Mr. Union Man?

## J. W. Van Cleave Says:

**"The injunction's purpose is to head off injury for which, if allowed to be committed, the victim can secure no adequate remedy by the courts.** It is the promptness, the certainty, and the justice of the punishment in contempt cases which renders the injunction so effective in preventing attacks on property and life. **Jury trial would bring delay and uncertainty.** *Thus it would give a license to violence, would make industry and property insecure, would increase the number and the destructiveness of labor contests, and would assail legitimate trade of all sorts.*

**"It is the duty of American business men, regardless of their party, to bury Bryan and Bryanism under such an avalanche of votes in 1908 that the work will not have to be done over again in 1912, or ever."**—Statement by J. W. Van Cleave, President National Association of Manufacturers, and President of the Buck Stove Co., St. Louis.

## What Samuel Gompers Says:

"I am very well satisfied with the democratic platform as promulgated at the Denver convention, and I will do everything to support these declarations, and of course that means we will work for the election of the men who stand for our principles.

"I have never expected defeat in any undertaking, never hoped for defeat, and never have given up fighting for an idea or principle that I firmly believed to be right and just. I will always be found fighting for what I believe is right, no matter what the temporary results may be. I believe that in this fight we now have on hand, that we will win; and I shall work for Mr. Bryan's election and for the ratification of the principles that we have advocated as officers and as an organization."—Statement by Samuel Gompers, President American Federation of Labor, and now charged with contempt of court at the instigation of J. W. Van Cleave.

# TAFT THE CHAMPION OF WAGE REDUCERS

Although Judge Taft has denied that he ever said a dollar a day was enough for a working man, an examination of his judicial decisions and injunction decrees shows that he is on record in a decision from the bench, not only as recommending but actually ordering a reduction in the wages of railway employes practically to $1 a day. He actually did order a cut of 10 per cent in the wages of employes receiving over $35 per month and those receiving over $1.10 a day. Thus, by Judge Taft's decision, a man receiving $1.11 a day would be reduced practically to $1 a day. The decision was rendered by Judge Taft in the case of Thomas vs. Cincinnati, New Orleans & Texas Pacific railway, circuit court, southern district of Ohio, W. D., April 30, 1894, and is to be found in Fed. Rep. v. 62, p. 669. The action was one wherein the employes of the road had applied to the court to have rescinded an order of the receiver making a 10 per cent reduction in their wages. His decision was made without giving the employes an opportunity to have their day in court and show why their wages should not be cut. He held that the mere thirty days' notice of reduction given by the receiver was sufficient. "They are now," he said in his decision, "to be put in the attitude of either accepting or rejecting the proposition by the receiver who employed them at the reduced wages. If they are not content with the wages, they are not compelled to accept them, and may retire from his employment. * * * they have no standing in this court to call for an adjudication of any rights."

Further on in his decision Judge Taft held in effect that the preservation of the property and its administration in the interests of those who owned it was entitled to first consideration. He then went on to say that the receiver had consulted with the court before making the reduction, and that "the court must presume that the order was well made."

Later the employes appeared in court and presented a petition praying that the court direct the receiver to modify this wage reduction, but Judge Taft rendered an opinion denying the petition. In effect he held that an order making a change in payment for overtime which operated to reduce wages was not unreasonable, and also that the payment of interest on bonds must be considered before the matter of wages.

Thus Judge Taft first counseled a reduction of wages to what was practically a dollar a day, and then isued an order approving such reduction, refused to grant a petition for a modification of overtime charges reducing wages, and held in substance that property rights were superior to human rights. His second decision is found in the Fed. Rep., v. 62, pp. 21-24.

Judge Taft's decisions in this respect are in striking contrast with those of other federal judges under similar circumstances. In fact, he stands alone in the position which he took.

In the case of Ames et al vs. Union Pacific et al, circuit court, district of Colorado, February 8, 1894, Judges Riner and Hallett held: The court will not confirm the action of the receivers of an insolvent railroad system in reducing the wages and changing the regulations for the conduct of its employes which were in force when the property was turned over to the receivers, where the employes effected were not notified of the proposed changes and given an opportunity to point out before the receivers any inequalities or injustice that might be caused by them." Fed. Rep., v. 60, p. 674).

In the same case Circuit Judges Caldwell and Sanborn ordered the receivers to annul their new schedule providing for a reduction in wages and to invite the proper representatives of the employes to consider the proposed reduction and bring their points of difference into court. After this had been done the court in its decision said: "The wages of men must not be reduced below a reasonable and just compensation for their services. They must be paid fair wages, though no dividends are paid on the stock and no interest paid on the bonds. * * * The highest and best service cannot be expected from men who are compelled to live in a state of pinch and want. A court of equity will not pursue a niggardly and cheese-paring policy." (Fed. Rep., v. 62, pp. 7 and 10).

In another case (Fed. Rep. v. 62, p. 8) Federal Judge Woolson among other things said: "The court will not, against the protests of said employes, reduce their wages, because of the inability of the railroad to pay dividends or interest, even though present opportunity exists for securing other employes for less wages."

The decision of all these federal judges is at variance with the decision of Judge Taft. Judge Taft held that the wages of working men should be reduced to a dollar a day in order that interest might be paid on bonds, and that the working men had no standing in court. The decision of the other judges was that the rights of labor came first, and that their compensation must not be reduced in order to pay dividends. These decisions, which are of record, show Judge Taft's attitude toward labor more strongly than anything which he is now able to say on the stump while a candidate for the presidency.

On April 30, 1894, Judge Taft gave the decision cutting wages of railroad employes, of which the following are extracts of his opinion:

"The employes have no legal rights which are about to be violated by the order complained of. * * * If they are not content with their wages, they are not compelled to accept them, and may retire from his employment. * * * They have no standing in this court to call for an adjudication of any rights. * * * The receiver is the agent of the road in operating the road. * * * Their appeal is exactly like that of an appeal by an employe to an employer, except that, while an employe may be moved by consideration of charity, the court is limited in the exercise of its discretion to such action as may be consistent with the preservation of the property and its due administration in the interests of those who own it. * * * As already stated, the order was made by the receiver after a consultation with the court; and, in the absence of a strong showing to the contrary, the court must presume that the order was well made. The order must therefore stand and go into force tomorrow." (Fed. Rep. v. 62, p. 669).

Judge Taft's wage cutting decision was contrary to precedent in federal cases, a fact that is driven home by United States Circuit Judges Caldwell and Sanborn, who in the case of Ames et al vs. the Union Pacific Railway company et al, from Colorado, dated February 8, 1894, which decision was before Judge Taft at the time, held that employes are entitled to just and reasonable wages.

## UNIONS AND TRUSTS.

### William J. Bryan Points Out the Difference Between the Two.

"The trust and the labor organization cannot be described in the same language. The trust magnates have used their power to amass swollen fortunes, while no one will say that the labor organization has as yet secured for its members more than their share of the profits arising from their work. But there are fundamental differences. The trust is a combination of dollars; the labor organization is an association of human beings. In a trust a few men attempt to control the product of others; in a labor organization the members unite for the protection of that which is their own, namely, their own labor, which, being necessary to their existence, is a part of them. The trust deals with dead matter; the labor organization deals with life and with intellectual and moral forces. No impartial student of the subject will deny the right of the laboring man to exemption from the operation of the existing anti-trust law."—W. J. Bryan.

## BRYAN AND LABOR.

A little tale of Bryan
In the papers yesterday
Just happened to impress me
In a very forceful way—
'Twarn't no tale o' issues great
Nor politics an' such—
But just a yarn o' private life
That had a sterling touch.

When Bryan was a-buildin'
His house a year ago—
(He wasn't nominated
At that time then, you know—)
There was a gang o' workmen
A laborin' on his place,
An' Bryan he remembered them
With kindness and with grace.

He paid their car fare back and forth
To work at morn and night,
And when Thanksgiving came around
He made their spirits bright
By givin' each a turkey
An' a little money, too—
A thoughful thing which many folks
Would clean ferget ter do!

I think of what the poet said
Of small things of the past:
"O ye were little at the first,
But mighty at the last!"
An' so before election time
This little kindly deed
Was spread abroad by these same men
That workingmen might heed.

If he to these few workingmen
Was kind in private life
I reckon that as president
He'd aid them in their strife—
He little thought his kindly act
On fertile soil was cast—
A bud of kindness 'twas at first—
An oak of strength at last!

—R. B. R. in Buffalo Times.

## AN EXPLANATION.

I desire to explain the dearth of local labor news in The Wageworker this week. A telegram from Hennessey, Okla., Tuesday morning conveyed the sad news that my aged father was seriously ill, and I immediately left for that city. No obstacle that could be surmounted by human endeavor could keep me from my father's side at such a time, for if ever a boy had a good father I was that lucky boy. I know my friends will accept this explanation, and I feel that I take with me to my father's bedside their best wishes.

WILL M. MAUPIN,
Editor Wageworker.

## FIT FOR THE "NANNY HOUSE."

If there is a doubt in the mind of any union man who he should support in the forthcoming presidential election, let him read C. W. (Gripenuts) Post's article in the Gazette of October 20, and if he has an atom of sense he can reason for himself. There's a reason! And if the article itself can't convince you that Post, Parry, Van Cleave and a few others of the same class are not behind Taft, why it's to Florine (mad house) station for you.—San Antonio, Tex., Dispatch.

# MEN OF LABOR ARE LOVERS OF LIBERTY

Washington, D. C., Oct. 12, 1908.

Men of Labor, Lovers of Human Liberty:

You are believers in the form of government described by the immortal Lincoln as government of the people, for the people and by the people. You would not be true Americans if you were not. This form of government—the democratic form—is a government by law and is the direct opposite of—the despotic from—which is government by discretion. Government by injunction is government by discretion; in other words, despotic. You would not willingly assist in destroying our present form of government in the United States, and I therefore assume that you would have the issue in this campaign stated plainly and simply in order that you may do your duty.

The facts are that the judiciary, induced by corporations and trusts and protected by the republican party, is, step by step, destroying government by law and substituting therefor a government by judges, who determine what, in their opinion, is wrong; what, in their opinion, is evidence; who, in their opinion, is guilty, and what, in their opinion, the punishment shall be. It is sought to make of the judges irresponsible despots, and by controlling them using this despotism in the interest of corporate power.

In order to do this it was necessary to proceed secretively to prevent opposition becoming too strong; some strained "justification" for it had to be sought in the constitution of the United States. The constitution provides that judges shall have jurisdiction in law and equity, and by extending the jurisdiction of judges "sitting in equity" all safeguards erected to protect human liberty is swept aside.

Instead of the accuser proving the guilt of the accused, the accused is compelled to show cause why he should not be punished. The absolute power, in specific instances, of a judge sitting in chancery (which is the real name for equity) is gradually extended over the several fields of human activity, and a revolution is perfected. We then have despotic government by the judiciary in place of government of, for and by the people.

This revolution has already progressed very far. It is depriving the workers of their right as citizens, by forbidding the exercise of freedom of speech, freedom of the press, freedom of assembly and the right of petition, if, in the opinion of the judge, the exercise of these rights may work injury to the business of some corporation or trust. It is applicable to the worker today and will inevitably be made applicable to the business man at a later period.

The progress of this revolution must be stopped.

We must return to government by law in all instances where the revolution has been successful.

The virus and poison has not only attacked the judicial branch of government, but has in several instances entered upon the legislative field by making laws which must be enforced by equity process; that is, the judge is by law authorized to:

Disregard all accepted rules of procedure and of evidence to

Dispense with jury trial and substitute instead of these safeguards of human liberty his own opinion of what is right.

It was with these serious thoughts in mind that labor's representatives submitted to the party in power—the republican party—in 1906 labor's bill of grievances, and respectfully urged that necessary legislation be enacted. Nothing was done.

Injunction after injunction was issued, forbidding men to assist each other, to give information to each other, and to do in unison those things which it was the undisputed right of the individual to do for himself.

In the meantime the dispute between the hatters' union and Mr. Loewe of Danbury was in progress from one court to another until it reached the United States supreme court, where it was decided that:

Organizations of working men and working women, for mutual aid and assistance, are combinations in illegal restraint of trade under the so-called Sherman anti-trust law;

That any one injured thereby may recover three-fold damages from the organizations, and if they have not the means, then from individual members thereof. Between this law, enforceable by equity, the individual freedom of the worker to combine with others for mutual aid and protection is swept away and his rights as a citizen disregarded and denied.

For all these steadily growing, dangerous tendencies there is but one remedy—legislation by the people through their proper representatives. Again, we appealed to congress, and again our answer was a distinct and emphatic "no."

We drafted and caused to be introduced in congress specific bills to stay and remedy the evil, but to no purpose.

Labor was not only given an emphatic "no," but it was coupled with a statement by candidate for vice president, Mr. Sherman, accepted and approved by the majority of congress, that his party fully understood what

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