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## JUDGE WRIGHT AND THE GOLDEN CALF HE WORSHIPS

The judge who imposed jail sentence on Samuel Gompers and his associates, John Mitchell and Frank Morrison, alleging them to be in contempt of court, is an appointee of Standard Oil's correspondent in the United States. Joseph B. Foraker is responsible for Daniel Thew Wright.

Herewith is presented the first interview with Justice Wright since he sentenced the three labor leaders.

"I don't suppose it would add to my popularity at this time to talk about it," said Justice Wright, "but I am a friend and admirer of Senator Foraker. I met him when I was judge of the court of common pleas in Hamilton county, Ohio. I was appointed to my present position on Senator Foraker's recommendation."

The meeting which led to the friendship between Justice Wright and Senator Foraker was brought about by the fact that Senator Foraker had a case before Judge Wright, in which the decision was in favor of the senator's client. The senator commended the young judge for his "strong opinion."

When I called upon Justice Wright for an interview, I told him I had come to talk about the famous opinion in the Gompers case.

"Or infamous?" he replied, smilingly. "I judge from the communications I get, and from some things I read, that I have achieved something more than fame."

After three hours' of talk with the judge, I went away with some clear impressions of the man. Here they are:

Tall, smooth-faced, straight, muscular, but undertrained, round-headed, slightly grizzled, well-dressed, easy-going, approachable, more like a business man than a lawyer; not a student.

The short neck, close mouth, thick nose and meaty build suggest pugnacity. Twice during my interview this suggestion was verified. Once when he said: "It was time these people" (the organized labor unions of the country) "were taught a lesson." And a second time, when I asked if he would join in a recommendation to the president that Gompers and his associates be pardoned. There was a stiffening of the muscles as he replied: "I am not certain that the court would recognize the right of the president to interfere by pardon in such a case. However, I don't go into a phase of the matter that might come up for review."

The suggestion that the pardoning power of the chief executive does not extend to the newly-invented crimes classed as "contempt of court" was novel. I wanted to pursue it; but the judge had very promptly closed that door; so we struck out for other conversational paths.

Had the judge ever had to work at manual or physical labor for a living? No. He was born in the law. For three generations his progenitors had been lawyers. They had made and lost money but none had ever followed a trade. His early life was a sheltered one. He went to the schools of Cincinnati and at Riverside, a suburb of Cincinnati, where he resided. He went from high school into the Cincinnati law school; from the law school into a small political office in Riverside; from being solicitor and mayor of Riverside he became judge of the court of common pleas in Cincinnati.

Then came the day when Senator Foraker liked the tenor of his opinions, and he was boosted into his present life appointment as a judge of the federal court.

Men selected by trust senators for appointments to the federal court may see many things from the point of view of the privileged few. They may also voice class spirit. This judge seemed to me a good example of the type. I tried him out in a dozen ways. Finally I asked: "Do you think the man with a short purse has the same

chance before our courts that a man with a long purse has?"

"Why, yes," said Justice Wright. "The courts are open to all. In criminal cases the court will appoint counsel for an accused if he has no counsel; and in civil cases it is only necessary to file an affidavit showing that the litigant has not money to pay costs, and the case goes on without such payment."

Q. "But that is theory. How about actual practice?"

A. "Yes. In actual practice."

In my mental note book I entered a memorandum as follows: "Not intellectually honest, or not frank."

A similar kind of suggestion came to my suggestion that the federal judiciary had begun to suffer serious criticism.

"I never knew of any judge being influenced by improper motives in the decision of a case," said Justice Wright. "I never knew a judge to be moved by anything but a deep sensibility of the sacred obligations of his office."

(Another memorandum of similar purport in my mental note book.)

Q. "Do you think the judiciary ought to be criticised?"

A. "The newspapers ought to adhere very carefully to the facts in discussing or criticising the decisions of a judge. There is no objection if they adhere to the strict facts."

Q. "But suppose objection is made to the system?"

A. "That is to advocate anarchy. It is better, that we should have courts, and the courts must be upheld. We have to deal with conditions as they are. You can't achieve the ideal. There are bound to be imperfections. It is better to obey the law and submit to the orders of a court than to become lawless. It is impossible to have a perfect system. Somebody will always suffer injustice. Somebody has got to be ground in the mill."

Q. "How about amendments in the law—changes in the constitution? Do you, for instance, favor an amendment or repeal of this Sherman law which has helped to send these labor people to jail?"

A. "I can't say that I do. But it is not for me to say. The judiciary must not suggest or criticise the legislative branch."

Q. "Have any men connected with wealthy corporations been sent to jail by this contempt process for violations of the Sherman law?"

A. "Not that I have heard of. But I have not heard of any being brought before a court on such a charge."

Q. "Were not the Chicago packers put under a blanket injunction by the actions brought by Attorneys General Moody and Bonaparte under the criminal statutes?"

A. "That is no business of mine."

I touched on the usurpation of authority by the federal judiciary. In a recent book, entitled, "The Spirit of the American Government," by J. Allen Smith of Washington State university, it is declared that the enlargement of the injunction powers by the federal courts has resulted in what amounts to the enactment of new laws by the judges—laws which they enforce as well as enact.

"There has been no enlargement of the contempt process," said Justice Wright. "The law on this subject is just what it was when it originated in the common law of England."

I will not undertake to quote what Justice Wright had to say about the rights of property. He talked much on this topic. The sacredness of the property right is what results in making a crime of ordinary lawful acts when the federal judiciary has stretched out its arm to protect property.

"But how about individual liberty?" How about the con-

stitutional guarantee of freedom of speech and the press?" I asked.

"The constitution does not guarantee any right of freedom of speech or the press," replied Justice Wright. "That is a mistake. All the constitution does is to put limitations on congress, saying that freedom of speech, etc., shall not be abridged by any act of congress. That provision is a check on the national legislature, not a guarantee to the person. The power remains in the states. If the states want to check the freedom of speech or the press, they can do so."

Q. "The federal court is superior to congress?"

A. "Naturally; since we declare acts of congress unconstitutional."

Q. "And in the administration of its contempt process is superior to and free from the interference of the pardoning power of the chief executive?"

A. "Of that we were not going to speak."

Q. "How about government by injunction?"

A. "All nonsense."

Q. "Are you not afraid that judicial usurpation along these lines will result in such a popular feeling that laws will result placing restrictions on the federal courts?"

A. "There is no popular sentiment of that sort."

Q. "Was there not, in 1896, when the Chicago platform included resolutions on this subject, and particularly criticised the supreme court?"

A. "That was not really representative of any public sentiment."

Q. "Do you think the opinion of a majority of the people should be effective in the affairs of government?"

A. "Oh, yes, if there is really a public sentiment—something that represent a great majority of the people—then it ought to be considered."

Q. "If an order of a federal court infringes a personal right guaranteed under the constitution, does the citizen have to obey it?"

A. "An order of a federal court, with proper jurisdiction, and with the parties properly before the court, is the law of the land for those parties."

"But an attempt by congress to pass an unconstitutional law is void; it is void from the moment of its passage, and without regard to whether it has been passed upon by the supreme court?"

A. "That is a difference between congress and a federal court. The order of the subsidiary federal court is the law of the land until it is set aside by the supreme court."

Q. "Then the federal court is superior to the constitution?"

(No answer.)

This seemed to cover the ground. I thanked the judge for his frankness, and went to my home, where I picked up and read again, with a more serious mind, from Smith's little book a passage reading:

"It is easy to see in the exaltation of the federal judiciary a survival of the old mediaval doctrine that the king can do no wrong. In fact, much the same attitude of mind which made monarchy possible may be seen in this country in our attitude toward the supreme court. As long as the people revered the king, his irresponsible power rested on a secure foundation. To destroy the belief in his superior wisdom and virtue was to destroy the basis of his authority. Hence all criticism of the king or his policy was regarded as an attack on the system itself and treated accordingly as a serious crime."

—Toledo News-Bee.

### EXECUTIVE COUNCIL APPEALS FOR FUNDS.

#### Asks All Members of Organized Labor to Help Bear Expenses of Appeal to Supreme Court.

Under date of January 18 the following appeal has been sent out by the Executive Council of the American Federation of Labor: To Organized Labor, Its Friends and Sympathizers—Greeting:

The American Federation of Labor, as its name signifies, is a voluntary body composed of national, international and local unions, each of which attends to its own trade business, financial and otherwise, and retains its complete and individual authority and autonomy, while the relationship and purpose of the Federation to the affiliated bodies is to assist them in carrying out trade betterment, to take the initiative in introducing and urging the passage of desirable legislation, and to promote the general welfare. It is thus seen that the American Federation of Labor cannot be considered as holding or having funds in the ordinary routine of its business for unusual purposes. A most unusual and important event has occurred in which extra funds are essential, and an earnest appeal for financial aid is herewith made to you, which will no doubt meet with your prompt and liberal response.

You know that Samuel Gompers, John Mitchell and Frank Morrison have been declared guilty of violating an injunction by the

Supreme Court of the District of Columbia, and that Justice Wright of that court has sentenced them to terms of imprisonment of twelve, nine and six months respectively. Pending an appeal they are out on bail. The original injunction, issued on the application of the Buck Stove & Range Co., has been appealed to the court of appeals of the District of Columbia, and we have authorized our attorneys also to take an appeal against Justice Wright's decision.

We hold that Messrs. Gompers, Mitchell and Morrison have not violated the terms of the injunction, but instead have exercised their right of free press and free speech. These are cardinal principles guaranteed by the constitution of our country and by our states, and to the maintenance and perpetuity of which we pledge and will exert our every effort.

As stated, there are now two appeals pending. One upon the original injunction and the other from Justice Wright's decision. Should an adverse decision be reached in either or both appeals, it will be essential to make further appeals to the Supreme Court of the United States. Surely no member of organized labor or other fair-minded man can rest content unless the principles involved in these cases are determined by the highest tribunal in our land.

We have already expended large sums in these cases, and the plaintiff attorneys have not only boasted of causing such large expenditures on our part, but have asserted "there are more to come."

We have exceptionally able attorneys in Hon. Alton B. Parker, and Messrs. Ralston and Siddons, who will carry the cases to their logical and final conclusions, but ample funds must be provided to permit this to be done.

From the expressions of our fellow-workers and friends in all walks of life we find that they are in absolute accord with us in the determined stand taken by Messrs. Gompers, Mitchell and Morrison in the assertion of their and our inalienable rights of free press and free speech and the determination that these cases be pressed to final conclusion. Of course, we will fight for our rights through every legitimate and constitutional channel which our system of legislation and law procedure permits, to rectify the injustice of which we complain, and in the meantime, in having these cases appealed and determined, we are confident that we are pursuing the course which commends itself to the men of labor and other friends of human justice.

Eternal vigilance is the price of liberty. In order to permit of proper defense of liberty and freedom as guaranteed to all citizens, we appeal to all labor and to all friends to make financial contributions for legal defense in these cases before the courts. President Gompers and his colleagues are on trial for your rights co-equally with their own, and every liberty-loving citizen in or out of the

ranks of labor should consider this situation and appeal as their own personal concern, and response should be made accordingly.

Upon the injunction abuse the Denver convention of Labor declared "That we will exercise all the rights and privileges guaranteed to us by the Constitution and laws of our country, and insist that it is our duty to defend ourselves at all hazards." This appeal for funds is issued in accordance with that declaration.

Send all contributions to Frank Morrison, secretary of the American Federation of Labor, 423 G street N. W., Washington, D. C., who will acknowledge and receipt for the same and make due accounting thereof.

Sincerely and fraternally yours,  
SAMUEL GOMPERS, President.

Attest:  
FRANK MORRISON, Secretary.  
JAMES DUNCAN, First Vice-Pres.  
JOHN MITCHELL, Second Vice-Pres.  
MAX MORRIS, Fourth Vice-Pres.  
D. A. HAYES, Fifth Vice-Pres.  
WM. D. HUBER, Sixth Vice-Pres.  
JOS. F. VALENTINE, Seventh Vice-Pres.  
JOHN R. ALPINE, Eighth Vice-Pres.  
JOHN B. LENNON, Treasurer.  
Executive Council American Federation of Labor.

**Second Annual Ball**  
**Musicians' Protective Association**  
 Lincoln Local No. 463  
**Auditorium**  
**Tuesday, February 2**  
 CONCERT BAND, 25 PIECES    ORCHESTRA, 25 PIECES  
**TICKETS, \$1.00**

**Twenty-Sixth Ball**  
**The Lincoln Typographical Union**  
 Number 209  
**Fraternity Hall**  
**Wednesday, February 17**  
 QUICK'S UNION ORCHESTRA—6 PIECES  
**Tickets, \$1.00    Extra Lady, 50c**